

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

**JUNE 16, 2016**

**REGULAR MEETING**

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:10 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 27, 2016 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, Councilman Dominick Cortellessa, Members Kevin Platt, Michael Ryan and Dale Spear.

**PRESENT:** Engineer Michael Cristaldi

**ABSENT:** Chairman Gilbert Foulon, Members Marc Demetriou, and Eugene Verba and Attorney Steven Veltri

**MINUTES:** from the April 21, 2016 Meeting

**MOTION TO APPROVE:** made by Member Ryan, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt and Ryan. Councilman Cortellessa and Member Spear abstained.

**COMMUNICATIONS REPORT:** None

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

**RESOLUTION:** None

**VOUCHERS:** None

Member David Slater arrived at 8:17pm

**BOROUGH OF WANAQUE RESOLUTION 103-0-16**

**Commencing the Redevelopment of Lakeside Manor (Block 200.02/Lots 1-47) And Determining Whether the Area is in Need of Redevelopment per *N.J.S.A. 40A:12A-1, et seq.***

Vice Chairman Graceffo advised that there will be a presentation to the Board by Robert Benecke who will give us explanations and the background of the Report that he submitted to the Planning Board. If the public is interested, there are copies of the report at the front table.

**Robert Benecke of Benecke Economics - Economic Development Consultants to the Borough.**

**Fred Suljic, Professional Planner – worked on the report and did most, if not all of the field work as to the condition of the property.**

**Thomas Carroll, Borough Administrator – will discuss the specific notices that were sent out in compliance with the local redevelopment housing law.**

Thomas Carroll testified that the Notice for this Meeting was forwarded to the Suburban Trends for publication on May 29, 2016 and on June 5, 2016. A copy of the Notice was mailed to the property owners of record along with all interested properties owners in the area of Lakeside Manor development. A copy was also made available in the Office of the Borough Clerk and was posted in the bulletin board of Borough Hall and was posted on our website, [www.wanaqueborough.com](http://www.wanaqueborough.com).

**Robert Benecke Testimony**

On May 10, 2016 the Borough Council adopted a Resolution requesting and authorizing the Planning Board to determine whether or not 47 properties plus a master lot are eligible to be considered an area in need of redevelopment under the New Jersey Statute Title 40A:12A-1, *et seq.* and that statute provides for five or six, depending on the locality, criteria for designating an area in need of redevelopment. Quite frankly, at the outset, we are kind of surprised that we would get such a voluminous group of criteria applied to a piece of property in Wanaque in such a scenic and ideal setting; that being Mountain Lakes Drive.

There are 47 individual townhome lots that were inspected by my associate, Mr. Suljic, and one master lot that comprises approximately 10 acres. There are six abandoned townhomes in various stages of disrepair, dilapidation, deleterious condition and other unsafe conditions that impact the neighborhood. The goal of this plan is to once and for all to redevelop this property, to get the proper structures built to turn it into a real neighborhood and turn the entire area around so that the people that live there currently

and their neighbors can live in peace and enjoy their properties and have their proper and appropriate value restored to them. Before we get to that point, we need to make sure that the statutory criteria are followed and that is what we are doing here tonight. The statutory criteria are listed on pages 10 and 11 of the Redevelopment Investigation Report. I will not repeat them, but in generality we are looking at unsafe and unsanitary, dilapidated and obsolete structures. We are looking at the discontinuation of buildings for certain purposes. While abandoned buildings criteria generally relate to commercial properties, there is some sense here that it is a commercial property in terms of the multi-family aspect of it. Areas of buildings or improvements are dilapidated, obsolete, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, etc., and this is a really important criteria (d). A growing lack of property utilization caused specifically by the condition of title and or other deed restrictions and areas in excess of five contiguous acres whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by actions, etc. , including abandonment by a property owner.

This is generally the criteria we are dealing with.

#### **Fred Suljic Testimony**

Referring to page 5 of the report, it gives you the front elevation views of the six units. When you are out in the field and I have been out in the field on three occasions, the windows are boarded and the other half of the windows are broken. There are birds and bats that are flying in. The front doors appear to be locked, but they are not. You can go through the front door of each one of those six units. Behind those units, Figure 3 on page 6, are six concrete block foundations that were going to be another six townhouses.

Pictures on page 5 are Lots 29 through 34. Lots 29 and 30, the far right and the one next to it, have sheet rock on the inside of those townhouse units, but the other four units are not completed with sheet rock. They are studded out, the electric is missing, some of the air conditioning and heating ducts have been torn out, all the electric panels have been taken down, and the covers to all the electrical outlets have been taken so we are not sure if the electric inside the building is sufficient or could be tied in.

We have 12 taxable parcels, which are partially or substantially completed. In total, 35 units unbuilt with no progress towards any kind of completion. We then have the one master lot, which is Lot 48. This would basically be the condo association's lot. We have a total of 48 lots.

Referring to page 8, when you start looking at the road that you come in on, the name of the road on the tax map is Pond View Circle. When looking at other maps, it did show up as Humbert Place, so there is a little confusion on that, but we are going to use Pond View Circle. The road behind that is Linda Road. When you look at Pond View Circle, it does tie into Linda Road. The road that is between the main entrance to the townhouses and Linda Road is an unnamed road, partially finished.

Again, the total redevelopment area comprises just a tad less than ten (10) acres.

**I am sure most of the Board Members have seen these units. They have been around for almost 13 years of stagnation and causing a lot of blight in the neighborhood.**

**When we start looking up the statutory criteria, I draw your attention to page 13, Figure 6. When we look at Block 200.20, Lots 29-47, we have the abandoned construction site and the buildings and foundations meet all the applicable criteria that you see with: (a) unsafe; (c) vacant land; (d) dilapidated structures; (e) property utilization; and (f) excess of five acres. When we start looking at the vacant land that is there, of course that complies with appropriate criteria (c) and (e) – vacant land and lack of proper utilization. The same thing happens with the master lot, which is vacant.**

**When looking at the property utilization, which is criteria (e), we are looking at the condition of the property utilization, configurations and other conditions that would limit the economic viability and marketability of those studies. Lakeside Manor was initially designed or designated as Block 200 Lot 8.09, but after we had the subdivision and site plan approval, the tax map was redrawn as Block 200.20. The residential project was approved in 1989 for 64 units and then the project was reduced to 47 units in August of 2000 because of property constraints. We have Mountain Lakes Estates, which is adjoining it, and if you go up the road it is Mountain Lakes Drive and there are three homes that are on the right-hand side. The middle house, although it is not part of the redevelopment study area, has tremendous foundation cracks, which probably could be remedied without having to demolish it. Certainly the whole area has resulted in a blighted situation as a result of these townhouses and homes being left to their demise for almost 13 years.**

**In 2002, the developer abandoned the construction of the project and then litigation ensued. With the Highlands Applicability Determination, and the decision by the DEP and the courts, what happened was that the portion of Lakeside Manor had unfinished structures and had a land assessment of only \$60,000 and improvement buildings of only \$10,000. A total tax assessment of \$70,000 per household was then accomplished. In total, the townhouse portion of Lakeside Manor had a total tax assessment of \$2,940,000, which is a total estimated property tax of \$95,873 (in 2015). As a result of this, the owner/developer has saved about \$62,000 annually. We have all these assessments coming down, which hurts all the other properties that are in the area.**

**When we start looking at the Smart Growth Consistency (criteria h), I don't have to remind you that the Borough is in Planning Area 1, which is the preferred designation for development, and 87% of Wanaque is now located in the Highlands Protection Area. As a result of the State Development Redevelopment Plan, we try and keep an area of smart growth where you do have existing infrastructure and other amenities. As a result of that, this property complies with criteria h.**

**In order to have this project accomplished because of a redevelopment study, and since we do have access to a redeveloper who has the abilities to do this, and these properties have laid dormant and stagnant for nearly 13 years and we are very concerned about what has happened, we are recommending that this area is in need of redevelopment and, as a result, the properties in this report be immediately designated as an area in need of redevelopment**

**(Block 200.20, Lots 1 through 48). Again, Lot 48 is a master lot. I think you have a unique opportunity here – somebody has stepped up to the plate willing to be the redeveloper as designated by the Borough Council and I think this will go a long way to getting that neighborhood cleaned up, which is the purpose of the Redevelopment Act.**

**Councilman Cortellessa questioned have we satisfied all 8 criteria at this point in time? Mr. Suljic stated we have just about all of them.**

**Vice Chairman Graceffo questioned if this plan needs State approval after it is approved by the Borough?**

**Mr. Suljic stated no.**

**Vice Chairman Graceffo stated once we classify it as an area in need of redevelopment, it can move ahead.**

**Mr. Suljic stated yes and the next time you do your Re-examination Report you will just acknowledge the fact that you have a redevelopment area. What we try to do as Consulting Planners, when you have enough changes, we put that together in the next Re-examination Report. These reports are due every 10 years, but what we want to make sure is that, if there is some other needs, we then can make that as an update to the Re-examination Report.**

**Vice Chairman Graceffo questioned, as far as the Highlands Act, this particular property is still exempt from the requirements of the Highlands Act?**

**Mr. Benecke stated, according to the Courts, this property, as well as arguably several of the single-family homes on the west side of Mountain Lakes Drive, are exempt pursuant to a DEP Permit, which the Appellate Division upheld as valid in 2011.**

**Mr. Benecke stated that this is a Redevelopment Investigation Report to determine whether or not the properties qualify as an area in need of redevelopment. We then turn around and have ready to go tonight a Redevelopment Plan, which hopefully, if you vote positively to recommend this, the Redevelopment Plan will be introduced by the Governing Body at a Special Meeting next week and then adopted in July by the Governing Body to put the Plan in place. The Plan will sit on top of the prior development approvals and the DEP Permit, which will allow the new contract purchaser to proceed with development and clean-up of the site. This will happen in short order once the Redevelopment Plan is introduced and adopted by the Governing Body. This is a binary decision – do these properties meet the statutory criteria – yes or no? We believe it is obvious they do, and then you move into the plan stage. The plan stage, again, is going to sit on top of the prior development approvals. We are relying on the court's decision and the 1999 Planning Board Resolutions and Approvals of the Major Subdivision and the Final Site Plan Approval for 47 townhouses. The linkage with other aspects of Mountain Lakes Estates and the 12 single-family homes out of 13 along the western edge of Mountain Lakes Drive are not included because the property owner does not have contractual rights and there is some issue with the building permit. That said, the deleterious conditions of these properties, once they are turned around, as long as the economics stay intact, we will then be able to move to the other side of Mountain Lakes Drive and improve them in concert with either the new contract purchaser or a different redeveloper contract purchaser. Our goal is to take these 47 parcels, improve the 12, get the 47 intact, improve the infrastructure**

immediately, as fast as paperwork can possibly allow us to, and then move on to the other aspects of the development plan if the DEP allows the developer to do so.

Mr. Benecke continued that in 2011 the Appellate Division, which the Borough was not a party to, made certain representations as to this property. That included representations by the State that the underlying zoning and the underlying development approvals were intact and were valid, and continue to this day, and that is why the permit remains valid and intact to this day. Whether or not other properties remain valid and intact, that is for further research and is beyond the scope of this study.

Vice Chairman Graceffo questioned that decision, at that time, just allowed for these 47. Mr. Benecke advised it allowed for the 47 and arguably a portion of the 12 properties associated with the western edge of Mountain Lakes Estates. What the DEP Permit may or may not address, as to those 12 properties, is of interest and requires further research. Clearly, the 47 properties, including these 12 abandoned and vacant parcels, are included in the existing valid DEP Permit. The Court Decision, as all the documents are in this case, which we have reviewed going back to 1988, are a bit murky because the test of time has been inserted here. We are talking about a project that literally was applied for 29 years ago in 1987 and that is a long time for a project of this nature and in this type of setting to hang out there. This was before the current owner and obviously before the new contract purchaser was involved. The short answer to your question is that we know these 47 properties are part of the DEP Permit. The Redevelopment Plan requires the new contract purchaser to provide Tom with that DEP Permit and the validity thereto and then we will deal with those other 12 parcels. Keep in mind that there is actually 13 parcels on the western side of Mountain Lakes Estates, but 12 are part of Lakeside Manor. Arguably, 1 is part of Mountain Lakes Estates and it gets a little murky because we are talking about maps and plans that were drawn up 20 to 30 years ago. We think we can figure it out but we need first to take the step of getting these 47 properties corrected fast and the infrastructure in place fast and stop the neighbors' pain fast.

Member Spear stated you are saying "fast", but there hasn't been anything fast so far. It is just taking a long time, but I am glad that we are at least looking out for people who live around there now and that this should improve their status.

**MOTION TO OPEN THE MEETING TO THE GENERAL PUBLIC:** made by Member Ryan, seconded by Councilman Cortellessa. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan and Slater.

**Doug Harris, Esq.** – Counsel for the Redeveloper, Greentree Development Group  
It is my pleasure to be before this Board once again. We are very excited for this opportunity to continue our relationship with the Borough and to move forward with, what we think, is an exciting project. Having dealt with the current owner for longer than expected, I can feel your pain here and I can imagine what it is like to be a resident in this area. We are here to help solve that problem. We think that, through the work with this redevelopment opportunity, the 47 townhomes are something that we are excited for the opportunity to build. We think we can set this situation right.

As your Planner went through, there are currently six homes in various states of disrepair and six foundations, and these all need to come down. Our intention here is not to rehab those existing structures. It is a redo. This project has been rotting foul for some time and we seek to change that to start anew with those 47 townhome lots. The 12 singles across the street on Mountain Lakes Drive are not part of our project; it is only the 47 townhomes that we are working towards redeveloping. We are hoping this process is fast, but we want to do it right and we appreciate the opportunity to be here. We are happy to answer any questions that the Board or public may have as to our experience or our intentions on the job.

Vice Chairman Graceffo questioned, as the perspective new owner of the property, you will have clear title just for that area that we are talking about that is in the redevelopment portion, correct?

Attorney Harris stated “yes”.

Vice Chairman Graceffo continued and nothing of the remaining properties.

Attorney Harris stated “no”. The remaining properties, Mountain Lakes Estates, are not subject to this redevelopment. We will have clear title to the 47 townhouses. They are individual lots and we will take title to each individual lot.

Member Slater questioned we are talking about 47 lots, but what happened to lot number 48?

Attorney Harris stated that 48 is the “mother lot” and it is a little confusing. It is not part of my purchase, but it is part of your redevelopment. Mr. Benecke can explain this better than I, but that “mother lot” is a requirement for your redevelopment plan, but we are not purchasing that “mother lot” because it is a ten acre open lot that wouldn’t have a building on it. We are buying the 47 lots to put the 47 townhouses and sell those townhouses to the public. The 48<sup>th</sup> “mother lot” would not be part of our purchase.

Vice Chairman Graceffo asked if Lot 48 could be identified.

Mr. Benecke, referring to page 8 of the Report and advising it is clearer on the colored copy, stated essentially it is in the square area around the public streets. Any area around the public streets between Pond Lake Road, Mountain Lakes Estates, Linda Drive and Cannonball Road is not part of the townhouses since it is either wetlands or the master lot 48. The reason that has to be included is that set aside space that runs with the redevelopment plan and it can never be developed or redeveloped.

Vice Chairman Graceffo questioned the actual perimeter of the entire 47 units is considered the master lot?

Mr. Benecke stated “excluding certain wetlands and excluding the foundations themselves of the townhouses”. It is a common area. It can’t necessarily be called a common area until the HOA and the individual homeowners and the developer figure out if they want to call it a common area, but it is a preserved area.

Mayor Mahler questioned don’t they have to buy that in order to sell it to the HOA?

Mr. Benecke stated “no, not necessarily”. They can just hold it in perpetuity depending upon what their deed restrictions are with DCA.

Vice Chairman Graceffo questioned if the new developer will have ownership to Lot 48.

**Mr. Benecke answered “no”. We can’t force them to buy it. The old development site plan criteria and subdivision controls it as well as Highlands. What happened here is that paragraph 4 of 114-11 of the borough’s code enables the R-40 Zone. Paragraph 4 of that R-40 Zone allows multi-family dense development at 6 units to an acre. When you carve this up, the whole area is slightly less than 10 acres. At first it was greater than 10 acres and that is where the first 60+ units came about in 1988. It was greater than 10 acres because Pond View Road, and certain wetlands, were considered part of the parcel. When that was carved down 10 years later, 9.75 acres was drawn up and when you multiple 9.75 acres by the 6 units per acre, less the roadway, that is how the 47 units came about, within the circle. We brought up the master lot so that the redevelopment plan preserves that master lot. We didn’t have to bring it up and just let it go and it is sort of in limbo. We don’t want anything anymore to be in limbo with this project. The development plan originally in 1987, 1998, and 1999 and at the Appellate Division carves the remaining property out as preserved space. The master lot being owned by, we believe ultimately, the HOA by transfer of deed to the HOA for \$10 and that is the way we envision it happening. Mayor Mahler questioned who owns the master lot until everything is sold? Mr. Benecke stated whoever the owner is of title right now.**

**Vice Chairman questioning Attorney Harris that you are purchasing the 47 lots, but the master lot includes those 47 lots, does that complicate your purchase?**

**Attorney Harris stated “no”. There are 47 individual lots that have been created by the borough at some prior date. We intend to take title to those 47 townhouses and construct them in accordance with approved site plan. That approved site plan already incorporates the “mother lot” as Mr. Benecke described. We intend to move forward under the constraints of the site plan, which we will come back before you at a later date to amend the site plan to better work with the DEP constraints because certain setbacks and other variables have changed in the ensuing 30 years, but the basic concept of construction and development will be in accordance with your approved site plan.**

**Mr. Benecke, answering the Mayor’s question, stated that that property is unlisted. There is no property owner. In the absence of a title search, we are going to assume that is going to be conveyed to an HOA at some point in time. We would have to do a title search; there is no conveyance or listed owner on Lot 48 right now.**

**Attorney Harris advised that Lot 48 is not part of my contract. We don’t need to take title to develop the property. I think, as Mr. Benecke states, you need that property to be part of this redevelopment plan in order for the redevelopment to move forward. Once that is done, for a lack of a better term or understanding, this is open space that is undevelopable and unusable by either us, as the contract purchaser, or the developers, or anyone else. We imagine and assume that the HOA will be part of this at some later date, but that would be merely as open space. For example, my condo documents will not have active recreation on that open space; it won’t even have passive recreation on that open space. It is wetlands and open space; it is not part of our conveyance.**

**Councilman Cortellessa stated it is preserved property that can’t be built on.**

**Both Mr. Benecke and Attorney Harris stated “that is correct”.**

**Mayor Mahler questioned the current owner isn’t the owner?**

**Mr. Benecke stated the current, thought of owner, is not the real owner.**

**Mayor Mahler stated you have to pave roadways on that theoretical lot.**

**Mr. Benecke stated that is correct and that is all provided for in the site plan engineered by Mr. Cristaldi 20 years ago.**

**Mayor Mahler questioned isn't part of that a retention basin?**

**Mr. Benecke stated it is wetlands that envisions being filled up. It wasn't called a detention basin as far as we can see. Whether or not that will be called as such today, my guess is yes, but on those plans it was not referred to as a retention basin.**

**Mr. Carroll wanted to clarify a few items for the public with Attorney Harris.**

**Mr. Carroll questioned Attorney Harris that your purchaser is purchasing the property out right and that the existing owner will not have any relationship with the purchaser whatsoever after it closes?**

**Attorney Harris stated "that is absolutely correct". Let me be perfectly clear to this Board. We are not in business with, nor will we be in business with, the current owner. Our intention is to take title and to remove the current owner from the development equation.**

**Mr. Carroll questioned the proposed redeveloper's intention is to construct all 47 townhomes at the same time and not do it in phases?**

**Attorney Harris stated "yes". To reiterate, our intention is to remove what is there, and then build 47 townhouses as we think it is a developable project as one project. It is not a phase development. We are not going to flood your market with 47 townhomes at once; however, we are not looking to sell 10 units, and then start building another 10 units. That is not the plan.**

**Mr. Carroll stated, given the borough's time frame, we are looking to have both Planning Board and Mayor & Council approval completed by the end of July. What is the time frame for closing of the contracts and demolition of existing buildings?**

**Attorney Harris stated our intention is to close title as soon as possible once the redevelopment procedure is complete. I would hope and imagine that would allow us for ample time to begin our construction work in the fall so that we can move forward especially before there could be any winter weather constraints.**

**Any member from the public that wishes to address the Board, please come forward.**

**(At times during parts of the audio, the microphone at one of the "witness tables" was very static and inaudible and didn't pick up all of what Mr. Diaz or Mr. Carroll was saying)**

**Joseph Diaz, 3 Mountain Lakes Drive, Wanaque**

**A neighbor of the development**

**The words immediately and fast worry us because we have lived with this long enough and don't feel the redevelopment is in our best interest.**

**The developer never tried to sell these properties at any time; he just simply stopped working on it.**

**I feel like we should save these programs for other sites that would benefit more. This development should consist of homes, not just townhouses, like it was originally designed to be done.**

**We are okay with the developments, Lakeside Manor and Mountain Lakes Estates, and I have always been okay with it as long as they are done the way they were agreed upon and we are getting away from that here and that is not being brought to everyone's attention on**

**the Planning Board. We are not all right with just Lakeside Manor being built outside of the original developments that were promised. This omits all of Mountain Lakes Estates and the developer of his original responsibilities.**

**Member Slater questioned if Mr. Diaz was a spokesman for residents?**

**Mr. Diaz answered “yes”, because many residents could not be here as we have lives that get in the way.**

**Member Slater just wanted to make this clear because you keep saying “we”.**

**Mr. Diaz stated it is not just about me, it is about many residents that are on board with me and allow me to speak on their behalf.**

**Mr. Diaz continued stating the original developer’s agreement was going to provide street lights, curb, sidewalks and there is a big issue with a dam at Stephens Lake that needs to be repaired especially for the fire department’s use that is not being brought to everybody’s attention. There was also supposed to be a walking path as well recreational use of the lake. This was supposed to create a lake association not only for the homes, but also for the townhouses as well as on-site common areas and playgrounds. Underground utilities were a big concern and also promised. There are many homes back there that are on dirt roads and they were going to be provided with city sewer, city water, hydrants and public gas. Those streets would be Humbert Place, Stephens Lake Road, Linda Road and Mountain Lakes Drive. All these roads are omitted from the Lakeside Manor townhouse approval. There is also another safety issue which is a left turn lane off of Conklintown Road. It is supposed to alleviate the danger and concern of limited sight distance for people turning in and out of Mountain Lakes Drive. There is also supposed to be an upgrade to the booster station by Wilson Drive from 250 gallons per minute to 400 gallons per minute.**

**We have been burdened with lack of completion for close to 17 years so this immediately and fast does not really fall in my favor or any of our favors. At this point the borough and Planning Board should not make concessions on the developer’s behalf but rather on the residents’ behalf since they have been left with an overwhelming lack of curb appeal. My concern and our concern is with the dam, not only at Stephens Lake, but within Lot 48 there is also another dam that is on Stephens Pond. It has not been inspected and could, at any time, also be found not to be compliant. Many of us live downstream and we have noticed more water over the years since Stephens Lake dam was broken.**

**Before I leave here I am going to give you some papers because the current owner of the land is in noncompliance with the judge’s order. Lakeside Manor and Mountain Lakes Estates are contiguous of each other and for some reason, I don’t know how it got passed or if it really has been passed because some of this information seems to be sketchy, has been subdivided never to our notification.**

**What I am looking at in this redevelopment is that the property is to be transit accessible and pedestrian oriented and that is not going to be the case here. It will not reduce the dependency on automobiles, but rather increase the use if you live up in that area. The ownership of Mountain Lakes Drive and Linda Road is still in question and for the residents that live there they have been concerned about that for quite some time and we still are not getting a clear picture as to who will own those roads. It sounds like the town**

might eventually inherit that. We have other issues like a bridge that was illegally installed that the town will eventually inherit and the engineer should inspect and make sure that it is up to whatever codes.

Unless we enhance the area with an improved sense of neighborhood, we are creating an injustice for the residents of Wanaque. Addressing this matter carefully and consider all the issues prior to approval is what we are asking for. There is a history of finding out later that, what might seem to cross this, eventually turns out to cross that, when all the underlying issues are uncovered and we have seen that very recently here in the borough. I am asking the Planning Board to please make sure we dot our Is and cross our Ts before we approve anything. We should err on the side of caution in listening to the professionals' advice, especially Benecke and Carroll. The homes didn't get the Highlands Exemption because there was not proper paperwork submitted to the State. The townhouses did though and the reason for that is because there was misinformation. Misinformation that I cannot find as of today, that is, sewer and water approvals that do not exist, but since the town was not there to testify, they were never able to prove that. We have an incomplete infrastructure that is being worded as completed and all you have to do is send out a private firm, not one being hired through the town, to inspect it before we do this. All we are asking is for you to consider everything before you go with this immediate and fast approval.

At this time I would like to give you a handout of In the Matter of Jacinto Rodrigues and Mountain Lakes Estate, which I am not sure everyone has read. I really think you need to read this before you approve anything. (Two-page typewritten document by Mr. Diaz) Last thing I would like to say and I have said it before and I will say it again, regardless of what happens, this has to be done, this is a court order by a judge and this is what we should really be concerned about before we allow the owner of the property to sell and profit without taking care of our town. He is a making a mockery of us. It is not the gentlemen that are here tonight that are trying to solve the problem; I just want to see it down right.

Vice Chairman Graceffo questioned Mr. Carroll if he had any clarifications on Mr. Diaz's handout?

Mr. Carroll stated this has to do with Mountain Lakes Estates, the dam at Stephens Lake. There were certain inspections made over the course of the last 15 years, the State required Mr. Rodrigues to lower the lake, which was done, and certain engineering and maintenance needed to be done, which was not, and Mr. Rodrigues was fined by the State a total of \$339,300, which is what this matter addresses. However, looking at the developer's agreement for both Lakeside Manor and Mountain Lakes Estates, the Stephens Lake dam in solely on the requirements to be reconstructed with Mountain Lakes Estates. There is no tie to Stephens Lake dam to Lakeside Manor.

Anthony Fiorello – Wanaque Borough's Attorney

Attorney Fiorello stated we have been monitoring the situation with respect to the fines. The gentleman who was the defendant against whom the \$339,300 fine was assessed, petitioned the Supreme Court for certification so they appealed the Appellate Division

decision to the Supreme Court for certification to hear arguments. I was in touch with the Attorney General's Office last week. Certification was denied and enforcement is proceeding.

Vice Chairman Graceffo questioned if the owner of the property will still have the responsibility to maintain and/or repair those dams?

Mr. Carroll stated that is the responsibility of the owner of the property at Mountain Lakes Estates. Lakeside Manor is not tied in to Mountain Lakes Estates.

Anyone else in the public that would like to step forward and address the Board?

**Ken Manning – 2 Linda Road, Wanaque**

First of all let me say I really do commend the people in the Borough finally for actually trying to put something together here. I am not opposed, at all, me more than anybody. I have been in town 47 years and have lived at 2 Linda Road for the last 18. These are my concerns.

Never once do I believe in the past 17 years that this has been going on has the Mayor, Council, Professionals looked after our best interest. We have been promised on numerous occasions that a lot of things would get done and that my property would be taken care of. It has cost me thousands of dollars personally over the years to clean up my property for stuff that I didn't do. The old developer dropped trees; the big craters in the roadway; my wife came home with our first child 14 years ago to a 6' x 15' wide by 8' deep trench. At one point, as a taxpayer, does possibly the Borough look after the resident? I have seen on numerous occasions as well, where I keep hearing how much the developer spent, how much money they have into it, what they have done – what about what we spent? What about the actual taxpayer, the resident, the people that love this town? I also ask this – do I think we need something done there – absolutely! Bridges have been put on people's property, Mr. Diaz's for one, and he had to sue and not once did the town step up to help him. Just recently after 18 years of my septic failing because my leech field is saturated, did Mr. Carroll have somebody go over and actually take a look at it. I was back and forth on e-mail with Mr. Carroll and I do appreciate having someone look at it. There was a drainage pipe in the corner of my yard that when the roadway was dug up, not only was it dug up, it was thrown on my property and cost me over \$3,000 to get rid of, but they buried that sewer line, that drainage pipe, that comes across my property. I spoke with Mr. Yuhas the engineer from Ringwood who was up there and looked me square in the face and said "Kenny absolutely that road is higher". My property used to drain away from my house, now it is a big belly and has been in the paper numerous times. These are very brief explanations of what I personally went through and I speak on behalf of myself as well as the other residents. I don't have one doubt in my mind that Greentree will do the right thing; that is not my issue. Based upon what they have done at Parkside, their integrity speaks volumes and their workmanship is second to none. I am asking, and have asked the Mayor and Council and Paid Professionals, when this gets going who is going to look out for us? I don't see anything in writing that shows Linda Road is going to get paved. I have been told we are going to get sewers and possibly gas and water, but this has been a curb line to curb line thing. Who is going to fix our property and make it right the way it was

before Jacinto Rodrigues got going? I am not looking to be entitled to anything; I am just looking to come home and not have to worry about cleaning my yard up , or spending thousands of dollars to fix a fence and a driveway, or picking up asphalt off my front lawn. These are things that I had and have to do.

The reason I convey this to you is, once again, I was promised at the last Council Meeting that absolutely we're going to look after you. I spent all day Saturday cleaning up the road in my yard because the other developer was told to go up there and cut 10' back, with these big weed whackers, and throw sticks and rocks and whatever was in its way all over the road. I sent an e-mail to Mr. Carroll and the Council and I am still waiting for a reply as to why, after we were promised, once again, that we would be looked after, nobody even replies.

I don't trust it; I really don't. I really don't trust where this is going. Not that I don't trust Greentree, I just don't trust what I have gone through for 17 years. Actions speak louder than words and I just think there should be a contingency within this plan. I certainly want this done and commend the Borough and everyone else that was involved with this and actually trying to put something together and make 17 years of wrong a right. I commend that, but I think there should be a contingency in this plan, before you make your decision, that the local residents are absolutely looked after and taken into consideration finally. After 17 years of my home value being 28% less than the average home value because of all this mess, I think the roads need to be looked after, I think we need to be taken into consideration and I think, as a resident, it is time that we matter. I just ask you to consider the residents with your decision.

#### Robert Mann – 4 Linda Road, Wanaque

I believe we are headed in the right direction finally. I am right in the middle of Linda Road. I can't fathom squaring this off without doing the roads. You have to have the roads done. That is my big thing. You can't box it off and leave everything else around it bare. However, we are told and, in fact, I am sure that if you are going to build townhouses that the people who live there obviously have to have a nice road, and not a nail infested road, to drive to their front doors, so that would be Mountain Lakes Drive and if, in fact, Pond Circle is going to get finished and that would lead out to Linda Road, then I am sure that Linda Road should be done too, and all the infrastructure. That is what I am looking for. I understand that you can't bite everything off in one big bite and get it all done. I understand that people want the dam done and I understand all the problems. I do feel that we are moving ahead and we can take a piece and then move forward. I think if you go for the whole big bang you are going to lose, and I am not going to live there another 12 or 13 years living like that – I can't. We are moving ahead and I think it is the right direction. What I feel is that we all have had enough and I am sure you have had enough. You are tired of looking at me because I am here all the time and these people are too. I understand what we are all going through. In fact, when I moved here, there was an open house for the homes. We were all figuring this is the place to go because it is going to get built up and the roads are going to get done and the sewers are going to be put in. I thought it was a smart move for me, but it really wasn't. It was a pretty bad move for me.

I do want what everybody else wants like the sewers, a nice road, a nice view. I think if we all work together that we are going to get there one piece at a time.

**Tom Burgess – 37 Mountain Lakes Drive, Wanaque**

I believe it is good we are moving forward, and I do have some concerns about moving too quickly. One is in the presentation it was discussed, even declaring this a redevelopment area, the existing agreements, permits, things from the State and everything associated with the property will still be in place and that the new agreements are on top of that. This means that the one thing that is still in place is going to be the existing developer's agreement and that needs to be resolved. I think that can't be left hanging. We need to be straight about it. Where is it going to stand, is it going to be done away with because it is going to be an issue now and then it is going to be even more complex trying to hopefully get into the next phase of development in getting the 12 or 13 homes built. That is going to directly tie into agreements related to the pond, Stephens Lake because that is all considered part of the larger Stephens Lake property. Somewhere down the line, this whole development and process is going to run into the developer's agreement so that needs to be resolved one way or another.

The other issue, and it think it probably ties into Lot 48 and the roads, is that there were some discussions, but I hope nobody else is comfortable leaving this room feeling like we have no idea who is responsible for Lot 48. I could see as the developer I would not want it because of all the things that are in there, but somebody has to be responsible. If the town is going to be responsible, then say it, but we have two really big issues left hanging and it would be nice to get those resolved because I think everybody would be happy to see Greentree be able to work quickly.

**Jerry Reap – 35 Mountain Lakes Drive, Wanaque**

You talked about the infrastructure up there; the sewer lines. Were they inspected?

Mr. Benecke stated they haven't been inspected, but they have been reviewed and looked at and they require some repair and maintenance.

Mr. Reap questioned when this development gets done with the townhouses, how far up are the sewer lines going to go?

Mr. Benecke stated we don't know exactly yet, but there will be some improvements, at least up to Linda Road.

Mr. Reap advised that Linda doesn't do me any good. I am way up at the top of the hill.

Mr. Carroll stated that with part of the financing that is going to go on with this project, the Borough will have more involvement in the infrastructure and the paving and time. I believe it is the intent of the Mayor & Council that Mountain Lakes Drive will be paved all the way up into your driveway and into Mr. Burgess' driveway. The sewer lines will be inspected and everyone who has a lateral will be able to connect to the sewer lines. With regards to the two homes on Linda Road, laterals will be installed in order to catch the manhole that is at the corner of Humbert and Linda.

Mr. Reap questioned that the town is definitely going to run the sewer line up to myself and Mr. Burgess?

Mayor Mahler stated the sewer will run that length and also on Linda and there is one home on the corner of Linda and Mountain Lakes that we will try and run the sewer line

up and if we hit rock they will have to use an ejector pump and go to Mountain Lakes, otherwise we are going to try and get gravity in there.

Mr. Carroll stated he believed Mr. Reap had a lateral in front of his house, and Mr. Reap agreed.

**Ken Manning – 2 Linda Road, Wanaque**

These items that we are all discussing, instead of it being hearsay, a contingency of this would be to put it in writing to see that we are getting everything that is being laid out. Again, showing that the current residents are being taken care of and Linda Road and Mountain Lakes Drive is going to be paved, the sewer mains are going to be in there, the laterals, etc., and for the costs involved. Outside of handshakes saying yes, I think when it is in writing at this point is very important for us residents.

Councilman Cortellessa stated, by the way, you just got it on the record also.

**Joann Patterson – 6 Linda Road (My house is on the corner)**

I am concerned about the sewer line now that you have brought this up. I am telling you right now, I am not pumping up. On the original developer's agreement and map there was a line that goes between myself and Mr. Mann out to Linda Road and goes down. I am not going to pay because of somebody else's mistake to have a line run across my yard and pump up and put in an ejector and tear up my whole yard because it was done wrong. It is not fair. Not Right. Not Fair. The whole project has been upside down for years. There are a lot of unanswered questions and you are selling something and you don't even know who the owner is and how do you do that? I wouldn't buy anything from anybody if I didn't know who owned it. I don't think, if that is the case, the project shouldn't be allowed to go any further until, in concrete, you can say this is the transaction and this is where it is coming from. This is part of the whole problem; unanswered questions, things done without the right permits, inspections. This whole project from the beginning has been a mess and there are still a lot of unanswered questions. I don't think it is fair to just take very lightly "oh the resident on the corner will have to pump up". No. You haven't done anything right for the residents. It has always been a backward pedal; always. for everyone and it is just not fair. To go forward with this project with all these unanswered questions and there is not even an ownership, it is untitled and what is that? How do you do that?

Mr. Benecke stated it is very common actually.

Ms. Patterson stated it might be common, but I don't think it is fair to the taxpayers that there is no transparency. I am in agreement with everyone else that has spoken. It needs to be cleaned up, it needs to be done right and it needs to be transparent and it needs to benefit the people that live there; all the way, not just part way or because he or she said so.

**Doug Harris, Esq. – Counsel for the Redeveloper**

I want to be perfectly clear here. We want to do this project. We have had meetings and have heard from the residents and there are certainly issues that the residents have with the current owner that have been prevalent for many years. Our hope, and our intent, is to do what we can to alleviate those concerns as best as we can, but we are not stepping into the shoes of the current owner. We want to move forward, but we hope that, not just the Planning Board, but also the Governing Body, and the residents that we will be building

with and around and as part of their neighborhood, also want us to be there. We can't be held responsible for the actions or inactions of others. We really need to be on the same team; that we need to move forward together. We are going to do what we can to help with Mountain Lakes Drive, Linda Road and the sewer and some of these problems that we are hearing and that we have heard, but we are not the current owners and we are not the people who have put this property in its current state, but we hope to make it better, but we all have to be on the same team to do that. We don't want to come into a fight and be in a neighborhood where we are not welcomed. We would hope that is not the case because I think our developing this property makes the area better than what it is now. If we don't buy it from the current owner, the current owner is going to continue to own it. I don't know what that will accomplish or what we would expect he will do in 2016, 2017 and moving forward other than what he has done for the last many, many years. We hope to stop that and do what is best for this neighborhood, as best we can with the property we are buying from him; otherwise, we won't. I want to say that we are hearing the town, and I can only imagine what it has been like with this situation, but we hope to make it better. I just want to make that really clear. We hope to make it better, but we are not partners with, or part of, what is there currently.

**Linda Dowson – 21 Stephens Lake Road**

Our house actually borders the lake and we have issues with the broken dam. My question is, I thought you said you had title?

Attorney Harris advised we have not purchased the property yet. We are contract purchasers to the 47 townhouse lots and that it is. We have no involvement whatsoever with the dam or with the back acreage of 128 homes; that is not us. The dam is not part of what we're doing.

Ms. Dowson thought he was sounding threatening, in a way, that we are not going to buy it so therefore it is going to stay the same. If you are going to buy it, and it is not done correctly for the community, it is not going to benefit anyone.

Vice Chairman Graceffo stated the point is, that right now, that is a major development that goes back 30 years. Right now, the scenario is simply a contract purchaser, which is Attorney Harris' client, is planning on buying a piece of that entire parcel, so it shows that we are moving in one direction to get some progress.

Ms. Dowson stated, that is not what I am saying, for my other neighbors that are directly affected by it than we are, we are the second phase and ours is probably down the line, but even still we drive through this disastrous area to get to where we live and so do other people, but I almost feel like you are saying well if we don't agree with this now, or with you, then you are not going to buy it and it is going to stay that way.

Vice Chairman Graceffo stated the issue here is that this part of the development be done correctly, but we don't and the redeveloper does not have control over the entire parcel to provide solutions for everybody's needs. It is one step in the direction of moving forward that we haven't moved in 30 years, so this is an opportunity.

Ms. Dowson stated she has owned the property since 1993/1994, and in 1997 we were all sent letters and those letters described Mountains Lakes was going to do this development and all these promises where in there (park like setting, sewers coming), what happened to all those original promises if he does start on this Phase One?

Vice Chairman Graceffo stated that is why he has been in court, and this has been an ongoing battle. It is a not question that there hasn't been an attempt, the person who is the present owner has not been a viable or upright owner that is concerned about our community. That is the bottom line. He still owns it and continues to fight the community by doing nothing or making it difficult for whatever we do. Right now, we are looking at one step; it is not the total solution and I hear that and understand that. If we are looking for just a brush to solve everyone's problems with this redevelopment, I don't think that is what is going to be happening. It is going to be one piece that is going to be hopefully improved, which is right now the eyesore of unfinished buildings and the roads and everything else that is there that is a mess. At the same time, it is a shame that the houses constructed there can't be part of this package, but maybe down the road, if this is successful, that may be but there are no guarantees.

Mayor Mahler gave a little history of this area. Back in the 1980's, there were 3 separate developments that were approved separately. One of them was Ramapo Mountain Drive, which has been developed; one was Lakeside Manor; and one was Mountain Lakes Estates. I think it was one developer that had three different projects, and he went bankrupt. There was a thing called Resolution Trust, when the Savings & Loans went out of business, and these properties were purchased through that. The developer who brought Ramapo Mountain Drive developed it and built the homes there. Mr. Rodrigues brought one of the two, I am not sure which one he got, but then he contracted with the person who had the other property and brought it from them. That is why he wound up with the two properties, which were separate developments. There were some issues when he tried to build in the late 1990's and we took him to court and that is probably when you got the notice because then he came before the Planning Board at that time, with separate plans for each project.

The NJDEP has approved the townhouse project at this point. They have not made a decision on Mountain Lakes Estates and they may decide for or against it; we don't know. However, they decided for Lakeside Manor for the townhouses and we are attempting to move forward with this project. We have no idea what the DEP or Rodrigues will do with the rest of the properties. The dam is tied into the Mountain Lakes Estates properties.

Mr. Carroll stated he had to leave but wanted to mention that, as far as this process goes, the Mayor & Council have a Special Meeting next Tuesday, assuming that the Board approves to go forward with the redevelopment, to introduce the Redevelopment Ordinance, with a public meeting to be held July 11<sup>th</sup>. Between June 21<sup>st</sup> and July 11<sup>th</sup>, on behalf of the Mayor & Council, we are asking the Planning Board to have a Special Meeting to review the proposed Redevelopment Ordinance. My suggestion to you is to have that meeting on Wednesday, July 6<sup>th</sup>, at 7pm. That will also benefit your secretary that has a Board of Adjustment meeting at 8pm. If you can raise a quorum for that night, please consider having the Special Meeting so that the Board can consider the Mayor & Council's Ordinance and, if you see fit to endorse it, the Council could vote on it July 11<sup>th</sup>.

Mayor Mahler, with regard to the lone Lot 48 issue, it probably is because Rodrigues filed the plot plan and had the 47 townhouses segregated as different lots at a certain point in

time, as opposed to when Greentree did the candle factory, they waited and they did it near the end. I guess Rodrigues did it in the beginning and that is why this one lot is in limbo. Mr. Benecke stated it is not in limbo. It is just unlisted as ownership. It is clearly part of the development plan.

Mayor Mahler stated if he filed for the 47 lots, then that should have been owned by the association, even if there was no association.

Mr. Benecke stated if there is no association, you can't ascribe title. So what you would do is you would have it as an unmarked property or parcel. It happens from Vernon, to Dennis Township to Hoboken. You have marked parcels and those unmarked parcels will have to do a complete title search going back 100 years or you let it lie until somebody has a claim to it to a quit claim deed or other type of deed. By the way, that is what we did with Lot 5.01 at Lakeland Village. Mayor Mahler disagreed but Mr. Benecke stated it was the same exact issue. It is an unlisted, unidentified, unmarked parcel which some day will be in the ownership of the HOA or related type of entity. For now, it is unlisted, unmarked and we are putting it into the redevelopment study. We could have left it out but we are putting it into the study so that it may be a part of the plan at some point.

Mr. Benecke continued. Keep in mind that this is not a plan; keep in mind that you have a binary choice: Do the criteria fit the property and does the property fit the criteria? That is all you are deciding tonight. You are not deciding on financing, sewers, connections, etc. That is not here tonight. All you are doing is saying here is the report, here are the pictures, does it meet the criteria or doesn't it meet the criteria. That is what you are voting on tonight. Most planning boards and in most situations like this would not have taken those comments, even though you always want to hear from your public, but that is not for tonight. For tonight, you're voting on as to this study only: Do the criteria fit the property and does the property fit the criteria?

Vice Chairman Graceffo, addressing Mr. Benecke, stated, to make you understand, it may not be related to the mechanics of what we have to do here tonight, but for 30 years people have been living with the issue that they are presenting this evening. It is not a question of "just this"; it is the fact that this been a part of our lives for 30 years that has been a negative. What we need to do right now is move in the right direction and not create another difficulty for the people in the area. I understand what the purpose of this is and that is what we have to review as the Board in terms of deciding what we do to accept it as a redevelopment project. If we do, the Mayor & Council must then move forward and we must review it after that. One step at a time. Is it a panacea for everyone's problems out there, I don't it believe it to be. Is it a step forward, this is a small step; the next one may be a bigger step. Hopefully, it will be, in the end, maybe in the next 15 years, a total satisfaction for all us. But we have to start someplace.

#### Joe Diaz -3 Mountain Lakes Drive

I just want to be clear on the redevelopment. I don't think the redevelopment is a bad idea, but do we have to immediately turn it over to someone? Can the town take ownership and make sure we clear up the issues with residents, get some things on paper, review the original developer's agreement for Lakeside Manor and see what changes are going to be made before we turn it over and sell it?

Mayor Mahler stated we don't own it.

Mr. Diaz questioned if you could clarify what you are doing tonight? You want to zone it or redevelop it?

Vice Chairman Graceffo stated we are classifying it as a redevelopment area. That is all we are doing. Is it an area in need of redevelopment?

Mr. Diaz stated and when you do that, then the developer who owns the property at this time can turn it over and sell it?

Mr. Benecke stated they can sell it at any point in time. This allows the Borough Council to introduce a Redevelopment Plan to allow for the redevelopment tools to be enacted. Those redevelopment tools include things like payment in lieu of taxes, infrastructure bonds, and the like to get sewers and roads repair and to have storm sewers installed. That's what that does. You would have to condemn the property for the town to take it over and that is another issue because the town would then have to have the financial resources to pay just compensation to the current owner.

Mr. Diaz stated liked eminent domain and Mr. Benecke stated exactly.

Mr. Diaz stated we are looking just to classify it as a redevelopment. Thank you for stepping up for us because we have been concerned. One of the things in here is we have to consider, after all testimony and evidence, and upon finding by the governing body, that the public health and welfare will be best served by such a designation and that is what really lies on your shoulders tonight.

Vice Chairman Graceffo stated that is it.

At this point, Vice Chairman Graceffo would like to bring the public discussion to a close. Let the record show that there is no one stepping forward at this time.

**MOTION TO CLOSE THE PUBLIC DISCUSSION:** made by Member Slater, seconded by Member Ryan. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan and Slater.

Any other comments from Board Members?

Member Slater questioned because he was late to the meeting, but was in attendance for the entire presentation of the Redevelopment Study, is he disqualified from voting? Vice Chairman Graceffo stated Member Slater is fine and can vote.

Member Spear stated that making this area in need of development allows a redevelopment plan to be proposed, who creates that redevelopment plan and where does it come from? Mayor Mahler stated the Mayor & Council will introduce an Ordinance at the meeting next week on the redevelopment zone.

Member Spear questioned that the town will actually introduce the plan similar to this to show where buildings are going to be?

Mayor Mahler stated a redevelopment plan for the area. After the property is purchased by the perspective new owner, they will be coming back to the Planning Board with a revised site plan.

Member Benecke stated it is not going to be a revised site plan unless it falls under the umbrella of the permit. It will be a project plan pursuant to the redevelopment plan because, if it is a site plan, it may interrupt the DEP permits. They have to make sure that any plan that they present is within the scope and umbrella of the DEP permits.

Attorney Harris stated that is correct. We will be before the Planning Board to make minor adjustments to your previously approved site plan, for example, the setbacks that were approved years ago comply with the current DEP permitting process. For us to go back before the Planning Board for an entirely new site plan would then disseminate the current DEP permits.

Vice Chairman Graceffo stated you will be back before us providing us with the plans of the newly designed units.

Attorney Harris stated the footprint is not changing. We will be back before you with your typical materials that we would put before you for a planning board meeting.

**MOTION TO ACCEPT THE REDEVELOPMENT STUDY AS PREPARED BY ROBERT L. BENECKE CONSULTANTS DATED JUNE 3, 2016 AND PRESENTED TONIGHT:** made by Member Slater, seconded by Member Ryan. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan and Slater.  
Motion Carried

Vice Chairman Graceffo – Let it be noted that the Lakeside Manor Townhouse Properties Redevelopment Investigation Report has been approved by the Planning Board this evening.

**MOTION TO HAVE A SPECIAL MEETING ON WEDNESDAY, JULY 6, 2016, AT 7:00 P.M. FOR THE PLANNING BOARD TO REVIEW THE MAYOR & COUNCIL'S REDEVELOPMENT ORDINANCE:** made by Councilman Cortellessa, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan and Slater.

**MOTION TO ADJOURN AT 9:45 P.M.:** Motion made by Member Slater, seconded by Mayor Maher and carried by a voice vote.

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Jennifer A. Fiorito  
Planning Board Secretary