

MARCH 21, 2017

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, March 21, 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. Cecchini invited all persons present to participate in the Pledge of Allegiance to the United States Flag.

ROLL CALL

PRESENT: Larry Bono, Victoria Gill (arrived at 7:55 PM), Paul Grau, Joanne Kanapinski, John Morris, Ron Slate, Patrick Stefanelli, Bill DeBoer, Michael Walther, Michael Cecchini.

Absent: William Gaechter. Also, present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

APPLICATION

L-2003A-1

LGR Enterprises, LLC

Extension of Preliminary Major Subdivision Approval

Block 135, Lot 6.01

Sherman Ridge Road

Attorney Steve Ahrendt from the firm Gaccione & Pomaco, 524 Union Ave, Belleville, NJ represented LGR Enterprises, LLC. The property is approximately 56 acres. The property owner is seeking a four-year extension to the Resolution originally granted in 2003. The extension expires on March 27, 2017. The request is being made to allow LGR to market the property, sell it, and complete the subdivision. LGR come before the board in 2006 for their first extension. In 2008, the housing market crashed.

Ms. Paternostro-Pfister swore in Lou Salierno, 15 Bobcat Lane, Hilton head Island, SC. He is one of the owners of the property. He would like the extension due to the poor economic conditions, they have tried to market the property themselves. The State approval runs out in June 2017. They do not feel he will have a problem receiving that approval.

Ms. Paternostro-Pfister swore in Christopher King, of Fairclough Realtors, Sparta Ave Sparta NJ. He testified as the realtor marketing the property. The property has been on the market since 2009. In his professional opinion, the subdivision has not sold due to the poor economic conditions. The Real Estate market is beginning to see improvement.

The 4-year extension will grant a potential buyer the protection they will need in order to complete the subdivision process.

There being no one from the public that wished to comment, Mr. Cecchini opened the application to the Board for any comments. There being none, Mr. Grau made the motion, seconded by Mr. Bono to approve the application for four years. Ayes: Bono, Grau, Kanapinski, Morris, Slate, Stefanelli, DeBoer, Walther, Cecchini. Nays: None.

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 has been carried from the January 24, 2017 meeting. No new notice is needed.

Mr. Cecchini and Mr. Morris stepped down from the dais for the Maggio application. Ms. Susan Rubright began her redirect of Mr. Dunn. Ms. Rubright asked Mr. Dunn to clarify the impact to the ridgeline. Mr. Dunn stated that a recurring goal of the Master Plan is to keep the rural character of the Township. Although you can see the roofline, it is at a lower level than the house, so it blends into the ridgeline. There is no ordinance against building on the top of a hill, as there are many homes in Wantage on the top of a hill.

Exhibit A-7 is a picture of a home located at 6 Shore Road for sale in Lake Windsor for sale. The photo shows Mr. Maggio’s house in the upper left corner. The accessory building is visible through the trees. Evergreens will be supplemented as well as a berm, to help screen the building.

Ms. Rubright discussed Mr. Dunn’s testimony regarding the comparison of farming activity and Mr. Maggio’s business. In his testimony, he discussed the use of farm machinery and deliveries a farm would receive. He feels the impact would be less than a farm. Different farms are managed differently, stating that in the limited use they are proposing, Mr. Maggio’s business would have less impact than a poorly managed farm. Farms are an approved use in this zone. It does not restrict how you farm, the number of hours, trucks or noise levels.

Part of the application is seeking a use variance to use the existing farm building for another use. Mr. Dunn discussed the Master Plan and the affect the economy has on Use Variances. Having the business in Wantage Township is a benefit to the community, by supporting other businesses.

Mr. Dunn Read *Purpose O*. Mr. Dunn discussed his belief that Mr. Maggio’s involvement in recycling benefits the County and the State by keeping materials out of the landfill, thereby slowing the filling of the landfill.

Ms. Rubright discussed *Purpose A*, promoting the general welfare. Mr. Dunn took a closer look at the zoning map, his finding is, many of the sites have environmental constraints. He feels no other sites in the area are suitable for the business.

The proposed building will be taller but still lower than the house. It will be two stories, built into the hill. The second story access will be ground level entry.

Mr. Pellow asked Mr. Dunn if he agrees that the courts strongly favor ordinances over variances. Mr. Dunn agreed with Mr. Pellow. Mr. Dunn feels this is needed in the community, no other company performs the same service as Mr. Maggio's. Ms. Rubright asked Mr. Dunn why this is considered zoning by variance, he stated the special conditions that exist and the need for it. If there are many variances issued along the same line, the Governing Body should issue a zone change.

Ms. Paternostro-Pfister asked what the timeline is from the asphalt arriving at Mr. Maggio's to leaving Mr. Maggio's? Mrs. Rubright explained some materials go right to other jobsites some will be stored inside overnight until it can go to another jobsite. Some may find its way into the county landfill. The State, County and Municipalities strongly suggest recycling 50% of concrete materials to stop filling up landfills.

Mr. Abramo requested the last ten minutes be stricken from the record, stating council is offering facts as though it is sworn testimony. Ms. Paternostro-Pfister stated it is not a factual analysis it is a legal analysis.

Mr. Abramo and Mr. Dunn discussed the Master Plan, and Mr. Dunn's report on the impact to the ridgeline. They also discussed farmland use in the RE-5 zone and permitted uses within the zone. Mr. Abramo also reminded Mr. Dunn that Mr. Maggio's business is not a permitted use. Mr. Abramo continued to question Mr. Dunn on the master plan and appropriate uses in particular zones. He then asked if Mr. Maggio could run his business in an approved zone. Ms. Rubright stated Mr. Abramo continues to ask the same questions Mr. Dunn previously answered including questions not covered in her redirect.

Mr. Abramo discussed the difference between construction debris and municipal recycling. He then questioned available acreage, and numerous other reasons Mr. Abramo felt the industrial zone was better suited for Mr. Maggio's business.

Mr. Davie had no further questions for Mr. Dunn.

Mr. Slate opened the meeting to the public

Emily Bittner, 23 Armstrong Road in Wantage, asked Mr. Dunn if has any ideas about impact on property values, Mr. Dunn stated he did not.

George Maragliano, 3 Spreen Road, Wantage, asked Mr. Dunn to define demolition and then asked if the municipal building were to be knocked down would the building contain

asphalt, brick, block? Mr. Dunn stated he did not know what the building was made of. Mr. Maragliano became upset with his answer and left the meeting.

Mr. Slate opened the meeting to the board.

Mr. Stefanelli asked if the material would stay on the trucks or be unloaded at the property. Mr. Dunn replied it would stay on the trucks. Mr. Stefanelli questioned Mr. Maggio's right to farm and the possibility of Mr. Maggio hiding under the right to farm act. Would the applicant be open to conditions placed in a Resolution? Ms. Rubright stated the farming is a separate business and would be open to reasonable conditions pursuant to a use variance; hours, lighting, noise, issues related to site plans. Discussion continued regarding the trucks coming back loaded and when the debris would be leaving. Mr. Stefanelli asked if the property would act like a truck terminal. He asked if material will be stored in the building. Mrs. Rubright stated if a truck is loaded with demolished concrete and can't do it all in one day, will be stored temporarily overnight and taken out the next day.

Mrs. Kanapinski questioned the need for the box trailers. The containers are stored on site without materials, the containers are waiting to go to another job site. Mrs. Kanapinski, asked if the onsite containers will always will be empty. Mr. Abramo stated the dumpsters will sometimes be full according do prior testimony. Mrs. Rubright stated any container or truck with anything in it will be stored inside. All trucks will be stored inside according to the ordinance.

Mr. Davie represents Mr. Alves, he owns 30 acres of property contiguous with Mr. Maggio. Mr. Alves would like to retire to Wantage Township, the life he dreamed about would not become a reality if the business is approved on the site. For many years, boulders have been falling down the hill, destroying trees, blocking a logging lane which is also used for emergency access. Mr. Davie discussed the noise, smoke and quality of life the residents of Wantage Township will be forced to live with if the application is approved.

Mr. Jose Alves of 67 Tiffany Blvd, Newark, was sworn in by Ms. Paternostro-Pfister. Mr. Davie asked Mr. Alves his address and occupation (fireman). He has owned the property for approximately 20 years. Sherry Alves was also listed on the certified list. Mr. Alves is stated he is not related to Ms. Alves. Mr. Alves described his property boarders, with a map as reference. He then described the property; wooded with a few fields, and activities enjoyed on the property; hiking, swimming, camping. His future plans are to retire and build a house on the property.

Mr. Davie discussed exhibits O-5 to O-10 and O-19 to O-47. Mr. Davie discussed each picture, the pictures were all taken by Mr. Alves except for one picture taken by Mr. Alves son. The series of pictures were taken in September of 2013. The first set of pictures were taken from Mr. Alves property looking towards Mr. Maggio's property, with Mr. Lunden, from Sussex County Soil Conservation. The pictures depicts heavy machinery on top of cinder block, asphalt covered by fresh soil, in the same area but a different angle additional pictures of asphalt covered by soil.

Mr. Davie and Mr. Alves continued with exhibits O-19 through O-47. The series of pictures showed rocks and boulders in the lake, half on the land and in the lake, boulders that never made it to the lake, boulders that block the logging road, boulders with circumference of one foot to seven feet. These boulders damaged trees at heights of up to seven feet. Three to four hundred trees were either damaged or killed. Boulders are still resting on trees. The property is steeply sloped, the boulders can come loose and continue to move.

Mr. Alves did discuss with Mr. Maggio the activity that was ongoing, Mr. Alves stated Mr. Maggio was very apologetic but the activity continued.

The application was carried to the April 18, 2017 meeting, Wantage Municipal Building, 888 Route 23, Wantage NJ. No new notice is necessary.

INFORMAL

Timothy Bruzik of 81 Cemetery Road, wrote a letter to the Board regarding a garage on his property. The Township received complaints regarding numerous vehicles on his property. Mr. Bruzik stated the vehicles are all registered, insured and running. Eventually he would like to have a business remodeling cars in the garage. He stated he is surrounded by commercial property and is seeking the Boards advice on a Use Variance. Mr. Pellow stated he believed the resolution states the garage is just for storage. Mr. Cecchini said if one is restoring his own personal auto's, that is permitted, but Mr. Bruzik's letter states he would like to run a business. Mr. Cecchini stated if he wishes to continue he must hire professionals and come before the board and state his case.

DISCUSSION

Mr. Slate opened the meeting to the public for any questions or concerns. There being none Mr. Cecchini thanked the Board for their dedication for the past months.

ADJOURNMENT

On a motion duly made by Mrs. Gill, seconded by Mr. Slate and carried, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Jeanne M. McBride
Secretary

