

APRIL 22, 2014

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, April 22, 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, Ms. Kanapinski, Attorney Christopher Quinn, Engineer Harold Pellow.

ABSENT: Mssrs. VanderGroef, Valkema, Cillaroto, Semmens, Ms. Gill.

Board member Stefanelli arrived at 7:40 p.m.

SALUTE TO THE FLAG

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

MINUTES

Mr. DeBoer made a motion seconded by Mr. Grau to adopt the minutes of March 25, 2014.

A voice vote was unanimously in favor.

RESOLUTIONS

ATTORNEY RESOLUTION

Mr. Cecchini announced the resignation of Glenn Kienz, Esq. as Board attorney. He explained that Mr. Kienz had to resign from the Board since Mr. Michael Garofalo, our Township Attorney, who worked for Laddy Clark and Ryan joined the firm Weiner Lesniak where Mr. Kienz works. The Committee and the Land Use Board could not be represented by the same law firm. Mr. Cecchini announced that the Land Use Board had retained the services of Mr. Christopher Quinn from Morris, Downing and Sherred as the new attorney. Mr. Cecchini welcomed Mr. Quinn.

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution accepting the resignation of Mr. Glenn Kienz and accepting Mr. Christopher Quinn as Land Use Board Attorney for the remainder of 2014.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-13-06 PAM AND GORDON ARMSTRONG

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of March 25, 2014 granting side yard setback approval to Pam and Gordon Armstrong for Block 155, Lot 7.03 located on Deckertown Turnpike in the R-1 zone, pursuant to N.J.S.A. 40:55D-70c, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved those plans specifically entitled Site Plan prepared for Lot 7.03, Block 155 Situated in the Township of Wantage, County of Sussex, State of New Jersey prepared by Caffrey and Associates, Inc. dated April 12, 2013.
2. Signed and sealed architectural plans shall be submitted to the Board.

3. Applicants shall provide a 10 ft. x 20 ft. back-out area in conjunction with the garage subject to final review and approval of the Board Engineer.
4. Pre-construction Meeting at least seventy-two (72) hours before any construction, a pre-construction meeting shall be held with municipal representatives, the Developer and its engineers and contractors. The meeting shall be held only after the Engineer's opinion of probable cost has been submitted to the municipality for computation of engineering and inspection fees posted, the form of which is to be approved by the Municipal Engineer.
5. Prior to the issuance of any construction permit, the Applicants shall file with the Board and Construction Official an affidavit verifying that the Applicants are in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
6. 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.
7. Certificate that taxes are paid to date of approval.
8. 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, Kanapinski, Cecchini.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-14-02 565 LAND DEVELOPMENT, LLC

The applicant is seeking a lot line adjustment to allow for the development of one residential improvement, a use variance to allow for the location and access to a residential dwelling to be located in the HC zone, amendment to its approved site plan to include a used tire depository and use variance for signage to be permitted 5 feet from the existing right-of-way line instead of 20 feet. The property is known as Block 117, Lots 38.01, 38.03 and 38.05 and is located on Route 565 in the HC and R-5 zones.

Attorney Colleen Cunningham of Lucas and Gaus, Engineer Kenneth Wentink and applicant, Thomas Zummo, appeared before the Board.

Board members DeBoer, Bassani and Cecchini stepped down. Vice Chairman Ron Slate conducted the meeting.

Attorney Cunningham and Engineer Kenneth Wentink made a brief presentation of the application. Ms. Cunningham explained that two lot line adjustments were being proposed. She referred to the plans prepared by Kenneth Wentink, P.E., last revised April 10, 2014. The first lot line was 0.124 acre to be subdivided from Block 117, Lot 38.01 to be annexed to Block 117, Lot 38.03. As a result, Lot 38.03 would have 27.356 acres and Lot 38.01 would have 4.333 acres, conforming to area and dimensional requirements in the HC area. Mr. Pellow wished to discuss 150-foot transition area where the farm stand appears to be as well as Lot 38.05 and 38.06 which appeared to be in the 100-year flood plain. This lot line adjustment is needed to allow construction of a previously approved farm stand on Route 565. Mr. Zummo stated that this line adjustment resulted in better planning for parking while moving the farm stand out of the 100-year flood area. He indicated that the farm stand would benefit the community. Mr. Wentink indicated that the lot line was located 75 ft. from Route 565 and that it had been moved away from McCoy's Corner, allowing for the farm stand to be moved. He stated that there would be no variance required for that and it would be a better use of the land as it would allow for better parking as well as moving it out of the 100-year flood area.

The professionals explained that the second proposed lot line adjustment consisted of subdividing 2.559 acres from proposed lots 38.05 and 38.06 located in the HC and RE-5 zones to be annexed to Lot 38.03. Proposed Lot 38.05 would have 9.592 acres and

proposed Lot 38.06 would have 11.659 acres. Mr. Wentink indicated that a driveway was being proposed to go through Lot 38.01, along the line of Lots 38.04 and 38.05. A single-family dwelling was planned to be constructed on a portion of Lot 38.03, Block 117. Mr. Wentink indicated that the house would not need a variance since it would be constructed in the residential area. The plans showed the dwelling was about 30 ft. in the flood plain. He added that the flood lines change every so many years and he indicated that he felt it would be better to show the relocation of the dwelling at time of building. He added that the flood plain delineation could change and therefore change the location of the dwelling. It was discussed that Mr. Wentink would work with Mr. Pellow on the design of the house. Mr. Wentink referred to Item #5 on Page 3 of Mr. Pellow's report regarding the test pits for the septic system and he felt that it would make more sense to do them at the time of building permit with actual conditions. It was discussed that Mr. Wentink would submit a revised plan for the dwelling location.

With respect to the second lot line adjustment, Mr. Zummo indicated that this property was particularly suited for a residential use of that nature. He added that the property had road frontage on both Routes 565 and 628. However, they were not usable and the only possible access point would be through the back. He stated that he wished to build a family home for his son in the future and that by moving the property line, the house would be kept out of the 100-year flood plain.

With respect to the driveway and Item 4 of Mr. Pellow's report, Mr. Wentink indicated that a driveway location and profile would be provided each year when an aerial topo of the soil mining operation is submitted. Ms. Cunningham confirmed that the plans showed reference to driveway easements to be incorporated for future owners of the property. Mr. Wentink stated that a discussion took place during the site walk that Mr. Zummo's attorney and the Board's attorney would work out the proper language to be granted. The professionals stated that the applicant was in agreement. It was discussed that there would be no other access to the proposed dwelling and therefore the need for the driveway through Lot 38.01. Board member Kanapinski asked when the dwelling would be built. Mr. Zummo indicated that he anticipated it would be approximately three years. It was discussed that Township and County approval would be necessary for the driveway as the proposed driveway would be out of a county road. It was discussed that once all proposed improvements were done, all lots would be conforming. Ms. Kanapinski asked when was the construction of Thomas Martin Boulevard anticipated. Mr. Zummo responded that it would be quite some time. It was discussed that the house would most likely be built before the Boulevard and that was one of the reasons for the easement. Mr. Zummo added that Thomas Martin Boulevard would be where the entrance was located at present, by the retention pond. He also responded when asked, that he had approximately 1.5 – 1.5 million cubic yards of product on the site.

There were no more questions from the Board at this time. The meeting was opened to the public. Mr. Emil Conforth of 197 Route 565 stated that he had questions regarding the farm stand specifically on the right-to-farm and Mr. Zummo farming the property. He referred to the property being environmentally sensitive and that there may be endangered species. He also asked if there was a transition area and what kind. Mr. Wentink responded that it was an exceptional transition area. Ms. Kanapinski reminded Mr. Conforth that the farm stand had been approved last fall and the application being heard was for a lot line adjustment. Diane Mulford of Sherman Ridge Road asked if only one single family house was proposed for that property. Mr. John Nuss of Beemer Road asked if the fact that the Board approved the farm stand, which was not legal, did it make right. It was explained that the Board did not approve the farm stand and that a Zoning permit had been issued under the Right-to-Farm Act. Sandy Fett of Sherman Ridge Road felt that the area kept constantly coming up as being protected for something or other kind of species and that it was a special piece of property. The Board members and the Attorney stated that they were not aware that it was a protected area and that she would have to be more specific than "something or other".

There were no other members of the public wishing to come forward on this part of the application. The meeting was closed to the public and opened to the Board. The Board members had no more questions and Mr. Slate asked for a motion.

Mr. Grau made a motion seconded by Mr. Stefanelli to approve this application subject to the testimony with the following conditions: Mr. Wentink to submit a revised plan for the dwelling location, driveway easements to be incorporated for future owners and driveway location and profile to be provided each year when aerial topo for the soil removal operation is done.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Bono made a motion seconded by Mr. Grau to approve the driveway variance.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

With respect to the tire storage application, Ms. Cunningham stated that Mr. Wentink was still under oath and she referred to Page 3 of Mr. Pellow's report. The professionals discussed that this operation would require a use variance as a non-conforming use in the HC zone and referred to a plan entitled Tire Storage Area revised April 10, 2014, consisting of 2 pages prepared by Mr. Wentink. Mr. Wentink explained that the site was located behind the excavation of top soil and that it was more or less in the middle of the property and it was roughly about 300 ft. off of Route 565 and that the shape was a trapezoidal where the longest dimension was approximately 180 ft. and the shortest dimension measured approximately 80 ft. and approximately 70 ft. deep. Mr. Wentink indicated that based on the size of the area there should be sufficient room to maneuver vehicles. This was confirmed in Mr. Pellow's report dated March 17, 2014 and revised April 22, 2014, Item 5 where Mr. Pellow indicated that the area had been reviewed with the Land Use Board at the site walk, and there appeared to be sufficient room to maneuver. Mr. Wentink added that there would not be designated parking spaces similar to those of a store and that the site would move as the soil removal operation moved but he added that wherever it moved it would not move into the residential zone and that it would always be in the HC zone. He stated the traffic at this site would not be in the intensity of traffic at a store and that most drivers going in there would be professional drivers from tire stores and some individuals. Mr. Wentink indicated that this would be an ideal place to have this type of activity since it would be far from the road and that it would have two containers in use, one for automobile tires and one for larger equipment tires. He explained that there would be no processing of the tires on the site, that a company would come in and take the tires. The company would just come in drop off an empty container and take a full container out. He added that room for four containers would be needed as two would remain on the site and two new containers would come in to replace the full containers.

Ms. Cunningham wished to receive testimony from Mr. Zummo, who was still under oath. Mr. Zummo stated that the type of containers used would be sealed containers that would not leak anything and they would contain any oil seepage should arson arise. He added that the containers would be covered so that no rain would get in. Mr. Zummo added that there would be approximately 1000 tires to a trailer which would be completely covered at all times except during loading. He stated that Earth First Recycling of Pennsylvania would pick up the tires. He added that they were a fully approved recycling center. He reiterated that tires would not be processed on the site, that they would be stored in the trailer for possibly 30 days or less and then they would be sent to Pennsylvania. He stated that it would be a great service to the community and that their prices would be extremely competitive probably better than anyone else around and he felt that this would probably prevent a lot of tires just being dumped in fields in the future. He said that the service would be readily available with easy access and that there would be no reason not to do it. Ms. Cunningham asked Mr. Zummo if he needed to obtain any kind of DEP permit to do this, he replied that he needed to file a Notification of Exempt Recycling Activities. He stated that he had spoken with someone from the County Health Department and that he forwarded Mr. Zummo all paperwork needed. Mr. Zummo indicated that he needed to file with the Town, the County Board of Health and the Bureau of Solid Waste and upon getting confirmation of the notification then he

would forward the same to the DEP. He stated that he would be allowed to receive a maximum of 5,000 tires per month. However, he expected to have a maximum of 2,000 tires in two separate trailers at any given time. Ms. Cunningham confirmed that Mr. Zummo was familiar with the N.J. Administrator Code regulations listed regarding keeping a maximum of 5,000 tires and that he would comply with those regulations. Mr. Zummo stated that he understood and that he would comply. It was discussed that the tires would be kept in an enclosed structure or roll off container and that the tires would be covered with tarps to prevent any water getting on the tires to avoid mosquitoes. With regards to the possibility of arson, Mr. Zummo indicated that in the event of a fire they had the equipment on site to bury the fire very quickly since they had dirt readily accessible. It was discussed that they had the water as well to control the heat. Mr. Zummo added that this property was best suited for that kind of activity because it had sufficient area and resources to control any adverse situation, good highway access, not too many homes around, no vegetation, it was a very small contained area, it had the soil on hand available to bury a fire immediately and it had low visibility to the public. He added that he also believed it was a community service since everybody talked about recycling, he offered clarification that the operation would not really be recycling but a tire collection center. Mr. Zummo stated that it would minimize the illegal dumping of tires and that they had sufficient water and dirt on site to cover a fire.

Ms. Cunningham confirmed with Mr. Zummo that Earth First Recycling was approved to receive the tires and Mr. Zummo stated that he was in possession of a general permit for processing residual waste issued by the environmental program management. Ms. Cunningham referred to Item 4 of Mr. Pellow's report in regards to this operation being an exempt facility. Ms. Cunningham stated that she had correspondence from NJDEP that referenced the exemption and the DEP's regulations. It was discussed that this operation did not represent any detriment to the property as the tires would be stored above ground in covered containers and that there would be no vermin or rodents. He stated that no dirty tires would be accepted to minimize contaminants of any kind.

Ms. Cunningham discussed the signs and the variance needed. The applicant proposed to install two signs, one for the tire storage and the existing sign for the soil removal operation. Mr. Wentink indicated that the two signs were proposed to be installed at 5 ft. from the road instead of 20 ft. as required by the ordinance. The reason for this variance request was to prevent brush clearing and for easy viewing. Mr. Zummo stated that the size of the signs would be the standard size conforming to the ordinance believed to be 25 sq.ft.

Mr. Grau wished to confirm that since the trucks would be covered with tarps they would not leak. Mr. Grau added he had seen places in Sussex County even in Wantage where they had hay covered with plastic and about 100 tires on top and he felt sure that water got on those tires and that they must be breeding areas for mosquitoes. He discussed swamps and mosquitoes in the area, as well. Mr. Bono stated that there was water there if needed but the best thing was the dirt that was available.

There were no more comments from the Board and the meeting was opened to the public. Scott Ripley, resident of Wantage and Superintendent of High Point Regional High School which is adjacent to the property of the proposed tire depository addressed the Board. Mr. Ripley expressed disagreement with the tire operation citing inherent health risks with mosquitoes, rodents and fires. He stated that the Township would not benefit from tax revenue to justify putting the children of the community at risk. Emil Conforth expressed concern about the risks, aesthetics, illnesses, and disease from mosquitoes. He added that we should think about protecting property values stating that it would be difficult for him to explain to potential property buyers what that site on the valley was. Bob Kohle stated that most of the tire places around Wantage already took tires and he asked who was going to monitor the tarp. Sandy Fett stated that she had five children that she was raising and that she did not want to have to worry about more spraying having to take place. Diane Mulford talked about the difficult task of having to evacuate high school students in case of fire, mosquitoes, fires, diseases, cats, wear and tear of roads and the fact that she had no immune system. She added that if any skydivers were coming in they would not be able to see their mark in case of a fire. Michael Rainer stated that he used to be vice chairman of the MUA in Passaic, NJ and he owned and

operated a tire business. He asked Mr. Zummo how much experience he had with the disposal of tires. He stated that he was sure the numbers would not be 5,000 per month but more like 5,000 per week and that there would be a lot of illegal dumping on the site. He stated that he went through this in Passaic where they started a collection program with 500 tires per week and it ended up being 2,000. He stated the disposal got out of hand and it escalated. However, he stated that if he insisted on doing this he would suggest having the tires split in half so they would not retain the water. He stated that some tires would come in with rims on them and then a crusher would be necessary to crush the rims so then the recycling company would not accept them. He stated that he had a lot of tires just dumped illegally especially on weekends 200-300 tires dumped on his driveway. He stated it happened all the time. He stated that a county collection program was in place so why not let them do it. He stated that he did not feel this type of operation was needed in this community. He said that in the event of a fire, oil would go in the ground no matter how sealed the containers were, he referred to brush fires. John Nuss expressed disagreement with this operation as he opposed dumping in Wantage. He asked for clarification about the zoning approval for the farm stand as well. He asked if it was determined that the permit was issued illegally what would happen with that approval. Anne Smulewicz stated that mosquitoes travel an 8-mile radius. Sandy Fett wished to speak again. She added that she also had no immune system. There were no more persons wishing to come forward.

The Board took a five-minute recess.

The meeting was closed to the public and opened to the Board. Mr. Bono asked how the traffic would be handled with the public coming into an active quarry. Mr. Zummo indicated that there would be a process in place where individuals driving up would get a ticket and a receipt and there would be a trailer there to handle that activity. In addition, weight tickets would be used to weigh the trailers and a confirmation would be faxed from the other end and that the tickets would be on file as well. Mr. Zummo stated that he could not speak regarding the testimony of Mr. Rainer concerning people dropping 500 tires off illegally. Mr. Wentink stated that there was a note on the plans regarding where the sign would be located directing customers where to go to drop off the tires. Mr. Stefanelli asked if the Health Department would be conducting the inspections. Mr. Zummo explained that the County Health Department would be conducting inspections on a regular basis. However, Mr. Zummo indicated that the Health Department as well as the Land Use Board were welcomed to come and do inspections at any time. Mr. Stefanelli asked if the permit from the DEP was for recycling, Mr. Zummo indicated that it was only for notification, that anyone wishing to obtain a recycling permit Class B or Class C would be something completely different. There were no more questions from the Board.

Ms. Cunningham stated that after hearing the comments and questions, the applicant would like to leave the matter open and to provide the Board with additional information with respect to some of the matters and concerns that were brought up. Mr. Quinn stated that it was a little too late for that and that the Board was ready to take action at that point. Ms. Cunningham explained that perhaps the applicant could send someone else, an expert, to provide additional testimony. She wished to clarify that this was not a permit, but this was an exemption. Mr. Slate asked the Board if they wished to take action or to carry. Mr. Stefanelli stated that they should make a motion to decide.

Mr. Grau made a motion seconded by Mr. Bono to deny the tire operation.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-13-10 ROYAL BUICK GMC

The applicant is requesting waiver of site plan to allow additional parking of nine vehicles on a grassy area. The property is known as Block 2, Lot 52.02 and is located on Route 23. Notice has been made for a public hearing.

Attorney James Opher and Mr. Engle Oostdyk appeared before the Board.

Mr. Opher made a brief presentation of the application. He explained that his notice involved nine spaces. However, his client had informed him that he had looked through the plans and only needed seven which was what the revised drawing showed. It was discussed that there would be no promotional signs.

Mr. Pellow's report dated April 22, 2014. Item 1 regarding the amount of cars was clarified. It was discussed that this was the third revision for seven cars on a grassy area. Mr. Pellow referred to Item 4 of his report, regarding the last revision date on the map being August 9, 2012. She added that the latest date should be shown and that the map should be signed or sealed. Mr. Opher indicated that initially, it was his client's understanding that an informal map could be used. However, it appeared that a more formal version was requested and Mr. Oostdyk would comply. Mr. Opher referred to Item 8 of the report where Mr. Pellow indicated that the Board may wish to visit the site. However, he added that the site was located in a main thoroughfare and he was almost certain that most of the Board members were familiar with area where the vehicles were parked on the grass. Item 3 of the report referred to the kind of vehicles that would be displayed on the grass. Mr. Opher stated that it would be Buicks and GMC trucks and cars with trucks being displayed at present however, cars would also be displayed. Ms. Kanapinski asked if the cars displayed would be new, Mr. Oostdyk stated that there would be predominantly new and an occasional used car. Ms. Kanapinski confirmed that there were additional display cars on the macadam. Mr. Oostdyk agreed. Mr. Cecchini clarified that it was actually a grassy area between two paved display areas.

Mr. Cecchini stated that the object of what the Board had decided was that there was an uncontrolled use of undesignated areas of properties and in the interest of giving the Zoning Official some type guideline the Board came up with the idea that they would allow properties that had current original site plans to appear before the Board somewhat informally to show what they wanted to do in the non-designated areas in an effort to create an area with some type of control, some kind of number from the property owner as far as how many vehicles or any items that would be placed out on a lawn area for sale. This was done in the interest of trying to be fair to everyone. Mr. Cecchini stated that this applicant was applying for seven spots on a grassy area and that this only be allowed one time and that there would be no more applications by the owner or any other owner for other areas of display. Mr. Opher indicated that it was his understanding and that was the reason why he advertised this application as a revision to a site plan. Mr. Opher stated that he understood that if anything different was requested, that a full blown application would be needed for a variance. Mr. Cecchini agreed.

Mr. Bono stated that the site was immaculate and that it did not represent any problems. A discussion started about how many cars was Magarino allowed. Ms. Kanapinski if there were dimensions for the display area. It was discussed that it was approximately 120 ft. long by 30-40 ft. long and 40 ft. wide. Mr. Cecchini stated that the applicant had taken the necessary steps to ask for what they were looking for and that this was necessary in keeping with continuity.

Mr. Opher asked Mr. Oostdyk if he believed that seven or more vehicles would overwhelm the area. Mr. Oostdyk replied that it would not.

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

Mr. Bono made a motion seconded by Mr. Slate to approve this application. The approval was for seven spots in the grassy area between the two paved areas in front of the building. Mr. Quinn reminded the applicant that a revised plan addressing Mr. Pellow's concerns should be submitted.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

KEVIN KENNEDY/DOW TIRE

Mr. Kennedy was looking to get some clarification from the Board regarding an expansion that he wished to accomplish at his business. He stated that he was looking to make the north end of the building a Mobil express quick lube. To do this, Mr. Kennedy would like to install garage doors in the back of the property. He added that he had not been able to find out if Old Route 23, which used to run in the back of the property, was still a road or if it had been abandoned. Mr. Kennedy had engaged the services of Engineer Ken Wentink to help him find out about the status of the road. Mr. Wentink stated that he had worked on the property in 1981. It was discussed by the Board that a survey of the property would reveal the property lines and that the vacation of the road would be recorded in the County Clerk's office. Mr. Cecchini stated to Mr. Kennedy that he would need a site plan if he intended to re-route traffic through the site. It was discussed that Mr. Kennedy had some violations and that he intended to upgrade the property. Mr. Kennedy made reference to a zoning application for a sign that he submitted some time ago. It was discussed that the sign was to be located in the right-of-way line. The permit was denied, citing that it needed Land Use approval. Mr. Cecchini suggested that he use the approved 20-space site at the other end of the site to park the overflow from his auto repair building. Mr. Kennedy will speak to the owner of the property to get permission to do that. Mr. Kennedy was given six months to work out the issues with this site and to come in with a Land Use application.

DON BASSANI / BLOCK 7, LOT 17.01

Mr. Don Bassani appeared before the Board stating that he would like a designated display area for tractors and equipment on a grassy area that he would convert to stone.

Board member Bassani stepped down.

Mr. Bassani had submitted approximately nine sets of plans which had been distributed among the Board members. Mr. Bassani explained that the nature of his business was power equipment sales and service. He stated that the plans were drawn in accordance with the dimensions off the road to avoid crowding. Mr. Bassani stated that he would like to park his large tractors in the display area. Mr. Cecchini stated that there were really no dimensions in the display area. Mr. Bassani stated that he wished to move his sign to the center. Mr. Bassani added that he wished to display lawn mowers on the grass behind the display area. Mr. Bassani stated that the display area would be setback a few feet from Route 23 so it would not be very noticeable. Mr. Bassani stated that the grass on the right of the driveway would be landscaped. Mr. Cecchini stated that Mr. Bassani should be more specific about his display areas so the Town would know what to follow and that whatever was approved could not be changed later. Mr. Bassani assured the Board that he always kept his place very nice and that no matter what he displayed it would not look like a junkyard. Mr. Cecchini stated that the Board was concerned about the next guy, the person who he could sell the business to in the future. A discussion followed regarding the designated display areas that Mr. Bassani wished to have. Mr. Cecchini tried to get him to be specific about the display areas that he was requesting and what type of equipment would be displayed in those areas. Mr. Cecchini stated that the Board would like to see on a map an area that could be measured and that would be marked for display purposes. He added that it would make it easier for the Board to decide if they would approve the request. Mr. DeBoer stated that he believed Mr. Bassani had a very nice area contrary to the gentleman that had just appeared before the Board. Mr. Cecchini stated that he did not see any problem with granting Mr. Bassani the display areas that were there at present and then he could come back next month and request more. The Board agreed. Mr. Cecchini stated that what he showed on his plans was what he could use until he appeared before the Board again showing the other areas.

Mr. Cecchini stated that he needed a motion to approve the display area showing on the map, knowing that the applicant would return next month to request additional areas that would be reviewed at that time. Mr. Ron Bassani stated that other applicants, particularly Mr. Oostdyk, had been able to rethink his application and come back and in the meantime

he was allowed to continue to do everything that he had done historically. He asked if his brother would not be better off just doing that. Mr. DeBoer confirmed that this was just an informal meeting that had not been advertised. Mr. Ron Bassani stated that his brother was just asking for an informal “thumbs up”. Mr. Don Bassani stated he wanted to get the property ready as he only had a two-week window before the big rush.

Anne Smulewicz stated that she liked it just the way it was, with the grass and the equipment there. She added that the gravel would take away from the beauty of it. It was discussed that Mr. Bassani wished to do this so he would not have to move the tractors to mow the lawn and that it created a little bit of mud. Mr. Don Bassani asked if he could be allowed the display area that he showed on the map and the display area on the other side that he had been doing since 1995. He assured the Board that it would look the same and all he was doing now was satisfying the Board with paperwork.

Ms. Kanapinski stated that Mr. DeBoer had brought up a good point, that all prior applicants, including Magarino and Royal Buick, had filed full applications and that this was an informal discussion. Mr. Cecchini explained that they technically did not have to file applications, that the Board had made the process very simple and streamlined to prevent the applicants from having to spend money. He added that Magarino and Royal Buick were used to coming in, they had been before the Board recently for other things and they had fresh plans.

It was Mr. Cecchini’s feeling that a motion could be made to allow the display on the gravel and to allow Mr. Bassani to come back next month with the additional display request and he cautioned Mr. Bassani to not exceed his request so that the Board did not have to cut back on the approval. The Board agreed with Mr. Cecchini. Mr. DeBoer stated that he agreed as long as it was legal, since this was not an advertised application. Mr. Cecchini stated that it was the Board that had agreed about this procedure at subcommittee meetings. Mr. Ron Bassani stated that it had been decided that this would be approved informally in order to minimize business owners doing things that were not approved. Mr. DeBoer wondered if the vote tonight was really necessary since Mr. Bassani was coming back next month for other approvals. Mr. Cecchini stated that the vote would be in order to allow Mr. Bassani to display vehicles on gravel.

Mr. DeBoer made a motion seconded by Mr. Slate to grant the gravel display area.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

PUBLIC COMMENTS

The meeting was opened to the public for general comments. Kathleen Gorman wished to inform the Board about another incident at 5:30 a.m. that morning, an accident that almost took place in Hamburg or Franklin with a truck that had come out of the Bicsak site. Mr. Cecchini stated that she needed to call the state police and that a traffic hazard was not the Board’s jurisdiction. Anne Smulewicz wanted to elaborate on the dust situation, the dirt and her dirty windows. Mr. Slate asked Ms. Smulewicz to go over by Walkill Valley School and she would see where the dust was coming from. Mr. Slate and Mr. Cecchini explained that the dust was coming from the other quarry and that the wind was blowing in the direction of Ms. Smulewicz’ house. The Board asked Mr. Pellow to visit the Bicsak site to take a look. It was discussed they had no escrow left in their account. Mr. DeBoer stated he would give the property owner a call the following day.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Stella Salazar
Secretary