

FEBRUARY 28, 2012

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, February 28, 2012 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.

ROLL CALL

PRESENT: Mssrs. Bono, Cecchini, Bassani, Gaechter, Grau, Slate, Smith, Stefanelli, VanderGroef, Ms. Kanapinski, Attorney Jeanne Ann McManus, Engineer Harold Pellow.
ABSENT: Ms. Gill.

Board member Stefanelli arrived at 7:31 p.m. Board member Cecchini left at 8.05 p.m.

MINUTES

Ms Kanapinski made a motion seconded by Mr. Cecchini to adopt the minutes of January 24, 2012.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Kanapinski, VanderGroef., Smith.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-14-2006 STEVEN LANG

Mr. Cecchini made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of January 24, 2012 to dismiss the application of Steven L. Lang without prejudice for Block 9, Lot 152, located on Ramsey Road in the RE Zone.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Kanapinski, VanderGroef., Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-16-2008A 565 LAND DEVELOPMENT, LLC

Mr. Slate made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of January 24, 2012 to rescind a condition contained in the resolution granting preliminary and final site plan approval to 565 Land Development, LLC for Block 117, Lot 38.01, located on Route 565 in the Highway Commercial (HC) and R-5 Zones, seeking the elimination of Condition No. 5 in the Resolution entitled "In the Matter of 565 Land Development, LLC, Application No. L-16-2008, Decided on November 29, 2011", pursuant to N.J.S.A. 40:55D-12a. All other terms of the previous approval shall remain in full force and effect.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Slate, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-001-12 LUB APPOINTMENTS

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of January 24, 2012 making appointments to the Land Use Board for the year 2012.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Kanapinski, VanderGroef., Smith.

THOSE OPPOSED: None. MOTION CARRIED.

ATTORNEY CONTRACT RESOLUTION

Mr. Cecchini made a motion seconded by Ms. Kanapinski to adopt the resolution memorializing the Board's decision of January 24, 2012 to accept the contract for the Attorney to the Land Use Board for the year 2012.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Kanapinski, VanderGroef., Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-11-06 CHRISTIAN LEONE PROPERTIES I, LLC

The applicant is proposing to create a 5-acre lot to be known as Lot 4.01, leaving a remainder of 116.02 acres. The property is known as Block 26, Lot 4 and is located on Old Route 84 in the RE-5 zone.

Mr. Gaus appeared before the Board on behalf of the applicant. The applicant requested to carry this application to the March 27, 2012 meeting.

Mr. Cecchini made a motion seconded by Mr. Smith to carry this application to the March 27, 2012 meeting.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Grau, Slate, Stefanelli, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-03 CHRISTIAN LEONE PROPERTIES II, LLC

The applicant is proposing to create an 8.195-acre lot, leaving a remainder containing 46.775 acres. The property is known as Block 26, Lot 5.01 and is located on Old Route 84 in the RE-5 zone.

Mr. Gaus appeared before the Board on behalf of the applicant. The applicant requested to carry this application to the March 27, 2012 meeting.

Mr. Grau made a motion seconded by Mr. Slate to carry this application to the March 27, 2012 meeting.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Grau, Slate, Stefanelli, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-01 MATTHEW WOLFF

The applicant is proposing to construct an outdoor wood furnace on his property. The property is known as Block 21, Lot 12.02 and is located on Lower Unionville Road in the R-5 zone.

Mr. Matthew Wolff appeared before the Board.

Mr. Wolff stated that the main reason why he wanted the woodstove was to save money on heating oil. He added that he purchased the unit last summer, before the ordinance

was put in place. He stated that there was a moratorium on the woodstoves and that he thought he would just get a permit and he would be able to install it.

Mr. Smith asked if the unit could be shifted to the back of the property. Mr. Wolff stated that it would put it right in his barnyard where he has cows and pigs and that the price of pipe was too expensive. Mr. Wolff added that even if he moved it back he would still not be 300 ft. away from the property line. He stated that his neighbors to both sides of his property did not have any problems with his woodstove and that one of those neighbors plus another neighbors had come to the meeting in support of his application.

Mr. Smith wanted it on the record of how for a number of years the Board had several residents complaining of people burning tires, garbage and other non-approved materials and that the Board had spent several hours with county officials working on the ordinance. Mr. Smith did make an observation that the applicant had purchased the unit before the ordinance was instituted and that it made his request a situation of a hardship.

Attorney McManus stated that the only jurisdiction the Board had in this case was to approve the location of the stove and that he would be taking the risk of being fined by the county or sued by other Township departments should a situation of nuisance arise or if he abused the use of the stove.

The meeting was opened to the public. Mike Sorensen of 115 Lower Unionville Road stated that Mr. Wolff was a great neighbor who always did everything properly and that he supported Mr. Wolff with his woodstove. Mr. Kevin Williams, another neighbor, spoke in support of Mr. Wolff. He did not foresee any issues with the woodstove.

Mr. Stefanelli made a motion seconded by Mr. VanderGroef to approve this application.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Gaechter, Grau, Slate, Stefanelli, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: Bassani. None. MOTION CARRIED.

L-12-02 THOMAS AND THERESA PASTORE

The applicant has requested a site plan waiver for the existing used car dealership located on their property. This application is for determining how many used cars can be on the lot, where they will be located, and what site improvements may need to be undertaken. The property is known as Block 7, Lot 17.02 and is located on Route 23 in the HC zone.

Attorney Tom Collins, Engineer Mark Gimigliano, Mr. Thomas Pastore, and Mrs. Theresa Pastore appeared before the Board.

Mr. Gimigliano introduced Exhibit A1 "color rendering of the waiver of site plan". The plan showed the layout of the existing car dealership. The drawing showed the display area. The proposal is to resurface an area with gravel and to create a more efficient layout for the display of vehicles. A paved area is proposed for parking spaces and an area will be provided to display 33 vehicles and three (3) parking spaces in the front including one (1) handicapped space. The display parking spaces will be 8 ft. x 18 ft. and the parking spaces will be 9 ft. x 18 ft. Waivers will be required for the parking space size.

Mr. Pellow's report was reviewed. The following items were discussed: The front drive and parking to be paved up to the building and extending to the sides of the display area. The parking to be 6" of dense graded aggregate base and 2" of hot mix asphalt, the side and rear display areas to be constructed of dense graded aggregate base, 6" thick. The two front customer parking spaces and handicap space to be striped, signage, the well head to be protected when paving the driveway, an as-built plan to be submitted when improvements have been completed. Mr. Collins stated that the applicant agreed to comply with all the observations on Mr. Pellow's report. Mr. Gimigliano stated that for Item #6, the applicant preferred to pave just the parking spaces and not the drive. He added that for the additional waivers on paving, curbing, lighting, landscaping and

drainage, there was no curbing at present and the applicant preferred to keep it that way. He stated that the only curbing was at the entrance which would remain. He added that no additional lighting or landscaping was proposed for the areas that are not utilized and that the vehicle storage and parking would remain in its current condition and would be resurfaced with grass. The drainage would remain as it is today. He stated that for Item #10, the applicant agreed to place one-way signs to show the traffic circulation around the building in a counterclock direction to match the traffic flow direction as shown on the plans and that the site identification signs being the free-standing sign and the building mounted sign would remain.

There was no one from the public wishing to come forward on this application. Mr. Smith stated that the Board required all homeowners to pave the drive from the road to the garage and he did not think this was any different, that he did not intend for the applicant to pave the whole site but he believed the entrance to the site should be paved due to stones and gravel coming on to the roadway. Mr. Smith discussed controlling the parking of vehicles to prevent it from migrating to the adjoining lots. It was decided that the applicant would plant burning bushes on both sides where the cars are parked. Concerning the signs, Mr. Smith stated that he did not know if it was better to put the signs on a cement post as they might become an issue when plowing. It was discussed a better option would be a movable sign. Mr. Collins stated that the applicant would be prepared to pave the front area of the drive from Route 23 to the building. Mr. Bassani asked about the cars parked in the front along Route 23. It was discussed that those cars would be pushed back.

Mr. Bono made a motion seconded by Mr. Bassani to approve this application subject to Mr. Pellow's report and the Board comments.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Grau, Slate, Stefanelli, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-05 LIEN TIMES, LLC

The applicant is requesting a "C" variance for a storage building that was constructed too close to the property line. The property is known as Block 159, Lot 1.06 and is located on Card Road in the R-5 zone.

Attorney Tom Collins, Surveyor Arthur J. Schappell, Jr., and the applicant, Mr. Tom Scala, appeared before the Board.

Mr. Collins stated that the applicant had acquired a house with a pole barn on it, in foreclosure. The pole barn needs a variance for rear yard setback where 10 ft. is required and 8.57 ft. In requesting the variance, it was stated that the property was suitable for having a pole barn. After Mr. Scala acquired the property, it became known to him that the pole barn was in violation. In checking with the files of the Township he learned that a zoning and building permits had been issued; the building permit however, had not been closed. Copies of said permits were submitted with the Land Use application for the Board's review. An additional copy was submitted at the hearing and entered as Exhibit A1. Mr. Scala indicated that the house had been in foreclosure for 5 years, he had purchased it and cleaned it up, putting a lot of work into it and that it was now up for sale. He indicated that he would like to obtain the variance for this pole barn. Mr. Schappell stated that the rear setbacks of the pole barn were 8.57 ft. on the right side and 9.32 ft. on the left side. The side yard is at 10.75 ft.

Mr. Smith inquired about the size of the building 24 ft. x 48 ft. as described in Mr. Pellow's report. He wondered if that included the concrete slab on the sides of the building. Mr. Schappell confirmed that the 24 ft. x 48 ft. measurement was only for the pole barn itself. Mr. Schappell stated that there would not be any substantial detriment to the public good if the variance was granted. He added that there would not be any substantial impairment to the planning and zoning ordinances if the variance was granted. He indicated that he was satisfied that the granting of the variance would benefit the

purposes of zoning by allowing an accessory structure to remain on a property that is appropriate for having an accessory structure. If the variance was not granted part of the building would have to be removed. The professionals agreed that doing so would not benefit anyone.

The meeting was opened to the public. Ms. Elise Hutchins of 4 Card Road stated that she had some water issues as a result of work that Mr. Scala had done on his property and a stone and soil berm that he had placed near her fence and on her property. A discussion took place regarding the chain of events leading to the berm placed on her property. The applicant stated that he would correct the problem and that he would clean up what was placed on her property.

Mr. Pellow's report was reviewed. Item 6 of the report asked what would be stored in the building. The applicant replied that currently there was nothing in there, that he had cleaned it all up. Mr. Bassani asked if the Board could say to the applicant that the Board would be prepared to approve the variance with the understanding that the applicant would correct the problem with the neighboring property. Mr. Bassani was afraid that if the problem did not get resolved now, then the issue would come up before the Committee. Attorney McManus explained that the Board could only act upon what it had jurisdiction over and that the Board did not have jurisdiction over the other issues the property owners were having as it was a civil matter. Ms. Hutchins seemed to believe that the building and concrete pad were encroaching over the property line. Ms. McManus explained to her that the building and concrete pad were not encroaching over her property line as the setback was the distance from the property line and the building which was the issue being discussed. She assured Ms. Hutchins that the building and concrete pad were on the applicant's property and not on her property.

Mr. Collins stated that the applicant would have his surveyor stake and confirm the property line and that Mr. Scala would remove any material that is over the property line. Mr. Collins stated that he believed that this kind of issue was not really a municipal violation as a homeowner had the right to do things on his/her property regarding soil, stone and that he believed it may be some civil dispute.

Mr. Grau made a motion seconded by Mr. Bono to approve this application subject to the applicant removing the roof overhang on one side of the pole barn and to subject to a condition of the sale that the pole barn is for non-commercial use.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Bassani, Gaechter, Grau, Kanapinski, Smith.

THOSE OPPOSED: Slate, Stefanelli, VanderGroef. MOTION CARRIED.

INFORMAL:

Ms. Judith Kent, owner of 1191 Route 23 asked if she could finish the house to live in it. A discussion followed regarding the use of the house. The Board concluded that the homeowner could proceed with the repairs inside the house and that she should try to locate a survey with the driveway on it before contacting the County to inquire about it.

Mr. Louis Kosco is looking to start a business at Wantage Plaza with the purpose of maintaining kids entertained and to create a place where they can come in and play their music after 6 p.m. In addition during the day, residents wishing to display their handmade products could do so. The Board did not anticipate any issues with this type of business, as long as he complies with noise, safety and fire regulations.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Stella Salazar
Secretary