

REORGANIZATION
&
REGULAR MEETING

Reorganization Meeting called to order by Mayor Mahler with a flag salute at 7:41P.M.

READING: Open Public Meeting Announcement

This is the Reorganization & 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 on December 29, 2021 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 and posted on the Borough's website

Reorganization Meeting

Mayor Mahler swore in Re-Appointed Members: Councilman Dominick Cortellessa, Kevin Platt, Charles Strobel and Donald Pasquariello, III

ROLL CALL: Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, Donald Pasquariello and Mary Leonard

ABSENT: Members Gilbert Foulon, Joseph Graceffo, David Slater, Jack Crilly and Jack Jordan

NOMINATION FOR CHAIRMAN: Member Platt nominated Gilbert Foulon, seconded by Councilman Cortellessa. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR CHAIRMAN: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

NOMINATION FOR VICE CHAIRMAN: Member Platt nominated Joseph Graceffo, seconded by Member Strobel. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR VICE CHAIRMAN: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

NOMINATION FOR BOARD ATTORNEY: Councilman Cortellessa nominated Steven Veltri, seconded by Member Leonard. No other nominations heard. Nominations closed.
ROLL CALL ON NOMINATION FOR BOARD ATTORNEY: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

NOMINATION FOR BOARD ENGINEER: Councilman Cortellessa nominated Alaimo Engineering (Michael Cristaldi), seconded by Member Strobel. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD ENGINEER: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

NOMINATION FOR BOARD PLANNERS: Member Strobel nominated both Alaimo Engineering and Benecke Economics as Planners, seconded by Member Leonard. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD PLANNERS: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

MOTION TO RECESS THE REORGANIZATION MEETING AND WE WILL RE-CONVENE FOR THE REGULAR MEETING AT 8:00PM.: made by Member Strobel and seconded by Councilman Cortellessa. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

Regular Meeting

Regular Meeting called to order by Mayor Mahler with a flag salute at 8:01P.M.

ROLL CALL: Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, Donald Pasquariello and Mary Leonard and Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Members David Slater, Jack Crilly and Jack Jordan

MINUTES: from the December 16, 2021 Meeting.

MOTION TO APPROVE: made by Member Strobel, seconded by Councilman Cortellessa. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, and Leonard
Member Pasquariello abstained

COMMUNICATIONS/REPORTS: Two letters requesting adjournments.

APPLICATION STATUS: Engineer Cristaldi advised the application on for tonight and the Warehouse Application that is going to be postponed until next month. Those are the only applications I have.

PB2022-04 – Wanaque Depo Urban Renewal LLC

**30 Union Avenue (Block 400/Lots 11, 12, 13 & Block 460/Lot 9)
Preliminary & Final Site Plan Approval**

Mayor: Is that deemed complete?

Engineer: They did give us a lot of information and that's why I said in my letter, if you wanted, you can get started, but there are a few items that were required that they didn't give us. At some point, you are going to need them so you either make it incomplete where they have to submit everything so you have it and then proceed, or you start hearing them, then you have to wait if they don't give the other information and I don't know where that leaves you. You might want to wait until you've got everything since he has some time.

Mayor: Do you we have deem them complete at this hearing to hear them next month?

Attorney Veltri: You should that's general process, deem it complete and then set a meeting date for a hearing.

Mayor: If we're missing something can we deem it complete subject to the engineer being satisfied?

Attorney Veltri: Deem it complete subject to and then we'll address it at the next meeting. But at least they'll have a meeting date.

Engineer: Agrees.

Member Strobel: Can it be completed by next date?

Engineer: There was one thing they were supposed to give us is they were supposed to go up there and come up with a map, and I don't know if you really want them to do it, but the ordinance requires a map showing every tree with a grade of, I think, a 6" caliper, so they really have to go up there and count all the trees and locate them. Whether or not you want them to do that, that could be quite a bit on a 30 acre site, but it is in the ordinance. It is all in my letter but maybe at the next meeting if you decide x number of trees are going to be cut down.

Mayor: I had an idea with that. A resident came to one of our meetings in September or October and brought up the fact that there is blight with Ash Trees. I was thinking maybe we make a condition that they go and take those dead trees down and plant new trees on the people's property and the people would have to give us permission. Right now the trees are planted in that little strip between the curb and the sidewalk and then they wind up ripping up the sidewalk as they get bigger. Whatever tree we plant, we want a tree that doesn't grow to enormous heights and a plant like 5' back into their lawn so it won't affect the sidewalk, also the wires are above the sidewalk and Jersey Central comes and butchers the trees. If we put the tree on the people's lawn, at least it'll prevent that. With the trees,

it's a nice offset. You are going to cut down these trees, lets supply new trees and take down these dead trees.

Engineer: They only thing about counting the number of trees, it gives you an idea of how many you could expect them to replace for you. Maybe they can do some kind of accounting up there, maybe not necessarily a survey map showing ever tree.

Mayor: Can we pick a 200x200 stretch and count the trees and multiply it out and do the math?

Engineer: As long as I get to pick the stretch. They may have more survey information than you think so maybe they'll give it to us.

Mayor: We'll deem it complete, subject to Mike's letter.

Attorney Veltri: We are talking about the Wanaque Depo Urban Renewal LLC application, correct?

Engineer: Yes.

Attorney Veltri: That's 30 Union Avenue. Are there any members of the public that are here interested in that application? Okay, so we deemed it complete and we are going to set a meeting date. You probably won't get another notice other than this verbal notice that it will be heard at the next meeting that the Board's ready to set next. So don't expect another notice, just please note the date and time that we tell you and reappear at that meeting to get your comments on the record. It will be a public hearing. Do you want to set that date Mayor?

Mayor: That is going to be on February 17th?

Audience Member: Any chance it can be Zoom?

Mayor: It will be strictly on Zoom.

Attorney Veltri: We are here tonight because it's our Reorganization night, but a lot of the Boards in town are going to Zoom until the covid situation settles down.

Mayor: There was also timing of notifications too.

Attorney Veltri: Correct.

Mayor: We decided we'll do this one in person and do the next probably two by Zoom and then we'll see how the pandemic is going. If it's continuing the way it is, we'll continue on Zoom. If it slows down, we'll come back in person. Most of the Boards are going February and March on Zoom.

Attorney Veltri: February 17, 2022 at 8pm is when our meeting will start. Right now I believe that's the only application we have, so we'll probably be hearing that at 8pm.

Mayor: I need a Motion to deem PB2022-04 Wanaque Depo Renewal LLC complete subject to the items of Engineer Cristaldi's letter and the items will have to be furnished to Mike to his satisfaction before the next meeting. Ten days before.

Engineer: That works and if there is any discrepancies that can always appeal to you at the end. Do you have to notice for the Zoom Meeting to the public?

Mayor: Yes we have to do a notice to the public. We do it for the meeting.

Board Secretary: I also put it on the Agenda and both of those items will be on the website. The Notice to the Suburban Trends will have all the information that we'll have to get from the Borough Administrator as soon as possible so I can do the Notice. It will also be on the Agenda and since I'll be here that day anyway because I have to record the meeting, I'll put the Notice on the front doors.

Mayor: We need a Motion to deem it complete and to carry it to the February meeting.

MOTION TO DEEM APPLICATION PB2022-04 COMPLETE AND LIST ON THE AGENDA FOR THE FEBRUARY 17, 2022 MEETING: made by Member Leonard, seconded by Member Strobel. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

PB2018-05 – MRAN Haskill, LLC (Taco Bell)

164 Greenwood Avenue (Block 460/Lot 24)

Extension Request of Board's Approval Until January 17, 2023

A. Michael Rubin, Esq., Attorney For MRAN Haskill, LLC

Mayor: Attorney Rubin has sent us a request to carry this matter to the March 17, 2022 Meeting in order for them to get all their paperwork together to demolish the building before they come before us for an extension. Is there a Motion to Carry to March 17, 2022 Meeting?

MOTION TO CARRY APPLICATION PB2018-05 TO THE MARCH 17, 2022 MEETING: made by Member Strobel, seconded by Member Pasquariello. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

PB2022-01 – Huber, Charles & Jacqueline

21 Mountain Avenue (Block 240/Lot 33)

Minor Subdivision

Edward Martin, Esq., Attorney For Applicants

Attorney Martin: Our application this evening is a minor subdivision, which I like to refer to as really just a lot line adjustment. We have the Applicants here tonight, Mr. Huber is to my right, and we also have this evening our Surveyor who drafted the survey in front of you, Mr. Schappell. Basically what the Applicants are looking to do is they own two lots, Lot 33 and Lot 34, both in Block 240, and they are trying to adjust the lot lines between these two properties for a couple of reasons which are set forth in the application. There is a driveway that services both properties. The driveway has always been sort of cared for and certainly appears to be part of Lot 33. Mr. Huber has always maintained the driveway and before him, his parents owned that lot and did the same. There is a lot to the south that also utilizes the driveway. If you were to pull into this area, it certainly appears as though the driveway belongs to Lot 33. There is also an area that is wooded, and Mr. Schappell made reference to that, sort of appearing in between where it says lot lines be eliminated and where we are hoping the Board allows us to put the new lot line, that whole area we would like to keep wooded. If we change the lot line, Mr. Huber more control over making sure that it stays in that natural state. If we don't mind, you could swear in Mr. Huber and I'll just have him explain his reasons for doing this and then I can have Mr. Schappell to comment after any questions.

Attorney Veltri swore in the Applicant, Charles Huber.

Attorney Martin: Mr. Huber you own the properties at 21 and 27 Mountain Avenue. Is that correct?

Mr. Huber: Yes sir.

Attorney Martin: 21 Mountain Avenue is Lot 33 in Block 240. Is that correct?

Mr. Huber: Yes.

Attorney Martin: 27 Mountain Avenue is Lot 34.

Mr. Huber: Yes.

Attorney Martin: You currently live in the property located at 21 Mountain Avenue, correct?

Mr. Huber, Yes.

Attorney Martin: You also do own Lot 34, however. Is that correct?

Mr. Huber: Yes.

Attorney Martin: Who lives there?

Mr. Huber: Rental.

Attorney Martin: So you have tenants?

Mr. Huber: Yes sir.

Attorney Martin: I briefly explained it to the Board, but could you just, in your own words, let the Board know why you want to change this lot line.

Mr. Huber: For one I was afraid that if I ever sold the property that I wanted to keep the woods. I'd hate somebody to come in and clear cut the property down. That was one reason why we brought the property was to keep the woods. The property has always been maintained by myself. I bought the house for my parents in 1990, me and my wife Jackie, and I always paved it, I plow it and it is always maintained to me. That is why we wanted to move the property line so the driveway stays on my lot.

Attorney Martin: So it is clear, when you say if you want to sell

Mr. Huber: If I ever sold down the road.

Attorney Martin: You are indicating that your concern here is if you sold 27 Mountain Avenue.

Mr. Huber: 27 Mountain Avenue, not 21.

Attorney Martin: If you were to sell 27 Mountain Avenue, all of the sudden part of this area that we are talking about would be under the control of another party.

Mr. Huber: Yes sir.

Attorney Martin: I don't have any other questions for Mr. Huber. I would like to have our Surveyor to explain that this project would require an easement. If there are any other questions for Mr. Huber, he is here for that.

Mayor: It looks like the driveway goes across a bunch of properties; one if the front.

Attorney Martin: It does. There is an easement already that exists. You can Mr. Schappell made reference to it at various points. He refers to it as a right-of-way and gives the book & page number of the right-of-way that goes from Mountain Avenue through Lot 26, Lot 33, Lot 34 and back also to Lot 27.

Engineer Cristaldi: Is it in easement or a right-of-way or is it referenced to be the same thing?

Attorney Martin: I believe it is the same thing. It is referenced as a right-of-way, but I think that is an older way to describe it. Any document I would draft now I would call it an easement, but I think in the title work it is called a right-of-way.

Engineer Cristaldi: Usually the right-of-way is like the railroad or roadway. The parcel itself is owned by somebody. I guess this is part of Lot 34. It is not a separate piece of property, right? The right-of-way is not a separate piece of property.

Attorney Martin: No it is not a separate piece of property. If I recall correctly from the title work, it was actually drafted to service Lot 27, which is to the right as you are looking at it. There are two houses actually on one lot, which is a little bit of an oddity, but that right-of-way goes all the way back to service those Lots as well.

Mayor: Mr. Huber, do you own Lot 27?

Mr. Huber: Yes I do.

Engineer Cristaldi: What is the address of that one?

Mr. Huber: 29 Mountain Avenue. Actually, we call it 29 because it is one lot, but there are two dwellings on it, so it would be 29A and 29B.

Mayor: Wasn't there something a couple of years where you traded some property with one of your neighbors?

Mr. Huber: Yes.

Attorney Martin: Lot 32, if you look at this map, it is to the north of Mr. Huber's home. Lot 32 is a neighbor that she and Mr. Huber agreed to sort of swap parcels a little bit and

that worked for both lots because Lot 32 actually had a driveway that was completely encroaching onto Mr. Huber's lot so he gave them that property in exchange for a little bit of property in the back that's why their lot is sort of "L" shaped now.

Mayor: It's squared off and you made an "L" shape.

Mr. Huber: Yes, they also wanted to make their driveway wider also.

Mayor: Something about, I can see your wall here, was on their property or something?

Mr. Huber: Their driveway was on my property.

Mayor: And your wall was on theirs and you swapped.

Attorney Martin: Actually, his wall wasn't encroaching it was more their encroachment on us, but it really did work for both parties.

Attorney Martin: Just so it is clear also, if you look at where the lot line is being eliminated, and where the proposed lot line is, there is a need for a small easement area because the right-of-way would be a little short of bringing the driveway into Lot 34 with the new lot line. We have proposed an access easement, and it is really just that small rectangular area where the arrow goes in where it says "proposed access easement". We do have a metes and bounds drafted by Mr. Schappell for that area and I, of course, would record an Easement Agreement for that for that one area. It would be between the two properties, Lots 33 and 34. I would obviously make the Agreement such that it will run with the property whether Mr. Huber is the owner or not.

Attorney Veltri: Is this a County Road?

Attorney Martin: No.

Member Strobel: This affects Lot 26, correct?

Attorney Martin: Lot 26 would not really be affected. The driveway is not being moved. The easement that we are proposing would only be on Lot 33. So I don't see that Lot 26 is being affected.

Mayor: Is there a reason that the driveway is cutting across 26? Is there a rock outcropping in there that doesn't make it possible?

Mr. Huber: Nothing really. Actually, where Lot 26 goes across the blacktop, right short of the blacktop there is a big rock so Lot 26, their driveway and all their property is right on Mountain Avenue. So really they have no need to come up that to get to any of their property. They have a fence and it just drops down onto my property, which is 27 Mountain Avenue so there is nothing for them to do over there.

Attorney Veltri: Any other questions from anyone on the Board? Okay, why don't we hear from the Surveyor and then we can open it up to the public.

Attorney Veltri swore in Arthur J. Schappell, Jr., Licensed Professional Land Surveyor in the State of New Jersey and also a Professional Planner.

Attorney Martin: Do you want me to *voir dire* his credentials or is he accepted as a Surveyor?

Attorney Veltri: It is up to the Chairman/Mayor. Will you accept him as a Professional Land Surveyor and Professional Planner?

Mayor: Yes.

Attorney Martin: Mr. Schappell, I'm just showing you the plans that are dated October 7, 2021. Are these plans that you drafted?

Surveyor: Yes they are.

Attorney Martin: I know Mr. Huber just testified to it, and I explained, but your understanding of why we asked you to draft this could you explain the project to the Board.

Surveyor: Mr. Huber wanted me to move the lot line down in order to keep the driveway solely on his property so he had control over that plus the wooded area, basically, everything to the south of the driveway.

Attorney Martin: To accomplish this, you have a plan here that has a lot line that you are proposing to be eliminated, correct?

Surveyor: Correct.

Attorney Martin: You show a new lot line south.

Surveyor: The dash is the proposed lot line.

Attorney Martin: To accomplish this and at some point, I guess, you recognized that there would be an access issue unless there was an easement drafted?

Surveyor: Yes, if the lot line was put up onto the existing access easement it would fall in the centerline of the driveway so when we moved it down, we had to create a small easement to actually bridge the gap between the existing easement and the proposed lot line.

Attorney Martin: So the proposed easement that we are seeking, it doesn't overlap the already existing easement or right-of-way, correct?

Surveyor: No it doesn't.

Attorney Martin: If you can give us an idea, how big of an easement are we proposing here?

Surveyor: It is approximately 170 square feet. It is about a 17x10 area

Attorney Martin: And that would solve any kind of access problem for the New Lot 34, correct?

Surveyor: Correct.

Attorney Martin: I don't think I have any other questions from Mr. Schappell.

Attorney Veltri: I just have a couple just so that we can square this away. Looking at the Zone Table that you prepared and looking at Engineer Cristaldi's Report, it looks that are a couple of pre-existing variances. It doesn't look like their changing.

Surveyor: Nothing is changing.

Attorney Veltri: For the record there was a width variance on Lot 33 for 85' instead of 100', correct?

Surveyor: Correct.

Attorney Veltri: Lot 34 there is no width, so there is a width variance and there is also a rear yard variance, correct?

Surveyor: Correct.

Attorney Veltri: Obviously, nothing is changing. It is exactly the same, so there is no aggravation, but I want to put that in the record. If the Board wants to grant the application, I would ask them to also grant those pre-existing variances under a Flexible C Type of Analysis.

Engineer Cristaldi: Did you say there was no overlap in the easement? He used to have that little piece of driveway in front of his new lot line so that's still there, that piece of easement, for everybody else to use. The house all the way in the back still goes over that same little piece of easement but now he needs that easement also. Isn't that kind of the same easement you are talking about?

Surveyor: Yes. The existing easement does not extend to the proposed lot line, that we're removing the lot lines, so we had to create that small easement just to bridge that gap.

Engineer Cristaldi: Okay, I see what you are saying. And he still has the right to the easement that's beyond that?

Surveyor: Correct, to the original easement.

Engineer Cristaldi: Okay, I'm good.

Mayor: I'm curious as to why the new lot line is like a jagged line. Why wouldn't he just draw a straight line across from Point A to Point B?

Surveyor: What this has to do is to keep the existing driveway to Lot 34 with a little bit of leeway for maintenance on Lot 34 and then to keep as much of the wooded area as I could onto Lot 33.

Attorney Martin: I think the woods end sort of near this lot. Is that correct?

Surveyor: Yes.

Attorney Martin: And near the new proposed lot line. The goal being to sort of keep that whole area wooded.

Mayor: There are no plans to come back and try to get a subdivision to put another house on the property?

Mr. Huber: Absolutely not.

Mayor: Any other questions of the Surveyor?

Attorney Veltri: Do you have any other witnesses, Mr. Martin?

Mr. Martin: I don't.

Attorney Veltri: Maybe we can open it up to the public and maybe hear from our Engineer.

Mayor: Let's hear from our Engineer first, Mr. Cristaldi.

Engineer Cristaldi: With this application, I think it is pretty much explained. He explained everything pretty clearly.

Mayor: We'll open it to the public. Anybody in the public would like to address the Planning Board on PB2022-01 Huber, Charles and Jacqueline, please step forward and state your name, address and issue? Hearing and seeing no one, we will close the public hearing on this. Is there a Motion to Approve?

MOTION TO APPROVE APPLICATION: made by Member Strobel, seconded by Member Pasquariello. Voting yes were Mayor Mahler, Councilman Cortellesa, Members Platt, Strobel, Pasquariello and Leonard
Motion Carries

Attorney Veltri: Mr. Martin will you be preparing Subdivision Deeds?

Attorney Martin: I will. Do you want them before the next meeting when you do the memorializing of the Resolution or do they come after that?

Attorney Veltri: If you can get them done before the next meeting, that's fine. You might as well get them over to me and we'll do the Resolution and you'll be done.

Attorney Martin: No problem, I'll have them next week. Thank You

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

Member Strobel: There are some people here, even though we are not discussing it, can we hear their comments on the urban thing now? If they are out in the public, can they just step up and make their comments now before?

Attorney Veltri: I would prefer they wait until the Applicant's present at a public hearing just for that Application. This is about the warehouse.

Mayor: So we'll close the general public discussion.

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at the January 20, 2022 Meeting in the amount \$400

MOTION TO APPROVE VOUCHER: made by Member Strobel, seconded by Member Leonard. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Pasquariello and Leonard

Mayor: Our next meeting will be on February 17, 2022 at 8pm and it will be held on Zoom.

MOTION TO ADJOURN AT 8:33 P.M.: Motion made by Member Leonard, seconded by Member Strobel and carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary