

**PLANNING BOARD**  
**BOROUGH OF WANAQUE**

**APRIL 20, 2017**

**REGULAR MEETING**

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:05 P.M.

**READING: Open Public Meeting Announcement**

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on March 26, 2017 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

**ROLL CALL:** Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Members Kevin Platt, John Powers and David Slater

**PRESENT:** Attorney Steven Veltri

**ABSENT:** Chairman Gilbert Foulon, Councilman Dominick Cortellessa, Members Robert Dale Spear, Michael Ryan and Mary Leonard and Engineer Michael Cristaldi

**MINUTES:** from the March 16, 2017 Meeting

**MOTION TO APPROVE:** made by Member Slater, seconded by Member Powers. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Powers and Slater.

**ENGINEER'S REPORT:** No new applications

**NEW BUSINESS APPLICATION:** Temple Qinesis LLC (Personal Training/Holistic Exercise & Wellness)

Property Owner: JIF Enterprises, 7 Orchard Road, Kinnelon, NJ

Property Address: 1438 Ringwood Avenue, Haskell, NJ (Unirents)

New Tenant: Tobin Osusky, 82 Upsala Path, West Milford, NJ

Tobin Osusky (Owner of Temple Qinesis) and Julie Shiel (Property Owner) testified.

**Mr. Osusky stated he has been in business for over four years and went to the University of Rhode Island and received a degree in kinesiology, which is exercise science. I now help people with rehabilitation, physical fitness, wellness and guidance in lifestyle management. I went to Lakeland High School and my family owns another business in town, The Meating Place, so I am excited to bring my business into town.**

**Vice Chairman Graceffo questioned what part of the building are you going to be using? Ms. Shiel stated it is actually going to be the frontage. If you are looking at the building it will be where the party store used to be and the office of Unirents. Unirents is going to be moving all to the left of the property.**

**Vice Chairman Graceffo stated they are doing away with their floor space of the party supply. Ms. Shiel stated yes.**

**Member Platt stated it is going to be a part of where Unirents is also. Unirents is moving their stuff out. Julie Shiel stated yes, the office area.**

**Board Secretary advised that the Building Inspector spoke to Mr. Osusky today about how he was setting up the space, if he was going to need any permits and if he was going to be putting in any large exercise equipment.**

**Mr. Osusky stated we are not. It is mostly body weight with very small equipment, like rowing machines and bosu balls and stuff like that. No construction; we are not putting up any walls or taking down any walls.**

**Vice Chairman Graceffo questioned how many bathrooms are in the facility?**

**Mr. Osusky stated there is one. When I spoke to the inspector today, I told him at any time we would not be seeing more than ten to fifteen people for every hour or two. The inspector said as long as that is the case, we should be okay.**

**Member Platt questioned what are you going to do for parking?**

**Mr. Osusky stated there are several parking spots in front and along the side of the building on the right-hand side and Julie said there are some spaces available behind the building as well. Ms. Shiel stated along the side where the big backhoes are.**

**Vice Chairman Graceffo stated, at the present time, you haven't provided the building inspector with any internal floor plan, is that correct?**

**Mr. Osusky stated it is going to be wide open.**

**Vice Chairman Graceffo questioned if any wall is going to be put up dividing your store from Unirents?**

**Ms. Shiel stated Unirents is not going to be there. They are going to be all the way to the left where the equipment was and where the repairs and storage is.**

**Vice Chairman Graceffo questioned Unirents is moving completely out where those sliding doors are? That whole area is going to be rented?**

**Ms. Shiel stated yes.**

**Vice Chairman Graceffo questioned do you have any floor plan presented to us in terms of what that is going to become, how it is going to be divided out and how it is going to look?**

**Mr. Osusky stated as it is now. I am just going to put my floors and equipment in.**

**Member Platt stated there is nothing done there though. I was there on Saturday and they still have all their equipment in there.**

**Ms. Shiel stated they did start moving out.**

**Mayor Mahler questioned Unirents is going to do the business out of the garage?**

**Ms. Shiel stated yes and they are going to put the equipment in the back and then to the left they will put some counters in.**

**Member Platt stated if you look at the building to the left it has the big glass, that is where they are going to be, and they do all the work in the back and there is another garage behind that. Unirents is really taking the whole middle basically and she has the back of that where she cooks. There are three businesses in there.**

**Member Slated questioned Unirents has room to put equipment or whatever down the street next to Mill Works?**

**Ms. Shiel stated she knows they parked some Budget trucks and things there just to make some space. I don't even know what that property is.**

**Vice Chairman Graceffo confirmed that Unirents has been renting and they are just moving out to the left side of the present building and consolidating into what they have there on the left hand side and the back portion and the yard along the side. The new tenant is going to be using basically all the sales area that they had.**

**Ms. Shiel stated basically the retail area and Unirents is not opening up a new retail area. He is probably going to sell some of the equipment he still has, but there is no more party retail or anything like that. They will maintain the tent and propane rentals.**

**Vice Chairman Graceffo stated the Board Members obviously have no objection to you coming into town and making that into a physical training facility. The only thing is it isn't really a complete application. There has to be something more to give us some indication as to what the layout is going to be in that interior portion of the party supply area. What I am going to recommend to the Board Members is that we approve this on a temporary basis based on what the building inspector is supplied with in terms of a floor plan and indication of the parking and those kind of requirements. If it meets his satisfaction, then I would say he would issue you a building permit and you can move along. If he finds there are issues as it is presented to him, then you are going to be required to come back to the Board before you get a c.o. At the present time, the concept of the business we are approving, but you do not have the proper layout in terms of what we expect to see or what the building inspector can look at and say, yes, this is in compliance with what we would like to have as an established business. You are going to have to work closely with the building inspector and provide him with the information and if there is any concerns or issues that he may have that says he will not issue you a c.o., then you have to return to the Board.**

**Ms. Shiel agreed that everything is in disarray right now.**

**Member Platt stated the building is perfect for what you are going to use it, but nothing is done in there yet.**

Vice Chairman Graceffo questioned what do you anticipate in terms of employees actually working for you eventually?

Mr. Osusky stated I have been around for four/five years and know who I work with. I have a couple independent contractors; two yoga instructors that are there once a week each and then two other instructors that work two days a week for an hour at a time.

Mayor Mahler questioned if he had another location?

Mr. Osusky stated yes we are in Pompton Lakes right now.

**MOTION TO APPROVE NEW BUSINESS BASED ON THE CONTINGENCIES**

**MENTIONED:** made by Member Platt, seconded by Member Slater. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Powers and Slater.

**NEW BUSINESS APPLICATION: Aloha Bake Shop**

Property Owner: David & Mary Johnson, 46 Seminole Drive, Ringwood, NJ

Property Address: 1089 Ringwood Avenue, Haskell, NJ

New Tenant: Donna Peirce-Faley, 133 Ramapo Avenue, Pompton Lakes, NJ

Ms. Peirce-Faley stated I am looking to open up a small specialty bake shop where we are going to offer a variety of baked goods, i.e., cakes, cupcakes, eclairs, cream puffs, scones, biscotti, danish, etc. This will be a take-out based bakery. There will be no seating for customers. We are going to offer coffee, tea, maybe smoothies, and Italian sodas. I am also going to have a catering base where specialty cakes and cookies are made for customers that are having parties. We will have retail hours during the week, but we will also have hours where customers will be seen by appointment only to discuss an order for a particular catering event.

Vice Chairman Graceffo reviewed the inspection reports noting that a fire extinguisher and building permits are needed.

Ms. Peirce-Faley stated she has been given a copy of the reports.

Member Slater stated that are two plans; one is an open floor plan and the other one has a dividing wall. Is it an Option A or B?

Ms. Peirce-Faley stated no. The open floor plan was just showing the space as it is. We will be using the one that has the complete layout shown, which has the "Legend" on it.

Vice Chairman Graceffo stated the only items you need are the fire extinguisher and even though you have a plan, you need to obtain building permits from the various trades; plumbing, electrical.

**MOTION TO APPROVE NEW BUSINESS:** made by Member Powers, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Powers and Slater.

**BOROUGH OF WANAQUE ORDINANCE 3-0-17**

**Amending Ordinance #15-0-16 To Adopt A Redevelopment Plan For Properties Commonly Known As Block 200.02, Lots 1-48 (Lakeside Manor Property)**

Mayor Mahler advised the Board that the Borough put forth a Pilot Program to assist Mr. Rodriguez in selling the property. We had approached the developers in Haskell, who redeveloped the Candle Factory and U.S. Aluminum properties, to take a look at this project. They came back to us and said they would do the project, but needed incentives, so we did a Pilot Program in order to help them out. As soon as Rodriguez found out about the Pilot Program, he wanted more money out of it even though he negotiated a price and, because of this, all of the negotiations are falling apart. Mr. Rodriguez, at the last minute, comes in with a new developer, an underground construction company, who has never done a project like this one. We told him he could bring this company in but there would be no Pilot Program. We were only doing the Pilot Program with the developer we knew and trusted; we don't know this new contractor and there will be no Pilot Program for them. This basically kills the Pilot Program and once it kills the Pilot and Mr. Rodriguez does not meet certain things, which means tearing the buildings down, we are going to pull his permits and declare the area as an eyesore. We are going to consider it an abandoned property, we are going to tear the buildings down and we are going to charge the costs against the property and it will probably wind up in litigation. We are going to basically cancel his permits and notify the DEP and Highlands Council that we have cancelled his permits. This process is being done from introducing an Ordinance at our February meeting and we had to give it to the Planning Board and they have to give us their feedback on it and the Ordinance will be voted on at our May 8<sup>th</sup> meeting. Mr. Rodriguez says he is going to do the project, but we don't believe him.

Vice Chairman Graceffo questioned when he says he is doing the project himself, what is he going to do, propose something?

Mayor Mahler stated I don't know. But if those buildings aren't down by the May 8<sup>th</sup> meeting, he loses 100%. If the buildings are down, we will give him an extension to start construction.

Member Slated questioned if the permits are still in force?

Mayor Mahler stated his permits are still in force but he is in violation of the Developer's Agreement and has been in violation forever, and we are going to call him out on that. His bond expired and he didn't renew it. The company he had the bond with went out of business and we told him he has to get a new bond and it has to be with a reputable firm that we approve. It has to be an A rated firm and the bond has to be in place by the May 8<sup>th</sup> meeting. If he doesn't tear down the foundations, at least, by May 8<sup>th</sup>, then we are done.

Vice Chairman Graceffo, referring to the Redevelopment Plan that we passed to provide the incentive for the last developer, questioned if that is going to be terminated?

Mayor Mahler stated that will be terminated. Actually, we already voted to terminate the developer so, therefore, the Plan is not in effect until we appoint a new developer, and we are not going to. We might if a developer comes in who is reputable.

**Vice Chairman Graceffo questioned if there was any conversation about turning the property into Green Acres?**

**Mayor Mahler stated not at this point.**

**Vice Chairman Graceffo stated basically it is going to be another challenge between the town and the old developer who has been a thorn in our side for more than twenty years with nothing going on.**

**Mayor Mahler stated he started this in 1996 and, actually, I believe this project was first approved in 1987. I believe it was a former congressman's brother. There were actually three separate projects; Ramapo Mountain, Mountain Lakes which was the condominiums, and Mountain Lakes Estates which was the houses. They went bankrupt when the RTC went bankrupt and the three projects were sold to different developers. I am not sure which one Mr. Rodriguez got because you brought them in packages of five or six properties. They packaged each one of the three properties with something else. The guy who brought Ramapo Mountain built it. Mr. Rodriguez brought one of the two properties and then traded with the guy who got the other property something else so he had two together. What we are talking about is Lakeside Manor which is the 47 condos.**

**Vice Chairman Graceffo stated the Mayor & Council are looking for us to vote on this Ordinance this evening.**

**Member Powers stated by next month he has to remove the condo buildings that are there. Mayor Mahler stated he has to remove the foundations that are there. We had some negotiations with him and if he needs more time we told him if he gets rid of the foundations, and the buildings can come down by the end of year or rehab them. He said he can use the existing foundations.**

**Vice Chairman Graceffo stated that the buildings being there so long the entire project should basically be torn down and then that is it.**

**Mayor Mahler stated the problem is we want to stay out of court with this guy so we are giving him a little more rope to hang himself. But he has to take down the foundations and clear the property. I have pictures and there are foundations up there that have trees that are maybe eight or nine inches in diameter growing in the middle of the foundation. He started the project in 2002 and abandoned it in 2002 and when the Highlands Act came in 2004, they told him he lost all his permits. He sued the Highlands Council and actually won. In 2011 the DEP appealed and he won the appeal. About a year later, I finally got a copy of the transcript of the appeal and he made a lot of comments in the appeal that were untrue; that he had this permit and that permit and the DEP never contacted the Borough of Wanaque to find out if they were true or not. They just moved forward in Court and we had told them a million times that when you go to court, let us know and they moved on without us and they never checked on the things he said he had. Vice Chairman Graceffo stated he also had ten years extension of life on the building permits with the 2008 recession. Mayor Mahler stated he would have lost them because of the Highlands Act and that was our thought, but they gave it to him. Highlands Commission denied him, he sued them, and the Highlands Commission won and he appealed it and won the appeal.**

**MOTION TO APPROVE ORDINANCE NO. 3-0-17 AS PRESENTED AFTER OUR REVIEW: made by Member Platt, seconded by Member Slater.**

**This will be recognized in the Minutes that the Ordinance No. 3-0-17 Adopting a Redevelopment Plan Amendment for the Properties Commonly Known as Block 200.20 Lots 1 through 48 on the Tax Map of the Borough of Wanaque, and Amended Ordinance #15-0-16 By Adding Certain Additional Restrictions to the Plan and Invoking the Provisions of N.J.S.A. 40:48-2 and Wanaque Ordinance Number 21-0-16 Pertaining to Abandoned Properties, As Presented And Reviewed, Has Been Approved by the Planning Board:**

**ROLL CALL: Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Powers and Slater**

**PUBLIC DISCUSSION: Let the record show no one to come forward.**

**RESOLUTION: None**

**VOUCHERS: submitted by Steven J. Vetri, Esq. for attendance at the January 19, 2017 and March 16, 2017 Meetings in the amount of \$600.**

**MOTION TO APPROVE VOUCHERS: made by Member Platt, seconded by Member Powers. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Powers and Slater.**

**MOTION TO ADJOURN AT 8:35 P.M.: Vice Chairman Graceffo questioned all those in favor of adjournment say “aye”. Motion carried by a voice vote.**

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**Jennifer A. Fiorito  
Planning Board Secretary**