

July 8, 2025

SPECIAL MEETING

The meeting of the Wantage Township Special Land Use Board was held on Tuesday, July 8, 2025, at 7:00 PM. 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.

CALL TO ORDER

SALUTE TO THE FLAG

Mr. Darmstatter invited all the people present to participate in the Pledge of Allegiance.

ROLL CALL

Present: Steve Ahrendt, Keith Albinson, Leo Kinny, Hunter Space, George Unverzagt, Susan Weiss, Chris Darmstatter
Absent: Joe Konopinski. Also present; David Brady, Attorney, Thomas Knutelsky, Engineer, Jessica Caldwell, Planner, and Michelle Buskiewicz, Secretary.

MINUTES

Hunter Space made a motion to approve the minutes from the March 26, 2025, special meeting seconded by George Unverzagt ayes carried.

APPLICATION

When Pigs Fly, LLC (L-2024-09) Located on Lewisburg Road (County Route 565) Block 18, Lot 12.08 Use Variance Application

Exhibits Introduced:

1. **A-101:** FAA policy — Federal Register excerpt from June 15, 2016.
2. **A-102:** Photograph of a note allegedly posted by Mr. Antaki, stating Mr. Gennaro is a threat to the airport.
3. **O-101:** September 16, 1997, resolution for site plan approval (Application 4-97).
4. **O-102:** April 25, 2006, resolution (Application L-39-2005), seeking relief from 1997 conditions.
5. **O-103:** February 17, 2009, resolution (Application L-9-2008), seeking permission for use of hangars for storage.
6. **O-104:** June 18, 2019, land use board meeting minutes regarding a Superior Court-ordered hearing before a reconstituted board.
7. **O-105:** June 30, 2017, New Jersey State Police investigation report, referencing an alleged inflammatory statement made by Mr. Gennaro in 2017.

Mr. Brady advises that FAA regulations do not govern this situation, since it is not a federally regulated airport issue. The question is under the Wantage Township Zoning Code. Emphasizes that this situation requires a use variance because: Two distinct uses are being proposed: aeronautical (aircraft storage) and non-aeronautical (general storage). The current proposal does not meet the township's definition of a warehouse, which may have different zoning requirements. Jessica Caldwell agrees.

Mr. Knutelsky identified the construction entrance as an uncontrolled access point off County Route 565 and raised concerns about public safety and unauthorized entry to the hangar area. He emphasized that the primary driveway, which is constructed with a curb, gate, and fencing, should serve as the only point of access. He acknowledged the applicant's explanation that the construction entrance was temporary and intended for truck access during prior phases but reiterated the importance of its removal for safety and access control purposes. Mr. Knutelsky addressed the applicability of FAA policy on hangar use, specifically referencing FAQ #9 from the 2017 FAA guidance document. While the applicant noted the site is not FAA obligated, Mr. Knutelsky confirmed that the applicant has voluntarily agreed to comply with the FAA hangar-use policy for this application. Mr. Knutelsky requested that the applicant explicitly acknowledge prohibited non-aeronautical uses listed in the FAA document. Examples discussed included: *snowmobiles, bicycles, storage of household items* (e.g., furniture such as couches). He made a distinction between furniture for aeronautical office purposes (e.g., desks) and items that fall under general household storage, which are not permitted. Mr. Knutelsky recommended that any project approval includes the following conditions:

1. Permanent closure and removal of the construction entrance.
2. Strict adherence to the FAA's hangar-use policy, as voluntarily agreed by the applicant.

He expressed that these measures are important for ensuring site security, appropriate land use, and compliance with federal guidance, even where not strictly required.

Dave Brady raised safety concerns about uncontrolled access to the runway. Gave a scenario involving a tenant storing a classic car and bringing a grandchild, asking how accidents are prevented if planes are taxiing nearby. Asked if non-aeronautical tenants are kept in one building or spread out. With Mr. Gennaro stating they are spread out.

Chris Darmstatter asked if there is signage warning that only aircraft should go beyond a certain point. Worried that a child could run out toward a moving airplane without enough protection. Discussed the issue of tenants storing cars or motorcycles, noting that general storage use is inappropriate for hangars.

Hunter Space asked about the construction entrance off County Route 565 and how it's being used. Concerned that the public could access the site through this entrance. Asked if there is a fence separating the hangars from the airport. Mr. Gennaro: No, only signage.

Steve Ahrendt questioned the propane tanks next to Building Six. Asked why that building has heat when others do not. Mr. Gennaro: They are used for heating, and not all buildings have heat.

Susan Weiss said that motorcycles and cars should not be stored in hangars, because they have a specific aviation use.

Mr. Daggett opened by stating they are not required to follow FAA rules but are choosing to voluntarily comply. He explained the goal is to keep the hangars viable by allowing temporary non-aviation storage. In 2017, they applied to the Wantage Land Use Board for approval to use the hangars near Sussex

Airport. That board denied the request and they challenged the decision in court. In 2019, a judge ruled in the applicant's favor: Threw out the board's denial and disqualified the entire board due to conflicts. The judge sent the case back to be heard again. But because the board was disqualified, there was no one available to hear the case, until now. Mr. Gennaro owns 56 hangars next to Sussex Airport (not on airport property), 16 of them are empty. The FAA allows owners to use empty hangars for non-aviation storage (like vehicles or supplies) until an aircraft needs it. The empty hangars are rented month-to-month. If a plane comes in and needs space, the tenant leaves, and the hangar goes back to aviation use. This follows FAA guidelines to keep hangars in use and in good condition. - "Viable" - Mr. Daggett went on to state that nearby airports are thriving—they are full, expanding, and have waiting lists. Sussex Airport is struggling with fewer planes, poor conditions, and low demand. "We want to keep the hangars ready in case things improve."

Mr. Dolan appeared on behalf of Sussex Aviation LLC and formally objected to the board's use of FAA policy in evaluating the applicant's request. He argued that the FAA policy cited, published in the Federal Register (Vol. 81, No. 115 – June 15, 2016), explicitly does not apply to privately owned, off-airport facilities. Since the applicant's hangars are privately owned and located adjacent to, but not on, Sussex Airport, the policy is not applicable.

Mr. Dolan emphasized that *only the FAA has the authority to enforce its policy*. Neither the applicant nor the board has the legal authority under New Jersey's Municipal Land Use Law (MLUL) or Wantage Township Code to adopt or enforce FAA standards as binding conditions.

Mr. Gennaro admits to storing non-aeronautical items (e.g., cars, motorcycles) in airplane hangars for years. He claims these uses were not explicitly approved but were not objected to by fire and building inspectors. He is now seeking formal approval to allow this storage use. Resolution O-103 explicitly prohibits general storage and non-aircraft-related use in hangars. Mr. Gennaro confirms that, at times, he denied the township's requests to inspect the hangars. The township had to obtain administrative warrants at least twice to conduct inspections. He cites legal disputes and counsel's advice as the reason for non-compliance. A condition of the prior approval was that hangars be subject to inspection during normal business hours. Gennaro acknowledges he did not always permit inspections, although he claims the township still accessed the property once per year.

1 Facility Details:

- The property contains 56 hangars:
 - 50 T-hangars.
 - 6 larger square hangars.
- Currently, 52 of the 56 hangars are rented.
- Rental rates:
 - T-hangars: \$700/month.
 - Large hangars: \$2,000/month.
- 18 hangars are used by tenants without aircraft (i.e., for general storage).

2 Business Operation:

- Mr. Gennaro operates the facility alone with no formal employees.
- Tenants occasionally "help out," but there is no staff overseeing day-to-day operations or safety.

Mr. Dolan examined Mr. Gennaro on multiple issues, highlighting inconsistencies and raising concerns regarding the credibility and enforceability of the proposed use:

Introduced prior resolutions:

- O-101: 1997 resolution approving construction of 8 airplane hangar buildings for aircraft use only.
- O-102: 2006 resolution denying request to allow non-aeronautical vehicle storage.
- O-103: 2009 resolution granting limited permission for aircraft tenants to store incidental items.
 - Mr. Dolan emphasized that prior requests to expand use for general storage had been explicitly denied, and any change now would reverse long-standing board policy.

Leases and Enforcement

- Mr. Gennaro first stated all tenants had leases.
- Later he admitted he stopped using written leases, contradicting his earlier statement.
- Mr. Dolan referenced a prior deposition testimony in which Gennaro admitted no leases existed for some tenants.

Sanitary Facilities and Site Compliance

- Mr. Gennaro confirmed there are only portable toilets on site and no sprinkler system.
- Mr. Dolan noted the 1997 approval did not require restrooms because tenants were expected to use airport facilities, reinforcing the aviation-only purpose.

Mr. Dolan asked Mr. Gennaro if he understood that if the board approves the application, a future owner could use the hangars for non-aviation storage without any limits. Mr. Gennaro said he understood that could happen. Mr. Dolan reminded the board that similar requests were denied in the past and that this kind of request needs strong proof to be approved. He said the applicant must show good reason for a use variance, which is a special exception to zoning rules. He also said a site plan review should happen before any decision is made. Finally, Mr. Dolan explained that FAA rules do not apply here because the hangars are not on airport property. He said the board cannot use FAA policy to replace local zoning laws.

Mr. Dolan concluded by reiterating that:

- The applicant's reliance on FAA policy is misguided and legally irrelevant.
- The application attempts to repackage a previously denied use under a different label.
- The board should require a full site plan and deny the use variance based on long-standing precedent and unresolved compliance concerns.

PUBLIC SESSION

Mr. Darmstatter opened the meeting to the public for any questions or comments. Mr. Brady reminded everyone to stick to questions only and not to make comments at this point.

Lynn Lappert of Augusta asked Mr. Gennaro if his leases had been reviewed by an attorney, and he replied that they had not. She also asked if he submitted copies of either aeronautical or non-aeronautical leases with his application, and Mr. Gennaro said no.

Ken Robertson asked Mr. Gennaro whether he had been fined for zoning violations. Mr. Gennaro confirmed that he had, stating the first fine was \$106 and the second was \$40,000. When asked if he had paid those fines, he said he was still in the process of paying them off.

BACK TO THE BOARD

Mr. Darmstatter noted that there were no more public questions and moved the discussion back to the board. Mr. Brady then asked Mr. Daggett if he had any additional witnesses, and Mr. Daggett replied, "No." Mr. Dolan stated that he had two witnesses to present: Alan Antaki and a professional planner. He noted that their testimony would take more than 30 minutes. Due to the time constraint, Mr. Brady announced that the hearing would be continued on August 12 at 7:00 PM and clarified that no new public notices would be mailed or published.

ADJOURNMENT

Steve Ahrendt made a motion to adjourn the meeting, which was seconded by George Unverzagt.

The meeting was officially adjourned at 9:35 PM.

Respectfully Submitted,

Michelle Buskiewicz, Secretary