

## **September 15, 2020 - Minutes**

A regularly scheduled hybrid public meeting, in person and by way of Zoom, of the Wantage Township Land Use Board was held on Tuesday, September 15, 2020. 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**

Board Chairman Bill DeBoer invited all persons present to participate in the Pledge of Allegiance.

### **ROLL CALL**

PRESENT: Ron Bassani, Victoria Gill, Joanne Kanapinski, (virtual), Joseph Konopinski, Jon Morris, Michael Walther, Bill DeBoer. Alternates: Joseph Greenaway, George Unverzagt. Absent: Larry Bono, Chuck Meissner. Alternates: Justin Dudzinski. Attorney, Ursula Leo. Engineer, Harold Pellow. Secretary, Jeanne McBride.

### **MINUTES**

Mr. Greenaway made the motion seconded by Mr. Morris to approve the August 18, 2020 minutes. Yes, Carried.

Executive Minutes: Mr. Greenaway made the motion seconded by Mr. Morris to approve the August 18, 2020 minutes. Yes, Carried.

### **APPLICATIONS**

#### **L-2019-04**

##### **Town Center at Wantage, Inc**

Block 4.01 Lot 1.07, 1.08, 1.09, 1.10 4

The applicant is seeking a D (1) use variance to permit the development of 60 multi-family residential units within three apartment buildings, (20) units per building on a 5.63-acre site. The property is located in the WED Zone, the application is the first phase of a bifurcated application - which is to seek a D (1) use variance.

Mr. Michael Affrunti and Mr. Kevin Coakley represented The Town Center at Wantage and Mr. John Maione.

Mr. Ken Nelson LPP of Wantage, was sworn in after stating his experience and education. Mr. Nelson described the site and the area business surrounding the site, to the north, south, east and west. Mr. Nelson's traffic study states traffic movement to be low, possibly due to a number of seniors living in the apartments and residents working

from home. The light on Clark Road, has a dedicated north turning lane. Mr. Nelson discussed the Positive and Negative Criteria

Positive Criteria:

- Three buildings fit on the site
- The density was previously approved by the board.
- These buildings will finish the Boulder Hills Development.
- The area along Route 23 will be landscaped.
- The land is suited for the use.
- It is a use that is needed in the community.
- Development of this type can only occur with sewage.

Negative Criteria:

- The additional traffic is managed.
- Plenty of parking.
- The residents will provide additional customers to the business.
- Possibly help to fill vacant stores.
- Only positive impacts.

Mr. DeBoer opened the application to the Board for comments for Mr. Nelson.

Ms. Gill discussed the changing world and asked if other types of commercial industry has been explored, such as restaurants. Mr. Maione had studies performed for a possible hotel, the studies showed there isn't a need in the area. There is no market for an office building. He explained commercial development would be a conflict to the existing buildings.

Ms. Gill replied the conflict is a self-made conflict. She suggested warehouses, removing the hill and having storefronts along Route 23, with possible direct access to Route 23.

Mr. Pellow said #13 in his report states two buildings would be a better fit, the grading on Route 23 will have the building facing Route 23 sitting high. It is hard to tell without a topography map, Mr. Pellow is concerned with pedestrian safety, the traffic near the retail stores and the access to the recreation area.

Mr. Greenaway asked if there was a formula used for the recreation area to the number of apartments. The applicant replied no. Mr. Maione will discuss converting 5000 square feet into recreational space and office space, if the use variance is approved.

Mr. DeBoer closed this portion of the meeting to the board and opened it to the public, for any questions for Mr. Nelson. There being no public wishing to speak, Mr. DeBoer closed this part of the meeting to the public.

Mr. Pellow stated the Application was deemed complete.

Mr. John Maione of Mountain Lakes was sworn in and discussed the Mountain View Manor site plan. The proposed buildings would complete the complete the complex. Sixty percent of the occupants are seniors from Sussex County, the rest are millennials.

The complex is 100% occupied. During the pandemic every resident paid their rent. The complex is the only one in the area connected to sewer service, without sewer service apartment buildings cannot be built. Mr. Maione has tried to find commercial business, as well as a hotel chain neither are willing to build in Wantage Township. In the future, he is proposing office settings for people working from home, a community center and a community pool. Residents are seen strolling the sidewalks all day. To answer Ms. Gill's prior question, it would be impossible to have Route 23 access, the hill is too steep. Currently there are 146 units, there are about six or seven school age children currently living there.

General discussion took place regarding two units verses three, and the size of the lot. Ms. Kanapinski is concerned with the safety of the people utilizing the stores, and the traffic to and from the additional apartments. She believes there may be a demand for commercial with additional apartments. Mr. Nelson does not anticipate high traffic volume in that area.

Mr. DeBoer opened the application to the public.

Alex Rubin, Wantage Township Fire Chief asked if there are additional upgrades proposed for the fire system and if the existing system could handle two burning buildings at the same time? Mr. Maione assured them it would be able to handle both and he would get the fire report for Mr. Rubin.

Mr. Maione's attorney Kevin Coakley reiterated the Positive Criteria; any other use would be unsuited for the property, less density than previously approved, it is adjacent to a residential development, it is not a viable commercial site.

Ms. Leo asked Mr. Coakley what makes this particular site well suited, discussion regarding prior approvals on residential neighboring sites and the lack of desirability for commercial business ensued.

Mr. DeBoer opened this portion of the meeting to the public.

Ms. Kathleen Gorman of Fernwood Road was sworn in, explaining the Master Plan identifies the property as the WED zone, and by granting the "D" variance we will be getting rid of precious land meant for jobs. The first variance should not have been given to the apartments. She would like to see an Economic Development Committee in the Township, discussing the need for local jobs. The township is already facing a large school tax increase and the apartments will raise the student population.

Mr. Maione said if he doesn't build apartments there will be no additional taxes. Malls across the country are converting to apartments. As the children reach school age, the residents are purchasing homes.

Mr. Greenaway expressed his concern with the height of the building along Route 23, due to the steep slope. Mr. Maione explained the building on top of the hill stands back one-hundred feet from the slope.

Ms. Leo explained the aesthetics aspect of the application is a reason to grant or not grant the variance. They submitted a concept plan, if the use is approved, they can come in with anything on the site plan. If the Board feels they need additional information to decide whether to not to grant the use, such as setbacks, or the number of buildings they can request that information and delay making a decision.

Exhibit A1 was introduced; a photograph of the existing building to show what the proposed building would look like.

Professional Engineer George Glodde of Oak Ridge NJ was sworn in. Mr. Glodde clarified the height and setback of the building.

Mr. DeBoer asked the Board if they had any questions or comments for Mr. Glodde.

Ms. Gill said she had too many uncertainties and unknowns. She would like additional information. Mr. Affrunti asked if a plan with contours would help. Mr. DeBoer suggested a site walk, maybe additional information on landscaping and traffic safety. Mr. Pellow suggested staking out the four corners of the buildings and adding a flag to show the height. Mr. Walther stated he cannot visualize the site.

Discussion regarding the use variance and the site plan ensued. Mr. DeBoer asked if someone wanted to make a motion or request more information.

Mrs. Kanapinski stated she would like more information on the application so a competent decision can be made.

Mr. Walther made a motion to vote on the Use Variance.

Mr. DeBoer asked for a second on the motion, there was no second on the motion, without a second the motion failed.

Ms. Gill made a motion, seconded by Mr. Konopinski to carry the application to the October 20, 2020 meeting. The meeting will take place at the Wantage Municipal Building at 7:00 PM. Jeanne McBride will arrange a site walk for the Board with Mr. Maione.

Ayes: Gill, Kanapinski, Konopinski, Walther, Greewnaway, Unverzagt and DeBoer.

Nays: None.

**L-2020-04**

**Doggie Chalet**

Block 142, Lot 2.02

23 Gemmer Road

The applicant is seeking a “D” Use and “C” bulk Variances for the location of an accessory building in the front yard. The existing, non-conforming use is a commercial dog training and boarding business. It is licensed to kennel up to (40) forty dogs. The applicant is requesting a variance to construct a one-story indoor dog activity building. The building will be heated and air conditioned for year-round use.

Mr. Pellow deemed the application complete. It is pre-existing non-conforming and they are permitted to have forty dogs.

Mr. Nick Bradley of 23 Gemmer Road, was sworn in and discussed the nature of his business. He boards and trains dogs, mostly his clients are from Manhattan and the surrounding boroughs. He has been featured on Fox News as a dog expert. He books by appointment only, and picks up and delivers the dogs to the owners. All of the inspections are completed except the health department, due to COVID the Sussex County Health Department is working from home.

Mr. DeBoer opened the application to the Board. Mr. Greenaway asked if there have been any complaints regarding the business. Mr. Bradley responded no, he doesn't like when dogs bark, so he makes sure they stay quiet.

Mr. Walther asked if he had plans to increase the number of dogs with the new facility. Mr. Bradley stated that he feels comfortable with the number he now manages. It is a quality of life aspect for him, he is not looking to increase the dogs.

Mr. Bradley stated his home is in the rear of the property, there isn't room behind the house.

Mr. Walther discussed the elevation change. Mr. Bradley explained the existing kennel will be the same height as the new building.

Mr. DeBoer opened the meeting to the public.

There being no one from the public wishing to speak, Mr. DeBoer closed this portion of the meeting to the public.

Mr. James Glasson, as civil engineer from Budd Lake elaborated on the elevation in comparison to the other kennels. There is a 40 x 60 structure behind an existing detached garage. The new building will be hidden from view by the garage and a large row of trees. There will be a light in the front of the building, which will be turned off at night as well as a new sidewalk and driveway. The color of the new building will be gray with white trim, to blend in with the garage. A new septic and well will be installed for the proposed building and the existing kennels. There is a single designated parking spot for

any customers, visits are by appointment only. The gazebo will be removed, trash will be placed in a dumpster, no cans.

Mr. DeBoer opened the application to the Board, there being no comments or questions for the engineer, he opened it to the public.

Jessica Caldwell of Caldwell & Associates, a Professional Planner, located in Newton discussed the bulk variance and the “D” 2 variance required for the application, explaining it is an expansion of a non-conforming use.

The application meets the positive criteria for a use variance, regarding MLUL purposes (a) and (d).

Positive Criteria: The site is good for the use, it is fenced, secluded and wooded. The building fits between two existing building, under seven percent of impervious coverage, and provides and indoor space for dogs, it also will have a new septic.

Negative Criteria: There is one adjacent resident, Mr. Bradley is not increasing the number of dogs or trips to the property.

Although the building sits in the front yard, it meets the principle structure setbacks (variance c-2). This is the best location for the building, due to the slope.

Mr. DeBoer opened the application to the Board for questions or comments, there being none, he opened it to the public. There being no public wishing to comment, the application was closed to the public. Ms. Gill made a motion, seconded by Mr. DeBoer to approve The Doggie Chalet for a “D” 2 use variance, and a “C” bulk variance to build a training facility in front of his home.

Ayes: Gill, Kanapinski, Konopinski, Walther, Greenaway, Unverzagt, DeBoer. Nays: None. Abstain: None.

Mr. DeBoer opened the meeting to the public for any questions or comments involving the good and welfare of the community.

Ms. Kathleen Gorman of Fernwood Dr. wished to discuss the Town Center at Wantage, Ms. Leo explained to Ms. Gorman, that no discussion can take place without the applicant and their attorney.

## **ADJOURNMENT**

On a motion duly made by Mr. Morris, seconded by Ms. Gill and carried, the meeting was adjourned at 9:30 PM.

Respectfully submitted,  
Jeanne M McBride, Secretary