

FEBRUARY 17, 2015

The reorganization meeting of the Wantage Township Land Use Board was held on Tuesday, February 17, 2015 at the Wantage Township Municipal Building. The meeting was held in compliance with the provisions of the Open Public meetings act, P.L. 1975, Chapter 231. It was properly noticed and posted to the public.

SALUTE TO THE FLAG

Mr. Cecchini invited all persons present to participate in the Pledge of Allegiance.

ROLL CALL

PRESENT: Mssrs. Bono, Gaechter, Grau, Slate, Steffanelli, DeBoer, Semmens
Cecchini. Ms. Gill, Kanapinski. Attorney, Angela Paternostro-Pfister, Engineer, Harold
Pellow. Secretary, Jeanne McBride

ABSENT: Mr. Bassani.

REORGANIZATION

Ms. Paternostro-Pfister proceeded to administer an Oath of Office to the newly appointed members.

Mr. Bono made a motion to nominate Mr. Michael Cecchini as Chairman of the Land Use Board for 2015. A voice vote was unanimously in favor.

Mr. Grau made a motion to nominate Mr. Ronald Slate as Vice Chairman of the Land Use Board for 2015. A voice vote was unanimously in favor.

Mrs. Kanapinski made a motion to nominate Jeanne McBride as Secretary of the Land Use Board for 2015. A voice vote was unanimously in favor.

Mr. Slate made a motion to nominate Mr. Harold Pellow and the firm Harold Pellow & Associates as Engineer of the Land Use Board and Planner for 2015. A voice vote was unanimously in favor.

Mr. Slate made a motion to nominate Ms. Angela Paternostro-Pfister from the firm Morris, Downing & Sherred as Attorney for the Land Use Board for 2015. A voice vote was unanimously in favor.

Mr. Grau made a motion to name the New Jersey Herald and the Sunday Herald as the official newspapers of the Land Use Board for 2015. A voice vote was unanimously in favor.

Mr. Cecchini made a motion to change the meeting time from 7:30 to 7:00 pm. A voice vote was unanimously in favor.

Mr. Cecchini made a motion to change the monthly meeting to the third Tuesday of the month, with the fourth Tuesday to be scheduled as a work session or if an application from the third Tuesday cannot be heard.

The 2015 meeting dates are as follows: January 20 & 27, February 17 and 24, March 17 & 24, April 21 & 28, May 19 & 26, June 16 & 23, July 21 & 28, August 18 & 25, September 15 & 22, October 20 & 27, November 17 & 24, December 15 & 22, January 19 & 26, 2016. A voice vote was unanimously in favor.

Mr. Cecchini made a motion to leave alternate position's 3 & 4 vacant. The Board unanimously agreed, unless the situation occurs where the Board is consistently short of a quorum. State law and local ordinance state that the Mayor can name up to four alternates but is not required to name four.

MINUTES

Mr. Slate made a motion to adopt the minutes of the December 23, 2014 meeting. Mrs. Gill seconded the motion.

Ayes: DeBoer, Gill, Slate Stefanelli, Cecchini. Nays: None. Abstain: Bono, Grau, Kanapinski. Absent: Bassain.

RESOLUTIONS

Mr. Grau made the motion to accept the Resolution regarding L-14-06 in the matter of Angela Prestipino Block 45 Lot 13.07. Mr. Slate seconded the motion. Ayes: Bono, DeBoer, Grau, Slate, Cecchini. Nays: None. Abstain: Gill, Kanapinski, Stefanelli.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Wantage Land Use Board, County of Sussex, and State of New Jersey the Application of Angela Prestipino with respect to Block 45, Lots 13.02 & 13.07 as shown on the Tax Map of the Township of Wantage requesting a variance for a lot line adjustment/minor subdivision to subdivide 4,554 square feet from the existing Block 45, Lot 13.07 to be annexed to Block 45, Lot 13.02 be and hereby is granted. This approval is subject to the testimony given and plans submitted with the Application, as well as the following conditions:

1. The Applicant shall comply with all of the specific recommendations contained in Mr. Pellow's Memorandum with Revisions dated November 10, 2014, which are attached as part of this Resolution as Exhibit A;
2. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary;
3. Certificate that all taxes are paid to date of approval;

4. The Applicant shall submit to the Township Engineer and Township Solicitor, for his and her review and approval as to form, the deeds that will effectuate the subdivision;
5. The Applicant must comply with all representations made, either personally or through any representative acting on her behalf, during the course of her presentation to the Board, and in all documents filed with the instant Application;
6. Subject to all other applicable rules, regulations, ordinances, and statutes of the Township of Wantage, County of Sussex, State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Township of Wantage, in the County of Sussex, New Jersey, that the following contract be and it is hereby approved without the need for public advertisement of bids and bidding thereof:

Awarded to: Kenneth Nelson
Services: Special Planner
Duration: Remainder of Calendar Year 2015
Amount: An amount not to exceed \$5,000

BE IT FURTHER RESOLVED, that the Board Secretary is hereby directed to post this resolution on the bulletin board of the Township Municipal Building, and

BE IT FURTHER RESOLVED, in accordance with the requirements of NJSA 40A:11-5(1), the Board Secretary is hereby directed to publish a brief public notice stating the nature, duration, service and amount of the contract herein awarded, and that said contract and this resolution are on file and available for public inspection in the office of the Board Secretary.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby directed to forward this resolution to the attention of the governing body for their endorsement and ratification..

Mr. Grau made the motion seconded by Mr. Slate to adopt the Resolution to award the position of Special Planner for the remainder of the Calendar Year 2015 in an amount not to exceed \$5,000.00. Ayes: Bono, Gaechter, Grau, Slate, Steffanelli, DeBoer, Semmens Gill, Kanapinski, Cecchini. Nays: None. Absent: Bassani.

L -12-11 WANTAGE STONE

This application will be carried over to the March 17, meeting. No further notice is necessary.

L-15-01 WANTAGE UNITED METHODIST CHURCH

This application will be carried over to the March 17, 2015 meeting. No further notice is necessary.

APPLICATIONS

L-14-08 Mountain View Manor:

L-14-09 Mountain View Manor

Mayor William Gaechter and Alternate member William Semmons stepped down regarding this application.

Attorney Allyson Kassetta from the firm Connel and Foley represented Mr. John Maione for the applications L-14-08 and L-14-09 Mountain View Manor. The applicant is seeking Use variances on Block 4.01 lot 2 and 5

Attorney Paternostro-Pfister swore in Allyson Kassetta, Bridgette Bogard, John Maione Sr. and John Maione Jr. prior to each of their testimony.

Planner Brigitte Bogart from Planning & Design Professionals LLC presented maps from the Sussex County GIS Data Base. The maps were environmental maps as well as a Steep Slope Map on the property and surrounding property.

Below are the main ideas from Ms. Bogarts presentation.

Ms. Bogart stated that the proposed plan is to develop a total of six multi-family structures along Boulder Hills Boulevard. Five two-story twenty-unit buildings proposed on lot 5, and one two-story twenty-unit building is proposed on lot 2.

Ms. Bogart also stated the following variances are necessary:

- Use Variance on lot 2 and lot 5. Residential uses are not permitted.
- Lot Area & Lot Depth on lot 2.
- Front yard and side yard (lot 5)
- Front yard (lot 2)
- Rear yard (lot 2 & lot 5)

Township Master Plan: The 2004 Wantage Master Plan recommends the creation of the Wantage Economic Development Land Use District “to encourage development and redevelopment of large tracts of land along Route 23 in a planned setting.... The intent of the WED land use category is to complement the concept of the planned mixed use/small community village centers in the corridor. The use permitted under WED zoning is not feasible on these lots because they do not have frontage along Route 23. Given these facts, an increase in population on this site will increase the economic vitality of the corridor itself. The success of the commercial uses contemplated in the zone will depend heavily upon the number of customers available to patronize them.

Ms. Bogart’s study also stated the area beyond the local roadway can also expect to have no substantial detriment and will not be burdened by the increased development. She also stated that although Harold Pellow’s opinion is that the density is high, she feels it must be kept in mind that these lots were originally part of a larger subdivision that contemplated 22 residential units on 13 lots.

Ms. Bogart also noted that the C Variances, while considered secondary in the case of a D Variance request, are also important to weigh, as the number of C Variances may be indicative of a site challenges or amplify how unsuitable an application is. In essence, the C Variances are subsumed in the D Variance.

For all the reasons stated, she believes it is better suited for a residential zoning than a commercial zone. The layout of the lot is more typical of residential layout. The benefits outweigh the detriments

Mr. Pellow went over his report and *Mr. Maione gave his reponses.*

- The Building appears to look like a barracks building.
- *The building is exactly the same as the town Center. He is proud of them and has received may compliments. He would like to keep the same look.*
- The sight distance to the south from the drive into the lot is insufficient due to the building. To be determined by an on-site walk with the Board.
- Refuse trucks will not be able to maneuver into the disposal sites, pick up refuse, and back out. This is a dangerous situation, plus unsightly.
- *Mr. Maione plans to make it as safe and attractive as possible. His family is living there.*
- There is very little lawn area, as most of the site is impervious. Storm water needs to be addressed. They want to address this at the time of site plan submission.
- ADA ramps are required. They want to address this at the time of site plan submission.
- Sidewalks to be 6 feet wide. They want to address this at the time of site plan submission.
- Who maintains the open space? The owner/developer.
- Where will the mailboxes be located? Inside the building
- Landscaping is needed. They want to address this at the time of site plan submission.
- Under the new WED Zoning, residential uses are not permitted.
- Where is the septic system? A package plant will be submitted to the DEP.

- Need landscape area between walk and building. They want to address this at the time of site plan submission.
- The traffic design needs improvements, as all of the 100 units are exiting and entering through parking lot at Boulder Hills Blvd., 1,000 vehicles per day. There are safety concerns for people exiting vehicles and entering buildings. *There will be a fire exit to go out for emergency use only, yes everyone will exit and enter from the same road.*
- The adjoining physical features need to be shown to the south and north, as the Board should know what adjoins these buildings. The Applicant wishes to submit photographs.
- Delivery trucks will have a difficult time negotiating all of the 90 degree turns. They want to address this a the time of site plan submission.
- Mr. Pellow is concerned about the density of the Lots, Lots 2 has a density of 16.4 units per acre and Lot 5 has a density of 18.2 units per acre. *Mr. Maione responded that the area was originally approved for 226 houses. His plan is to develop the two lots with a high density, and still have an area with a lot of open space.*

Attorney Allyson Kasetta stated that to ease concerns if the Board were to grant the variance tonight the board would be setting the maximum usage, the usage could always be reduced at the time of the plan submission. Mr. Cecchini replied that although we are discussing density, tonight is about the Use variance. Attorney Angela Paternostro-Pfister agreed with Mr. Cecchini, the decision on density is not why we are here tonight.

Ms. Gill stated she was not convinced this is the entrance into Wantage that she would like to see. This is not a permitted use in the old zone or the new zone. The lot was supposed to be for commercial use.

Mr. Slate questioned snow plowing. *Mr. Maione replied that he would be plowing.*

Mr. Grau was concerned with the tightness of the parking area; his concern is with delivery trucks. Mr. Maione said that would be addressed in the sight plan.

Mr. Maione discussed reasons luxury apartments would be good for the County, from seniors to younger people that are used to high-end houses. He feels that there is nothing else to do with the property. He has mixed use buildings and stated he cannot keep a tenant.

John Maione Jr. stated his family has had to run a dollar store and video store just to keep the buildings from being empty. Every business they have opened, has lost money in the Commercial buildings.

Mr. Cecchini stated for the record “When you become a Board member, you cannot render a decision, positive or negative based on economic gain or loss of the applicant”.

Mrs. Kanapinski had questions regarding the Block and Lot listed on the tax map. Since the Engineer that prepared the map was not present, Mr. Pellow asked Mr. Maione to send in updated map.

Mr. Grau questioned the monthly rent. Mr. Maione stated \$1400.00.

Mr. Maione told the Board that apartments are incubators for people interested in purchasing a house. Once they live here, they will purchase a house here.

Mr. Cecchini stated that the Board made a decision agreeing the only true area of Commercial development would be along the Route 23 corridor in the southern section of the township. The reason they created the zone was to entice Commercial development. This is the first application to come before the board and he is concerned this will set a precedent for future development. Not just the density for this property, it is the density for the whole corridor. The Board feels there are other areas in town that are better suited for Residential development. This is not the area, planned for residential development.

Mr. Maione said “If you don’t want to give the variance don’t give it, I will just walk away. I am the only one in the county taking any kinds of risks.” Mr. Maione feels there is no way Commercial development will go off Route 23, he has tried. He will do Commercial building on Route 23, which is where he feels it belongs. The land was kept for Commercial because he did not see six years ago what he sees today. He is out of Lifestyle uses to rent from him. John Maione Jr. stated there is no interest in Commercial building in Wantage.

Mr. Cecchine stated the Board does not want to see apartments from Route 23. Mr. Maione stated you will not be able to see the apartments from Route 23, that is why he cannot build Commercial buildings, because the businesses will not be seen from Route 23.

Mr. DeBoer stated that a lot of information has been discussed and would like some time to digest it and take some time to think about it. Could we table this until next month? Mr. DeBoer suggested less density, and possibly changing the style of the buildings. Mr. DeBoes agreed that it is very difficult to attract businesses. Mr. Cecchini fears density is an issue, and does not want to set a precedent. Mr. Maione told the Board he contacted ShopRite for that lot, Shop Rite said the lot is too small, they need eight acres minimum. Mr. Deboer also believes this area will grow economically again. The Board must think of now as well as the future. Mr. Maione said is looking for a Use variance; then he will come back again with a site plan.

Mr. DeBoer suggested building the hotel that Mr. Maione is hoping to build along Route 23 on the lot in question tonight. Mr. Maione stated the Company is not interested in property off Route 23.

Mr. Cecchini arranged for a site walk, he would like the Board members to see the area before making a decision. Mr. Cecchini also said some members of the Board might want to look at Clark Road the day of their walk. Mr. Cecchini wants to make sure that the Board is comfortable in their decision, and is afraid that a possible vote tonight would not be in Mr. Maione's favor. Mr. Maione requested to be heard at the February 24th meeting. Since two Board members will not be available for that meeting, it was decided to carry the application to the March 17th meeting.

Mr. Cecchine opened the meeting to the public. There being no public present, Mr. Cecchini closed it to the public.

Mr. Grau made the motion to move Applications L-2014-08 and L-2014-09 to the March 17th meeting. Mrs. Gill seconded the motion. Ayes: Bono, Gaechter, Grau, Slate, Steffanelli, DeBoer, Semmens Gill, Kanapinski, Cecchini. Nays: None. Absent: Bassani.

INFORMAL

Mr. Cecchini discussed Mr. Paul Weibel's application that was before the Board in 2014. He reminded the Board the applicant requested extended hours of access on the property on Rose Morrow Road. Mr. Weibel had a new tenant. The zoning officer, Mr. Stefanelli, has been questioned, the need for a Use Variance, because of the type of business on that property. Mr. Cecchini questioned whether the Board was aware of the type of business and what was within the warehouse, hence the reason for the extended hours. The Board agreed that they were aware of the new tenant and the type of business.

GENERAL BUSINESS

The Fire department is looking into purchasing new radios. The type of radio is call a repeater radio system, the Fire Department thought there was room on all of the cell towers for emergency communications. One member investigated and found only the ordinances of Colesville Fire Department's, and Martin Little's cell tower provided room. Mr. Bono was wondering if there a way for the Town to request room from these companies for Fire Department use?

Mr. Cecchini suggested speaking with Mr. Doherty and composing a letter with the Fire Department.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Jeanne McBride

Secretary