

DECEMBER 13, 2016

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, December 13, 2016 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. Slate invited all persons present to participate in the Pledge of Allegiance to the United States Flag.

ROLL CALL

PRESENT: Larry Bono, Victoria Gil, Paul Grau, Joanne Kanapinski, Ron Slate, Bill DeBoer, Michael Walther.

Absent: Ron Bassan, John Morris and Patrick Stefanelli, Michael Cecchini. Also present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

MINUTES:

Mr. Kanapinski made a motion seconded by Mrs. Gill to approve the November 29, 2016 minutes; a voice vote was unanimously in favor.

APPLICATION

L-2016-05

Joe Maggio, LLC

10 Grandview Lane

Block 15 Lot 8

The applicant wishes to apply for a “D” Variance and site plan approval.

Ms. Rubright amended the application, the applicant will remove the existing concrete from the property and the one-time crushing is no longer part of the application.

Mr. Dykstra is still under oath from the previous meeting. There have been no changes in Mr. Dykstra’s certifications.

Mr. Abramo questioned the one-time crushing; Ms. Rubright stated the application has been amended; it no longer includes the one-time crushing. Ms. Paternostro-Pfister asked Ms. Rubright if she would be comfortable with a condition of approval stating no concrete crushing, Ms. Rubright agreed.

Ronald Sevean of 4 Shore Road, asked Mr. Dykstra if he has seen the permits to the existing building, Mr. Dykstra stated he has not seen the permits. Mr. Sevean then asked

if Mr. Maggio's intends to continue to fill in the mountain. Mr. Dykstra explained there is a small amount left to fill along the slope. He also stated the existing building is visible from the lake and wondered if Mr. Dykstra had been on the lake to view Mr. Maggio's land. Mr. Dykstra replied no. Mr. Sevean asked Mr. Maggio if he believes the roads can handle the weight of the trucks, Mr. Dykstra replied yes. In his final question he asked if Mr. Maggio still had Soil Erosion approval, Mr. Dykstra replied yes.

George Maragliano, of 3 Spreen Road discussed the types of trucks, diesel fuel and the necessity of a permit from the fire department for the storage of diesel.

He then introduced four pictures:

O-12 Mr. Maragliano took the picture 11/11/16 of a truck coming up Spreen Road making a left into Mr. Maggio's driveway. Mr. Rubright stated it is the back of the truck. Ms. Paternostro-Pfister asked if the truck opened from the side or the type that swings down from the back. Mr. Dykstra stated this truck swung down from the back.

O-13 Mr. Maragliano took the picture on 11/11/16 of a truck coming out of Mr. Maggio's driveway heading down Spreen Road, He asked Mr. Dykstra if it was Mr. Maggio's truck, Mr. Dykstra stated it did not appear to be Mr. Maggio's truck.

O-14 Mr. Maragliano took the picture on 11/11/16 of an orange and silver truck while he was standing on his field. The truck had just exited Mr. Maggios's driveway, he asked Mr. Dykstra if it was a Maggio truck, Mr. Dykstra stated it does not appear to be a Maggio truck.

O-15 Mr. Maragliano took the picture on 11/11/16 of a red Peterbilt dump truck heading north on Spreen Road after exiting Mr. Maggio's property.

Mr. Maragliano stated these trucks coming up and down Mr. Maggios's driveway do have a type of back that slam. Mr. Dykstra stated Mr. Maggio's trucks have the types of doors that swing open.

O-16 Mr. Maragliano took the picture 9-15-16 it is a picture of Mr. Maggio's truck going down Roy Road heading to Route 565. The side of the truck had Mr. Maggio's company name. Mr. Maragliano asked Mr. Dykstra if the road is wide enough for trucks and cars to pass. Mr. Dykstra replied he believes there is enough room.

O-17 and O-18 are a series of pictures of the same event as O-16.

Mr. Maragliano asked what steps is the applicant going to take to remove the concrete. Mr. Dykstra stated the materials would be removed to a site where they can be processed. Mr. Maragliano also questioned the stability of the bridge and Mr. Dykstra opinion on the depth of the test holes the DEP dug on the property. To which Mr. Dykstra stated he is not an environmental engineer and is not qualified.

Tim Loughery of 63 Beaver Run Road asked what will the solid waste container will be used for. Mr. Dykstra stated it is for solid waste generated on site. The additional containers are containers that are empty and to be used on jobs off premise.

Mr. Loughery also questioned the rebar storage area, Mr. Dykstra stated it is spare/extra for job sites, the rebar will be stored on racks. Mr. Loughery asked what types of

machines and trucks will be stored in the machine and truck storage area, it is highly visible from the lake. Mr. Loughery stated trucks in that area will create noise. Mr. Dykstra then answered additional questions regarding the lack of well and sanitary facilities; there is a portable toilet. He also spoke of the drainage system approved by Sussex County Soil conservation. The storm runoff goes into a drainage pipe and is discharged at the bottom of the slope; there are no filters on the system. There is a berm system around the parking area.

Ron Sevean, of 4 Shore Road, questioned Mr. Dykstra on the delivery of the rebar, Mr. Dykstra stated it will be delivered to the site by Mr. Maggio. He also asked if it was possible for the truck with the boom to tip over. Mr. Dykstra explained it is possible but not likely if proper procedure is followed.

Ann Smulewicz of 108 Route 23, asked Mr. Dykstra where the material came from to fill the land, how many business Mr. Maggio runs at 10 Grandview Lane and if the business he runs is environmentally dangerous. Ms. Rubright objected because Ms. Stella has covered the subject. Mr. Dykstra is a site engineer for the property. Ms. Paternostro-Pfister stated Mr. Dykstra should explain the dynamics of the business instead of the environmental aspect of the business. Mr. Dykstra explained Mr. Maggio runs a demolition business and each project varies on the materials. Mr. Dykstra explained depending on the material it may go to a landfill, an area that needs fill or a recycling center. Mr. Dykstra stated he is not aware of which processing facilities Mr. Maggio uses. Mrs. Smulewicz asked how many employees Mr. Maggio employs, Mr. Dykstra explained between 20 – 25 employees, 4 or 5 would arrive at Grandview Lane daily to pick-up trucks and take them to the job sites.

Lorene Barone of Lake Windsor questioned the weight of the trucks and the damage to the roads. She wondered the obligation the business owners undergo to maintain the roads, Mr. Dykstra stated tax dollars pay for the roads. Mrs. Rubright said there is case law stating you cannot target one property owner for road improvement. Ms. Barone said Mr. Maggio is paying farm-assessed property taxes and if he is running a business, he is not paying his fair share of taxes. Mr. Pellow stated Wnatage Township does have a Road Trust Fund.

Mr. Rubright asked Mr. Dykstra to explain the buffering plan and the trucks that are not part of Mr. Maggio's business. Fifteen evergreens are to be planted along the Lake Windsor side of the property. Mr. Maggio has approval from Soil Conservation to fill his property. The trucks in the photographs O-14 – O16 do not belong to Mr. Maggio and these trucks could be used to dump fill. She asked Mr. Dykstra what type of business will Mr. Maggio performs on the property, he stated maintenance on the trucks, there will be no construction or demolition on the two acre parcel.

Mr. Davie asked when or where the concrete will be going. Mr. Dykstra did not know. Mr. Davie asked if they are asking for a variance for the existing building, Mr. Dykstra said the applicant is seeking a variance to change the use of the building and a variance for the new building. There was discussion regarding the eight spaces for machines and

truck storage, the six containers on the property, forty additional containers that will be stored on jobsites and the hours of operation. Mr. Davie then discussed the number of employees, trucks, storm water discharge, weight of the vehicles, the proposed building, the length of time it took to fill the site and which machines are used for farm use. Mr. Davie asked Mr. Dykstra if any sub-contractors perform business at 10 Grandview Lane. Mr. Dykstra replied, no.

The meeting adjourned for a 5-minute break.

Ms. Rubright clarified the only employees on site are to pick-up trucks in the morning and drop them off in the evening and all trucks are empty unless the landfill is closed.

Mr. Abramo asked if Mr. Dykstra reviewed Wantage Ordinances, Mr. Dykstra replied yes. Mr. Abramo discussed the ordinance and the storing of trucks in the RE-5 Zone and whether a variance is needed for the 46,000 cubic square feet of fill. Mr. Abramo feels that another variance should be required for the existing fill. Mr. Dykstra felt one was not required. Mr. Abramo then asked if Mr. Dykstra reviewed the major subdivision approval, Mr. Dykstra said no. Mr. Abramo asked Mr. Dykstra if he had viewed a pre-development topography map. Mr. Dykstra explained his plans are from the existing conditions. Mr. Abramo then discussed the lighting plan and the fact that the lumens were not on the plan.

The application is carried to January 24, 2017 at the Wantage Municipal Building beginning at 7:00 pm.

INFORMAL

Dan Veit 1273 Rt 23 North Wantage and Daniel Veit Jr. presented a recording of Under My Wing Avian Rescue. During the spring through early fall they are forced to listen to birds from the rescue. Mr. Veit Jr. played the recording. Mr. Veit compared the noise to a jumbo jet. Mr. Veit testified to the bird's lifespan and the fear of disease. The Rescue is located in the R-5 zone and has a pet shop license. There are over 100 birds and they are building a new building. The Veit's are have concerns with permits, drainage, septic and health due to the close vicinity to a brook.

Mr. DeBoer explained to Mr. Veit that Wantage does not have a noise ordinance. The Board questioned the resale license and stated the zoning officer would need to look at that closer. The Veit's have approached Mrs. Ashfield and they state she does not want to work with them. The Board advised them to speak with the governing body.

ADJOURNMENT

On a motion duly made by Mrs. Gill, seconded by Mr. Grau and carried, the meeting adjourned at 10:27 p.m.

Respectfully submitted,

Jeanne M. McBride
Secretary