

MAY 27, 2014

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, May 27, 2014 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, DeBoer, Bassani, Grau, Slate, Stefanelli, VanderGroef, Valkema, Semmens, Ms. Kanapinski, Attorney Christopher Quinn, Engineer Harold Pellow.
ABSENT: Ms. Gill, Mr. Cillaroto.

SALUTE TO THE FLAG

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

MINUTES

Mr. Grau made a motion seconded by Mr. Slate to adopt the minutes of April 22, 2014.

A voice vote was unanimously in favor.

RESOLUTIONS

L-14-02 565 LAND DEVELOPMENT, LLC

Mr. Grau made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of April 22, 2014 granting lot line adjustment and "c" variance relief to 565 Land Development, LLC for Block 117, Lots 38.01, 38.03 and 38.05 located on Route 565 in the HC zone and the R-5 zone, pursuant to N.J.S.A. 40:55D-70(d), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and reapproved.
2. A revised plan shall be submitted locating the dwelling outside of the 100-year flood plain and incorporating a driveway easement for future owners.
3. A driveway location and profile will be submitted each year when the aerial topo of the soil mining operation is submitted.
4. 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.
5. Certificate that taxes are paid to date of approval.
6. Sussex County Planning Board approval, if required.
7. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Wantage, County of Sussex, State of New Jersey, or any other jurisdiction.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Grau, Slate, Stefanelli, Kanapinski.

THOSE OPPOSED: None. MOTION CARRIED.

L-14-02 565 LAND DEVELOPMENT, LLC

Mr. Slate made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of April 22, 2014 denying use variance to permit a used tire storage facility as well as a "c" variance for relief for signage on property to 565 Land Development, LLC for Block 117, Lots 38.01 located on Route 565 in the HC zone, pursuant to N.J.S.A. 40:55D-70(d).

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Grau, Slate, Stefanelli, Kanapinski.

THOSE OPPOSED: None. **MOTION CARRIED.**

L-13-10 ROYAL BUICK GMC

Mr. Grau made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of April 22, 2014 granting waiver of site plan to Royal Buick GMC for Block 2, Lot 52.02 located on Route 23 in the HC zone, pursuant to N.J.S.A. 40:55D-51 and N.J.S.A. 40:55D-70c(2), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. A revised plan addressing the concerns contained in Mr. Pellow's report of April 22, 2014 shall be submitted.
3. 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.
4. Certificate that taxes are paid to date of approval.
5. Sussex County Planning Board approval, if required.
6. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Wantage, County of Sussex, State of New Jersey, or any other jurisdiction.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Bassani, Grau, Slate, Stefanelli, Kanapinski, VanderGroef, Cecchini.

THOSE OPPOSED: None. **MOTION CARRIED.**

APPLICATIONS

L-14-03 HIGH POINT AUTO SALES

The applicant submitted an application proposing a motor vehicle sales business which will replace the real estate office. A use variance is needed to allow an additional principal use of the property for storage of the neighbor/retailer's pallets. The property is known as Block 7, Lot 21 and is located on Route 23.

Board members Bassani and DeBoer stepped down.

Attorney William Hinkes, Engineer Dan Kent, property owner Jeff Parrott, and the applicant Robert Barry appeared before the Board.

The applicant's professionals made a brief presentation of the application. Exhibit A1, a revised Page Two of the original plan was submitted. The revision showed the proposed parking spaces for the car sales' use and for the accountant's use. Also submitted was Exhibit A2, a set of three photographs of the storage space for the patio place.

The principal use being the car sales was discussed first. Mr. Kent discussed the layout of the site and Mr. Barry described the operations. Item 6.03 of Page Two of Mr. Pellow's report referred to the need to screen the storage area from the parking lot. The applicant preferred not to do that as this was only a temporary arrangement. Mr. Hinkes explained that once the storage use ends, Mr. Barry's intent was to expand the automobile facility into the area behind the building. Mr. Kent explained that a parking lot in front of the building facing Route 23 was being proposed. Mr. Kent added that the trees would be preserved, that there were no issues with the drainage, that the property in the back was owned by the Federal Government, and that the storage area would be eliminated when the next door neighbor ceases his lease with the property owner and an overflow lot would be proposed for the used cars as an overflow lot. Mr. Kent stated that Exhibit A1 showed a suggested parking layout. He stated that the parking area behind the parking spaces for the patio employees would be extended 40 ft. on the side of the building towards the back to accommodate the four parking spaces for the account and parking for High Point Auto Sales. The four (4) spaces for the accountant's office would include one handicap space, A1-A4. Five (5) employee spaces for High Point plus one handicap

space, B1-B6, were proposed. The parking lot to the northern side of the property, right against the neighbor's property included 15 parking spaces. The parking lot to the southern side of the property included 32 parking spaces. It was discussed that there would be no parking on the grass.

Mr. Barry offered testimony regarding the operation of the business. He stated that he had been in business at High Point Auto Sales for the last five years and that he had been in the retail business for about twenty-five years. He added that his wife had about fifteen years of car experience. He discussed that his business had grown making it necessary to move to a larger site and he had been known to maintain his lot very clean and the cars neatly parked. Mr. Barry added that he did not use a car carrier to pick up the cars but instead he and other drivers pick them up themselves to bring them to the site; therefore, there will be no off-street parking. No changes will be made to the structure, as far as decorations Mr. Barry stated that streamers are being used. However, streamers would not be needed for the new site since the visibility is great. At Mr. Hinkes' inquiry concerning the use of the garage, Mr. Barry indicated that he intended to use it in the future, to store sprayers and hoses. He stated that no detailing would be done at the site and that all detailing is done off premises by Mr. Bubbles. It was discussed that access to the back of the property in the future would not be from Route 23 but from the front parking lot and that the access already existed. Both Mr. Kent and Mr. Barry stated that prior to getting parking access to the back and when the accountant's business is off season there could be between 41 and 51 cars in the front parking lot.

Mr. Cecchini expressed concerns about the number of cars that would be parking in the front and all the spaces proposed in the southern parking lot. He added that the applicant might want to keep the isle open in the winter time in order to get cars in and out of there.

Mr. Pellow's report dated May 12, 2014 and revised May 23, 2014 was reviewed. Item 4 on Page 2 of the report referenced "zoning". It stated that the lot was located in the HC zone and met all area and dimensional requirements in that zone. Motor vehicles were a permitted use. The accountant's office was a permitted use but not a home office. The applicant's attorney submitted a copy of a zoning permit issued in 2011 for the home office. A use variance was needed for an additional principal use, the neighbor's stored pallets on the back of the property. Under Item 5, parking, Mr. Pellow stated that the spaces were fine and that he and Mr. Kent had calculated them. A discussion followed regarding the number of spaces. Mr. Pellow stated in his report that the number of vehicles had always been a concern for the Board. It was discussed that when the neighbor no longer needs the storage space, the entrance to the rear parking lot will take place from the front parking lot. Mr. Pellow pointed out that when the rear parking lot is used to park vehicles, that area should be paved, if the Board permits it. At the present time, the neighbor enters from his own property. Mr. Parrott was asked about the length of the lease in terms of storage for the adjoining neighbor and Mr. Parrott stated that they were on a month to month basis. The applicant requested a waiver for curbing. The Board determined that curbing was needed along the front. Ms. Kanapinski suggested wooden fencing along the back of the front parking area in order to prevent parking on the grass. It was discussed that the access isle was to remain open. The parking lot was to be restriped. Arrows to be painted on the pavement were to be determined in the field at the time of construction. The neighbor's employee parking along the northern lot was to end if the application was approved. Mr. Pellow indicated that this application was not subject to storm water rules as the proposed improvements would disturb less than one acre, and the net impervious increase was less than 0.25 acre. As far as the signs, the existing façade sign is satisfactory. Only one freestanding sign is permitted and there are two existing freestanding signs. The signs predate the ordinance; therefore, they will be allowed. As far as lighting, the foot-candles produced should be 0.2 for all parking areas. The proposed fixture is satisfactory. The three (3) existing fixtures are very short and do not have the 0.2 foot-candle coverage on the existing lot. The applicant will add another light to give the 0.2 foot-candle. Refuse will be stored in the garage area and will be office generated material. It was discussed that County review was not necessary. Mr. Hinkes stated that the site is not on a county road, it is not next to a municipality and it is less than one (1) acre of impervious coverage; therefore, the County Planning Board has no jurisdiction. Board member Semmens asked if the former real estate office space was going to be used for the car dealer. A discussion followed regarding the uses for the

apartment. Mr. Parrott stated that the unit had been an apartment since 1980 and that in 2011 it had been rented to an accountant who lived there part of the year and had a home office. The Board wished to clarify the use of unit. Mr. Cecchini wished to be specific about what will happen when the accountant leaves. Mr. Bono asked if it was a one-bedroom or a two-bedroom. Mr. Parrott replied that it was a one-bedroom apartment. It was determined that if the accountant vacated the unit, a new zoning permit would be required for the specific use.

There were no more questions from the Board and the application was opened to the public. Anne Smulewicz of 108 Route 23 asked if the wetlands buffer was 150ft. or 300ft. Mr. Kent stated that the standard buffer was 150ft. and that 300ft. was for C1 waters. She had a question regarding the accountant, Mr. Larusso, occupying the premises and an obituary for Mr. Larusso that she had seen in the newspaper. She noted that her first observations of the application for the motor sales listed a request for less number of parking spaces as well as a request for approval of several different uses on the property. She noted that at the hearing there was a different approach to the application with an expansion of all of the requests. Ms. Smulewicz had concerns regarding the several different uses on Mr. Parrott's property. She made reference to an OPRA request concerning the storage of the neighbor's pallets. She read the response memo from Mr. Jim Doherty where he stated that Mr. Parrott had submitted documentation to legalize the storage area and that the then Zoning Officer, Mr. Kevin Kervatt, had found no violations so no use variance was necessary. She elaborated on Mr. Doherty's response referring to Mr. Stefanelli's affirmative findings based on Mr. Kervatt's opinion. Mr. Hinkes objected to Ms. Smulewicz comments stating that she should only refer to the application before the Board. She stated that Mr. Parrott was setting a precedent for her with the six uses of the property and she stated that she would do what she wanted to do following that precedent. Mr. Hinkes objected to Ms. Smulewicz' remarks and he stated that her comments were inappropriate. Mr. Cecchini stated to Ms. Smulewicz that her comments were duly noted and that the reason for everyone being in attendance at the meeting was to get everything out in the open, discussed and clarified. Mr. Cecchini reiterated to Ms. Smulewicz that she absolutely had the right to come in with an application for her commercial for multi-uses for residential uses and that she would be in a similar situation and he stated that the precedent had been set well before this application. Ms. Smulewicz replied that she wanted to do what she wanted to do when she wanted to do it and she would not want anyone knocking on her door. Mr. Cecchini replied that under due process and he thanked her for her input. She proceeded to leave her collection of information for the record. The information was entered as Exhibits O-1, O-2 and O-3 dated 5/27/14.

There were no other members of the public wishing to come forward on this application. The meeting was closed to the public and opened back to the Board. Mr. Slate inquired about an additional access to the storage area in the back of the property other than from the adjoining property. Mr. Kent stated that when the neighbor no longer needs the storage space, the access from the adjoining property would be closed and the area in the back would be accessed from the front lot. Mr. Grau wished to clarify Ms. Smulewicz comments about the accountant passing away. Mr. Parrott stated that Mr. Larusso's father had passed away and that was the obituary that Ms. Smulewicz had seen. Mr. Cecchini wished to have some type of delineation with the overflow parking area in order to keep the applicant or whoever may be using it at the time away from the buffer zone. It was discussed that the applicant would install a wooden fence at the time of occupying that area as parking.

Mr. Slate made a motion seconded by Mr. Grau to approve this application subject to the testimony offered. Mr. Cecchini made a brief summary of the conditions of the approval subject to the applicant keeping the existing uses in place with the proposal of the overflow area when the neighbor who is using that area no longer needs to use it, then the tenant with the used car lot may use it as parking and that at that time the area will be paved, with a wooden guardrail installed around the perimeter to delineate, curbing along the front of the property from the entrance to the catch basin with the crushed stone area and from the front to the rear of the rear of the parking lot and a wooden fence along the back of the front parking area. Also, there will be no parking in the isle, with five (5) double parked spots in the parking lot to the north. Additionally, when certain uses are

taking place on the property as far as the accountant/home office, the applicant will have adequate parking for him to utilize while he is there, that there will be adequate parking of handicapped and for employees of the business. Ms. Kanapinski wished to review the number of parking spaces that were being approved. Mr. Kent stated there would be thirty-seven (37) spots with the accountant being there or forty-one (41) spots without the accountant not being there plus five (5) employee parking spaces plus one (1) handicap and twenty (20) spaces in the back. The applicant asked to have the resolution waived prior to building permit. Pre-construction would be required.

ROLL CALL VOTE

THOSE IN FAVOR: Bono, Grau, Slate, Stefanelli, Kanapinski, VanderGroef, Cecchini.
THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

KEVIN KENNEDY/DOW TIRE/BLACK BEAR

Mr. Kevin Kennedy appeared before the Board to present his proposal for display areas at his business. The property is known as Block 8, Lot 1.01 and is located on Route 23 in the HC zone.

Mr. Kevin Kennedy explained the proposed plan to park his vehicles for repair at the southern end of the property with plantings around it and to use the northern end of the property for a used car display area. The southern area would include four (4) employee spots, five (5) customer spots. The back row would be customer's cars with work in progress. One (1) handicap space will be in front of the repair office. The northern end will have a used car office. In addition, he plans to reinstall the old stockade fence that used to be there at one time. Mr. Stefanelli stated that he would like to go to the site and look at the fence and make a decision if a zoning permit would be required. Mr. Cecchini stated that the plan depicted signage on the grass and he needed confirmation that the sign was no longer there. Mr. Kennedy replied that the sign was no longer there. He added that there would be a sign on the building that would need a zoning permit only. Mr. Bassani asked if the parking on the southern area was gravel. Mr. Kennedy stated that it was some kind of rolled tar and chips, not loose gravel, not asphalt either.

Mr. Bono made a motion seconded by Mr. Grau to approve the display areas as shown on the map.

ROLL CALL VOTE

THOSE IN FAVOR: Bono, DeBoer, Bassani, Grau, Slate, Stefanelli, Kanapinski, VanderGroef, Cecchini.
THOSE OPPOSED: None. MOTION CARRIED.

Mr. Kennedy asked if he would now be able to advertise to rent the car sale business. Mr. Cecchini stated he would be able to and that the new tenant would have to come in for a zoning permit in order to open the business.

BASSANI POWER EQUIPMENT

Mr. Don Bassani appeared before the Board request additional display areas for his business. The property is known as Block 7, Lot 17.01 located on Route 23 in the Industrial zone.

Board member Ron Bassani remained off the dais.

Mr. Don Bassani explained the additional display areas being requested. There would be a display area as you enter the site, to the right side of the driveway for power equipment. In addition behind the front display gravel area there is a large grass area that he would like to use for display. He added that he intended to change the displays from time to time. He stated all the equipment would be new and only on occasion he would have a used item if it looks like new.

Mr. Grau made a motion seconded by Mr. Bono to approve the display areas as shown on the map.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Grau, Slate, Stefanelli, Kanapinski, Cecchini.

THOSE OPPOSED: None. **MOTION CARRIED.**

Mr. Don Bassani suggested the Town giving property owners a tax break for doing a facelift on their building/s. Mr. Cecchini stated that he had done the same thing with his property and it did show on his reassessment. He added that this added value to your property which it would in turn pay up at the time of sale. Mr. Cecchini would suggest a tax abatement program that would give business owners an incentive to keep their properties looking nice.

PUBLIC COMMENTS

There were no members of the public wishing to come forward.

GENERAL COMMENTS

Mr. Bassani made a suggestion to discourage any more car sale business as the area is getting saturated with car sale business. Mr. DeBoer agreed. A discussion followed. Mr. Cecchini stated that there were a number of other businesses in town and that used car businesses attracted people to other businesses in town.

A subcommittee meeting was set for Thursday, June 12, 2014 at 9:00 a.m. The car sales business would be one of the topics as well as the tax abatement suggestion and the Master Plan.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned.

Respectfully submitted,

Stella Salazar
Secretary