

NOVEMBER 29, 2016

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, November 29, 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. Cecchini 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, John Morris, Patrick Stefanelli, Ron Slate, Bill DeBoer, Michael Walther, Michael Cecchini.
Absent: Ron Bassani. Also present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

MINUTES:

Mr. Grau made a motion seconded by Mrs. Gill to approve the October 16, 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.

This application is a “D” Variance, Mr. Morris is unable to participate and did not take a seat at the dais.

Mr. Cecchini recused himself due to a business conflict with Mr. Maggio and many residents of Lake Windsor.

Ms. Rubright stated they are removing the concrete crushing from the application. They are requesting a one-time concrete crushing variance to remove the concrete that is on site now.

Ms. Stella spoke at the October meeting to discuss environmental compliance.

As a continuation of the last meeting Mr. Slate opened to the public any questions or comments for Ms. Stella.

Ms. Paternostro-Pfister stated the comments must be related to the testimony of the witness.

Ms. Melanie LiTrenta of 19 Crest Road, asked why there have been ongoing issues with Sussex County Soil Conservation and a discrepancy in the forest management plan?

Ms. Stella stated her testimony was with the DEP issuances of Notice of Violations. Ms. Stella was not sure what she was referring to with Soil Conservation. Ms. LiTrenta further discussed the Notice of Violations; Ms. Stella stated the DEP is waiting for a decision from this Board.

George Mariagliano, of 2 Spreen Road, asked how big the concrete crusher will be, Ms. Stella responded they were asking for a one-time use of the concrete crusher. She then read the equipment description based upon the air apparatus permit. Mr. Abramo, stated Mr. Maggio coaches the witness. Ms. Stella said she was not coached, she did not testify on the specs of the concrete crusher. Mr. Maraliango had additional questions regarding, rain, and diesel fuel.

Ronald Sevean of 4 Shore Road felt Ms. Stella was playing word semantics with her description of the Notice of Violation. Ms. Paternostro-Pfister asked if it is the same as receiving a ticket yet not yet found guilty, Ms. Stella said it is the same.

Lorene Barone of 62 Beaver Run Road asked why they were modifying the concrete crushing. Ms. Stella replied they were asking to have a one-time crushing to remove the onsite concrete. Ms. Paternostro-Pfister said it would be helpful to the public if Mr. Maggio's attorneys could answer when this would occur and how long this would take. Ms. Rubright stated she would ascertain the answer. Some discussion took place regarding the Notice to residents and the paper.

Jeanne Sevean of 4 Shore Road, asked if they are still requesting to do commercial work in a residential area? She than discussed the noise level from her property.

Tim Loughery of 63 Beaver Run Road discussed the concrete crushing, the one-time use, and whether there will be any other concrete brought on site. He then discussed concrete dust, and the effect of dust on the lake water. Ms. Stella stated the concrete is crushed in a hopper, which is watered down.

Mr. Davie discussed the original application, Ms. Stella's position in the law firm, the DEP report. He discussed the crushing activities and the DEP Notice of Violations. He questioned the length of time the activities have been going on and how these activities preserve the rural character of Wantage. He also discussed environmentally sensitive land and the jurisdiction of the decisions of the Land Use Board.

Mr. Davie asked Ms. Stella questions regarding the 46,000 yards of fill and the DEP test pits. Ms. Stella testified on the DEP reports; she was not on the property when the DEP dug the test pits.

Mr. Davie displayed a series of pictures his client took in 2014, before the area was filled. Ms. Rubright objected to the photos until there is more foundation to when and where

they were taken and how they were taken. The pictures are not subject to Ms. Stella's testimony.

Ms. Paternostro-Pfister agreed. She also reminded Mr. Davie that this meeting is a Use Variance meeting and to keep the questions on topic.

Mr. Davie questioned noise decibels on concrete crushers, bulldozers and dump trucks. He also discussed the possibility of Mr. Maggio's business moving to a commercial zone.

The Board discussed the ending the meeting at 10:00 due to the fact the meeting starts at 7:00 pm. The Board agreed to take a 10-minute break.

Ms. Rubright asked Ms. Stella to explain the DEP test pits. Ms. Stella asked Mr. Stefanelli to explain what the DEP did that day, due to the fact he was there. Mr. Stefanelli stated the DEP chose the area of the eight-foot test hole as well as the tunnels into the side of the earth.

Mr. Abramo asked Ms. Stella if she has walked the site. He then asked the dimensions of the property; Ms. Stella stated she would defer that question to the engineer. The discussion of the DEP report continued. Ms. Stella stated one could not operate a solid waste facility without a permit. Mr. Maggio does not have a SWF permit. Mr. Abramo said the DEP stated Mr. Maggio used approximately 46,000 yards to fill his property. Ms. Stella stated there is a requirement to obtain a solid waste facility permit or obtain an approved exemption. The DEP is waiting for the ruling of the Wantage Land Use Board to decide on further approvals. Mr. Maggio has not obtained an exemption. Mr. Maggio applied for an exemption on March 23, 2016. Mr. Abramo continued questioning Ms. Stella on the subject of the hardness of concrete, crushing, quarrying and the quantity of the concrete on site. He then asked if there are decommissioned oil tanks on site. Ms. Paternostro-Pfister stated Mr. Abramo questions are getting off topic, and making hypotheticals. Ms. Stella stated she did not know if there are any UST's on site.

Mr. Slate opened the meeting to the public.

George Maragliano asked Ms. Stella if she would rely on eight or ten test holes to determine the quality of soil, he also asked if the rain would contaminate the soil if the trucks were loaded.

Mr. Slate opened the meeting to the Board for questions.

Mr. Grau asked if they drilled on an angle into the side to get below eight feet. Mr. Stefanelli replied they did, Mr. Stefanelli also stated the original topography of the land was a gradual slope.

Mr. DeBoer asked if the DEP suspected wrongdoing would not they inspect further. Ms. Stella replied yes

Mrs. Kanapinski asked if Mr. Maggio had a permit to do anything on his property with the DEP, Ms. Stella replied no, she also asked how long he had his permit with Soil

Conservation. Ms. Stella replied May 20, 2015, although she believes there were other permits. Mrs. Kanapinski also asked if the existing building was built on grade or fill. Ms. Stella deferred the question to Mr. Dykstra, Mr. Maggio's engineer. Mr. Slate closed the application to the Board.

Ms. Rubright introduced Mr. Dykstra PE. Ms. Paternostro-Pfister reminded him he is still under oath.

Mr. Dykstra introduced exhibits:

- A4 overall site layout exhibits 11/29/2016
- A5 aerial exhibit 11/29/2016
- A6 profile exhibit 11/29/2016

Mr. Dykstra said these exhibits were a color representation of the revised site plan. Mr. Dykstra explained the changes to the plan; the main change was removing the concrete recycling area. The applicant is now proposing a two story new build where the concrete is presently stored. The building consists of 5788 square feet. Mr. Maggio has a new truck that does not fit into the existing building; this new building will be used for the new truck. Also included in the plan are eight spaces for parking for company vehicles, six container spots, five parking spaces for employees and a rebar storage area. The two stacked containers currently on the property will be removed. Vehicles that have debris from a work site will be stored inside overnight, only if the truck is unable to get to the dumpsite. Most containers are in constant use although Mr. Maggio is asking for the ability to store some containers on the property. Mr. Dykstra explained sand, demolished building materials, mini excavator and a skid steer, would be stored in the containers. Mr. Dykstra stated the lighting will reflect downward and an additional buffering of evergreen trees will be planted. All activity at the site will cease by 6:00 or 7:00 pm.

Mr. Maggio has two pieces of equipment of equipment that never leave the site; a bulldozer and an excavator, both used for Woodland Management. He also has and additional bulldozer and excavator that are not brought back to the site unless they require maintenance.

Storm water drainage approved as part of a Soil Erosion Sediment Control plan, directed to the northwest and not toward Lake Windsor; it flows toward a culvert on Lewisburg Road

Weight of vehicles fully loaded would be up to 80,000 pounds, unloaded 30,000.

The existing building built under a Woodland Management farming permit is 30.9 high, the proposed building is 32.3 feet high, and 35 feet is the allowable height.

The majority of the site has been filled, except for the slope. The depth of the fill is 40 feet at the deepest, not over the entire site. The house is at the steepest point and slopes off; the worksite is lower than the house.

Mr. Pellow asked about the noise associated with rebar. Mr. Dykstra stated the noise is controlled. Mr. Pellow stated none of the uses are permitted. Ms. Paternostro-Pfister agrees with Mr. Pellow, according to Wantage Township Zoning Ordinance 13.5. Ms. Rubright asked if the planner could answer those questions, they recognize this is not allowed, they are here for a Use Variance. Ms. Paternostro-Pfister stated she is trying to get an understanding of what equipment is on the property and why. She wanted to clarify what is on the property for Woodland Management and what is on the property for the construction business.

Ms. Paternostro-Pfister will carry without further notice to the December 13, 2016 at 7:00 pm at the Wantage Municipal Building; we will start the next meeting with Mr. Dykstra.

ADJOURNMENT

On a motion duly made by Mrs. Gill, seconded by Mr. Grau and carried, the meeting adjourned at 10:09 p.m.

Respectfully submitted,

Jeanne M. McBride
Secretary

