

## **JANUARY 24, 2017**

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, January 24, 2017 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, William Gaechter, Victoria Gil, Paul Grau, Joanne Kanapinski, John Morris, Ron Slate, Patrick Stefanelli, Bill DeBoer, Michael Walther, Michael Cecchini.

Absent: None. Also present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

### **MINUTES:**

Mrs. Gill made a motion seconded by Mr. DeBoer to approve the January 17, 2017 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. Paternostro-Pfister asked Mr. Abramo if he objects to Mr. Stefanelli sitting on the board for this application, he stated he did not. She then asked if Mr. Abramo contacted Mr. Stefanelli, he stated he did not, he then said he did contact Mr. Stefanelli but on a different matter. When pressed, Mr. Abramo admitted he did contact Mr. Stefanelli regarding the applicant. Ms. Paternostro-Pfister told Mr. Abramo that under the rules of professional conduct, Mr. Abramo knows he cannot contact a member of the board, as they are represented by counsel. Ms. Paternostro-Pfister stated Mr. Abramo was not to contact anyone on the Board. Ms. Paternostro-Pfister asked Mr. Stefanelli if he has any business relationship or financial holdings with Mr. Maggio, Mr. Stefanelli replied no. She then asked if he has ever had any business relationship or or financial holdings with Mr. Maggio, Mr. Stefanelli replied no.

Ms. Rubright reviewed the testimony until this date; and introduced Planner Mr. Jason Dunn of Dykstra & Walker to provide the planning rationale in support of the use.

Ms. Paternostro-Pfister swore in Mr. Dunn and he explained his educational and employment background. All of Mr. Dunn's licensing is current.

Mr. Dunn provided the positive and negative material starting with the positive.

Mr. Dunn stated the business helps support local jobs such as purchases from a local deli help to keep Wantage viable. It protects the rural character, it is not near neighbors and uses only 10% of the property, it does not take up the entire property. There are no wetlands or flood plains.

It agrees with goal G in the NJ Municipal Land Use Law purposes of zoning, by providing sufficient space and appropriate locations for a variety of uses in order to meet the needs of all NJ citizens.

Mr. Maggio's business consists of demolition and concrete masonry, reusing and recycling to support goal O. There is a major collector nearby. It makes sense to locate it in this area, as long as it limits it to what we are asking for with the conditions imposed. Route 565 is one mile away, going from Spreen Road to Roy Road to Route 565; there are no major developments, it is sparsely developed and 700 feet from any lake residents.

The topography blends in with the ridge. The surrounding land is wooded and steep so it is unlikely it will be developed. The driveway is separated from residential and commercial and on the opposite side of the lake community. The applicant is not required to prove another viable sight exists in the town in a commercial zone for this use.

Mr. Dunn explained it meets the goals and objectives of the Master Plan. It protects the rural character, it is isolated, blends in with the landscape and promotes a balance of residential and commercial growth. Mr. Dunn feels it would have less impact than many of the approved uses in the R-5 zone. Those uses including farm markets, horse training and riding lessons for example all have noise and traffic associated with them.

#### Negative Criteria:

There is no substantial evidence present that this is a detriment to the Master Plan or the public good.

The soil erosion is controlled with the Soil Erosion and Sediment Plan.

Drainage will be added and the storm water will be diverted away from the Lake, according to the Soil Erosion Plan.

The lighting will be shielded and focused downward.

The traffic will be managed by the existing roads.

There are no odors or emissions, air quality will not be impacted.

The trucks are limited to four or five, all licensed & regulated by state regulations.

No customers or retail would take place on site.

Ms. Rubright discussed with Mr. Dunn ways to correct the negative impacts. She discussed making a contribution to the road trust fund for any additional road use. She also stated the possibility of additional evergreens and possibly a fence to block the view. Mr. Dunn agreed, he stated a fence would also serve as a sound barrier.

Ms. Rubright then discussed Mr. Pellow's report with Mr. Dunn. Ms. Paternostro Pfister discussed protecting the rural characteristics and wildlife. She stated the proposals are directly opposite. Mr. Dunn stated the use is limited. There will be limited truck access as well as no retail. It is not a full commercial business. Ms. Paternostro-Pfister stated the use does not preserve the rural character. Mr. Dunn stated it blends in with the landscape, with the use of earthtone buildings. Ms. Rubright stated she is before the board for a Use Variance, according the Land Use law they must present the negative and positive criteria. Ms. Paternostro-Pfister she only referenced preserving the rural character because Mr. Dunn did so in his presentation.

Mr. Pellow stated the Land Use Board must decide on the barometer of the detriment. Mr. Dunn expressed the building is not an accessory building is a secondary primary use building. Ms. Rubright reminded everyone the farm is not a Christmas Tree Farm it is Woodland Management. Mr. Pellow questioned the new building and the use of the new building. Ms. Rubright explained the building would be used for construction vehicles as well as woodland management equipment. Mr. Dunn voiced the fact that farming was never a good use of the farm due to the steep slope of the property.

There being no questions from the Board, Mr. Slate opened the meeting to the public for questions.

George Maragliano of 3 Spreen Road talked about farming the property and asked how the ridges will be preserved. Mr. Dunn stated the building blends into the landscape. Mr. Maragliano discussed storing and using a portable concrete crusher and the number of trees cleared on the property.

Jeanne Sevean of 4 Shore Road asked if Mr. Dunn has been on Shore Road, then went on to explain living near the noise and sight of Mr. Maggio's property

Ronald Sevean of 4 Shore Road discussed the Master Plan and the importance of the ridges in Wantage, the noise, the permits that were taken out for the existing barn and the wildlife that they no longer see.

Anne Smuelwitz of 108 Route 23 discussed living in a residential area and listening to commercial trucks.

Lorene Barone of 62 Beaver Run Road discussed eminent domain and why Mr. Maggio's business is more important than the twenty residents that live in the neighborhood. She

discussed the change of the topography, to which Ms. Rubright responded Soil Conservation approved the plan.

Tim Loughery of 63 Beaver Run Road discussed the project and the impact the commercial property has had on the quality of life and the nature that has been affected.

Glen Ball of 48 Beaver Run Road discussed the available commercial property in the township and Mr. Maggio's need to apply for a variance.

Mr. Slate asked the attorney's if they had any questions.

Mr. Davie of Harrison Ave, Harrison representing Mr. Alves and his family.

Mr. Davie asked Mr. Stefanelli if he listened to the tape of the last meeting, Mr. Stefanelli stated he read the transcripts.

Mr. Davie discussed the trees surrounding Mr. Maggio's property line, owned by Mr. Alves. Mr. Davie then referenced the Mr. Pellow's report to the Committee (exhibit O12) and the March 31, 2016 report (exhibit O11) regarding raising the grade of Mr. Maggio's property and preserving the rural character. Ms. Rubright stated they are not asking for a variance for the 46,000 cubic yards of fill. Ms. Paternostro-Pfister requested Mr. Davie to direct his questions on the existing property. Mr. Davie discussed the fill, concrete crusher and where the fill originated. Ms. Paternostro-Pfister requested Mr. Davie keep his questions to the Mr. Dunn's testimony. Mr. Davie and Mr. Dunn discussed demolition verses processing concrete. Mr. Davie then discussed the noise and emissions of dump trucks. Mr. Davie stated Mr. Maggio's business could and should be operated in the industrial zone of Wantage Township. Mr. Davie asked if Mr. Dunn walked the property if has seen the concrete on Mr. Alves property as he walked. Mr. Dunn stated he did not see the concrete material.

Mr. Davie discussed Mr. Dunn's report and the lack researching other sights in the industrial zone. Mr. Davie wondered if Mr. Dunn saw the operation in the morning as the trucks were leaving, the concrete crushing, the sound of the trucks, the amount of trucks that go to a recycling center, the Woodland Management plan and the removal of stumps, storm water management and runoff. Mr. Davie asked if hardship is part of the application, Mr. Dunn replied no. He also discussed the impact on the Lake Windsor residents.

Ms. Rubright stated for the record, she does not accept testimony from residents that were not under oath. Mr. Davie stated Mr. Dunn was not on the property long enough to hear the trucks.

Mr. Davie asked if an environmental impact statement has been filed, Mr. Dunn replied no. Mr. Davies then discussed the existing barn and its use, the sound related from the nearest house to the more distant houses in Lake Windsor, the types of equipment and trucks to be stored on the property and the possibility of other equipment stored on site.

Ms. Rubright reviewed some points Mr. Dunn discussed during his testimony, she asked Mr. Dunn if he felt Mr. Maggio's recycling business met Goal O of Municipal Land Use Law, Mr. Dunn agreed recycling is a large part of Mr. Maggio's business. She then asked Mr. Dunn if he reviewed Mr. Alves property noting there were no buildings or homes on the property that would be impacted. Mr. Dunn stated the property is very steep for a structure to be built. Mr. Dunn then stated the business will not be open to the public for retail and agreed with Ms. Rubright that a site engineer was the one to determine the drainage analysis.

**ADJOURNMENT**

On a motion duly made by Mrs. Gill, seconded by Mr. DeBoer and carried, the meeting adjourned at 10:02 p.m.

Respectfully submitted,

Jeanne M. McBride  
Secretary