

MAY 15, 2018

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, May 15, 2018 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, followed by a moment of silence for deceased board member Paul Grau.

ROLL CALL

PRESENT: William DeBoer, Joanne Kanapinski, Debra Millikin, Jon Morris, Ronald Slate, Michael Cecchini, Michael Walther.

Absent: Larry Bono, William Gaechter (due to a “D” Variance), Victoria Gill. Also, present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

MINUTES

Mr. DeBoer made the motion, seconded by Ms. Millikin to approve the April 17, 2018 minutes. A voice vote was unanimously in favor.

Mr. DeBoer made the motion, seconded by Mr. Slate to approve the April 23, 2018 minutes. A voice vote was unanimously in favor.

RESOLUTIONS

L-2017-11

TK Properties of NJ

Block 21, Lot 7

Located on Unionville road

The Applicant is seeking approval of a 14.047-acre lot with access to this lot by way of a proposed 50-foot-wide access easement over an existing farm road. The Resolution was tabled until the June 19, 2018 meeting.

L-2018-03

Shoprite of Sussex/Wantage #285

Wantage Township Block 18, Lot 43

Sussex Borough Block 104, Lot 1.01; Block 105 Lot 1.03; Block 106, Lot 1.02

Located adjacent to New Route 23 South, 1 Wiebel Plaza

Preliminary Site Plan for ShopRite. The Resolution was tabled until the June 19, 2018 meeting.

APPLICATION

L-2018-01

Preliminary Site Plan for R. Hook, LLC

Block 16, Lot 5.02

Located on Roy Road

The Applicant is seeking Preliminary Site Plan approval and a Use Variance to permit a construction and demolition business with outdoor storage in the Highway Commercial Zone.

Attorney Simone D. Calli represented Mr. Romano, he introduced Mr. Romano and explained the application.

Toby Romano Sr. owns four contiguous lots on Roy Road. The application is for a storage building, maintenance equipment area, and concrete crushing on site. The concrete will come from Brooklyn, after it is crushed it will return to Brooklyn to use on jobsites.

Ms. Paternostro-Pfister swore in Toby Romano Sr., of 71 Wayne Ave., Atlantic Beach, NY, Due to a Use variance, Committeeman Jon Morris stepped down from the dais.

Mr. Romano explained the concrete will be brought to the site from his company's jobs, the concrete will be crushed and reused. There will be ten to fifteen machines onsite; a portable crusher, excavation machine and demolition equipment. Light maintenance will be performed on the equipment on site, as well as storing extra equipment. The site will operate regular business hours; 7:00 am – 3:30 pm or 8:00 am - 4:30 pm, maybe Saturdays, with two to four employees. He presently has a construction yard in Brooklyn. On an average day there will not be a lot of movement back and forth with machines. The noise from the crusher can be equated to a diesel machine, water will be used to control the dust. A truck that comes in with a load of concrete, may go back with a load of blend.

Mr. Cecchini opened the application to the Board. Mr. Walther asked if he uses roll off containers, Mr. Romano stated either roll offs or dump trucks, on a busy day he would have thirty loads. When asked how often he anticipates crushing, Mr. Romano said it was hard to say. There will not be any other material on site, such as wood. When asked by Mr. Pellow what the decibel level would be at the right of way line, Mr. Romano did not know. Mr. Romano stated it can be loud, but it is permitted. The concrete will be crushed in the rear of the property. Mr. Romano said the worst-case scenario, will be 500 cubic yards a day of crushed concrete.

Ms. Kanapinski asked Mr. Romano why he doesn't crush the stone on the Brooklyn property he already owns, stating the cost of traveling back and forth. Mr. Romano said the area in Red Hook Brooklyn is changing, there is less commercial activity as condominiums are now being built. It may be a matter of a year or two and they will no longer have commercial activity in Red Hook. Mr. Romano explained his business is too widespread to move to one location, Wantage will not become the only location of operation.

Mr. Pellow and Mr. De Boer discussed the possibility of crushing for additional companies, as well as his own. Mr. Romano explained, he will only crush his own concrete.

Discussion continued regarding the noise level of the crusher as well as dust control. Mr. Romano explained the crusher will not be heard on Roy Road, crushing is not his primary business.

Ken Dykstra was sworn in as a Professional Engineer and Land Surveyor.

Mr. Dykstra has been involved with the property since 2003. He described the property location and square footage.

Exhibit A1, sheet 3 of 17 is the site layout plan, revised on 3/28/2018. Parking will be in the front, there are office areas in the building, and the rest of the building is for storage and maintenance of machinery. A gate is with slats, at the access drive, 150 feet from the road, is proposed. The entire property will not be surrounded by fence, due to the slope of the land. The westerly side of the property will be enclosed with fence.

Variances are needed for the parking lot sizes and for gravel parking. The parking lot will be curbed and contained. A paved parking lot will be destroyed by the weight of the trucks. A variance is also needed for a six-foot fence in the front. The lighting will be eighteen-foot LED lighting; 7 pole mounted and 5 building lights. Landscaping will consist of 6 shade trees, 19 evergreen and 23 shrubs. There will be a large storm water management system to take care of two of the lots, for future development on the second lot.

Mr. Cecchini opened the application to the Board for any questions.

Ms. Millikin asked if DEP and Sussex County Solid Waste approval is required for concrete recycling. Mr. Dykstra stated it is not required because it is their own concrete. She also asked if there would be fuel storage. Mr. Romano stated there would be two 550-gallon diesel tanks on site. Discussion continued regarding placement and size of the tanks, as they were not on the site plan.

There will be some storage of material, until it is taken away. Mr. DeBoer had concerns regarding material contamination, he asked for their plan of protection for the environment. Mr. Romano explained to the Board, the material is tested, any contamination is put on plastic and removed.

Engineers Report Discussion.

6.08 Facility Impact report, Mr. Pellow stated the report is not acceptable. Traffic volumes and plans showing impacts have not been discussed, nor has the intersection of Roy Road and County Route 565.

6.09 Comments from the Fire Department are needed.

6B A chain link fence with black fabric privacy slats is proposed, the Board agreed.

7 The proposed building is metal, with dark gray siding and stone. The proposed height is 32.2 feet. If the Board wishes a different color they will oblige.

7b A proposed free standing sign on Roy Road & Route 565, follows the ordinance. Landscaping is planned around the sign. It is not on the plans, but will be added to the final plans

7f Gravel parking is not permitted. A variance will be needed.

7h The proposed hours of operation, 7:30 – 3:30, the same on Saturday.

Shoebox lighting is proposed.

Discussion continued regarding the size, color and placement of building. The building cannot be seen from Route 565 due to the slope of the land. The building needs to blend in with Wantage environment and Master Plan.

8. A storm water maintenance manual will be sent to Mr. Pellow.

11D The pavement on Roy Road out to County Route 565 is in poor condition. Every application that has been before the Board on this property has included road improvements.

Trucks will only travel towards County Route 565 on Roy Road, when leaving the facility.

Attorney Calli stated the developer should only be responsible to his fair share of road improvement. Ms. Paternostro-Pfister reminded Mr. Calli the applicant testified to extensive truck use. Mr. DeBoer is concerned the trucks may destroy the road, as a first responder, he is worried about emergency vehicles traveling the road. The taxpayers should not have to be responsible for the repairs. Mr. Dykstra believes his applicant should not have to pave the road for future applicants

Discussion continued regarding the types of truck; tandem and tri axel and the fair share of repaving the road. Mr. Calli feels it is not fair and equitable for his client to pave the entire road. Half of the road would be their fair share, from the center line to his frontage. Mr. Calli asked to discuss the road pavement further, with the applicant, during a break.

Mr. Cecchini asked if it would be possible to comply with the parking lot size of 10 x 20 feet, to drop one variance request. Mr. Dykstra said that would be possible.

Ms. Patternostro Pfister swore in David Troast of 53 9th Ave, Hawthorne NJ, as a Professional Planner.

Mr. David Troast discussed prior approvals on the property including soil removal and a solar light farm. He feels concrete crushing is a much less intense use. He presented Exhibit A2 dated 5/15/18 consisting of five different views of the property. Mr. Troast took the photos, pages two through five.

Page 1 is an aerial shot of the property from google maps.
Page 2 the view is down Roy Road, southerly direction, to the right, away from Route 565
Page 3 a view from Roy Road toward Route 565
Page 4 a view on the ridge towards the cell tower
Page 5 a view east towards Roy Road

A D-1 Variance is not permitted in the Highway Commercial Zone. The building will be located 290 feet from the road, have a pitched roof, metal, and paint it whatever color the board requests. The lot is over the minimum lot size for what is requested.

It meets the requirements of the Master Plan

Goal #2 it maintains the rural character of Wantage Township, the placement & style fits in.

Goal #3 It is a commercial zone, a commercial business, the water is on site, the building has an oversized storm water basin to account for growth.

Goal #11 resource recovery, recycles material.

Mr. Troast discussed dust control, explaining NYC is a very regulated region, Mr. Romano knows how to handle dust control.

Section 9.01 is addressing a transitional use in a commercial zone, this site is particular suited for the intended use.

D2 The commercial use is not benefitting public use; promotes general welfare because the site is suited for the use.

Section A D2 promotes public health safety; it is not for retail commercial, in the interest of the public it is not inherently beneficial.

The property is oriented away from Route 565.

It is a short distance from Route 565 to the driveway, which lessens the impact to the local communities.

The building is deep into the site, to coincide with Wantage Township landscape.

The site provides sufficient space.

Negative criteria:

It is not allowed in the zone.

There will be increased truck traffic.

The visual landscape will change with a building.

Increased impervious coverage – the storm water management system can handle it

A “C” variance is required, the chain link fence will be 130 feet from the road.

Gravel vs. Pavement: there will be an eight-inch base of gravel, asphalt would need constant repair. In Mr. Troats opinion the positive criteria outweigh the negative criteria and is consistent with the Master Plan.

There are two “C” variances needed, the pavement and the fence. The lack of a fence would be a hardship or security will be comprised. Asphalt would be a financial hardship, a trucking business on asphalt would need constant repair.

Mr. Cecchini opened the application to the Board. He stated the prior two applicants were lesser ratables, this poses a greater ratable for the Township. Both prior applications agreed and were required to upgrade the road.

Mr. Cecchini reminded the applicant the shipping containers have been there for years; the temporary zoning is expired. Mr. Romano said the permit wasn’t renewed, he uses the container for farm work. Mr. Cecchini asked if the containers could be moved, Mr. Romano stated the containers can be moved.

There were no further questions from the board, Mr. Cecchini opened the application to the public.

Ann Smulewicz of 108 Route 23, asked if the Environmental Impact Statement was submitted. Mr. Pellow replied yes. Ms. Smulewicz added, “Wantage Township goes to great lengths to promote its natural beauty, she does not want garbage brought to Wantage to reprocess it.”

Jon Morris of 76 Armstrong Road questioned the impact on the roads. As many as thirty trucks a day, tandem and tri axel, plus additional equipment is a lot of wear and tear on the roads. He feels it is important to hold R Hook, LLC accountable for road improvements. He also asked for clarification of the operating hours. Mr. Romano stated 7:00 – 3:30 pm. as the hours of operation, including crushing. Mr. Morris listed additional concerns; the amount of concrete stored on site, importing materials from other another state and recycled materials. He discussed thirty loads a day (different from 30 trucks), much of that will not be crushed in a day. He wondered how long the piles will sit. Mr. Morris disagreed with Mr. Romano regarding the DEP and Sussex County Solid Waste, he believes the importation of materials from other states would red flag the DEP. He wanted assurance the material will not be contaminated. Mr. Romano stated all materials are tested, buildings must be asbestos must free before they can come down. That is the law.

Tom Hough of 9 Beemer Church Road inquired about the impact of traffic on the corner of Roy Road and County Route 565, he is concerned the trucks making a left on to County Route 565 will not have enough site distance. The corner, presently, has many accidents.

Mr. Pellow demonstrated concern because a study was not done on the intersection, Mr. Dykstra said a traffic impact study was not warranted, and requested the study be waived. Mr. Pellow explained we can request a traffic study on the intersection.

After a brief break Mr. Calli asked for a waiver for the traffic study. Mr. Calli said the paving issues have lingered for years and feels they should only have to bear a portion, perhaps half, and share the road improvements with the township.

Mr. Cecchini explained the Land Use Board does not have jurisdiction to agree to road improvements paid for by the town.

Mr. Pellow said the road cannot be agreed to tonight, he must have a discussion with the Township Committee.

Mr. Pellow then asked what the crusher sounds like, Mr. Calli stated he will provide a noise study. Mr. Pellow asked for the decibels at the right of way of the road.

Ms. Kanapinski asked if they applied to the County Planning Board, Mr. Dykstra said they reviewed the plan and deemed no further action necessary.

Discussion continued again regarding the paving and depth of asphalt needed for the truck traffic. Mr. Cecchini explained the paving should be half the distance to the driveway vs. from the yellow line to the property line. Mr. Pellow is concerned with the safety of drivers because of the speed of the trucks pulling out of the intersection. Mr. Dykstra said he would calculate the available site distance with the vegetation clearance.

Ms. Paternostro-Pfister suggested due to the many questions, she would like to see the plans resubmitted, without all the conditions. It is a cleaner application and easier for the Board to understand.

Mr. Pellow requested a sound test, Mr. Romano requested the Board accept a report. Mr. Pellow said he would like to hear it, Mr. Pellow asked Mr. Romano to arrange a place to meet to hear the crusher.

Mr. Cecchini asked for a motion to carry the application to the June 19, 2018 meeting.

Mr. Slate made the motion seconded by Ms. Kanapinski to table the application without prejudiced to the June 19, 2018, at 7:00 pm at the Wantage Municipal Building.

INFORMAL

Mr. Mike Stura of Skyland's Animal Sanctuary appeared before the Board for permission to sell vegan food, to the people that attend their tours. He has purchased a food truck and has contacted the County Board of Health. He plans on selling pre-packaged food from local supermarkets, allowing the customer to see the packaging, so they know what to look for while shopping. He will adhere to the Board of Health requirements. The food truck is another level of education for the Sanctuary's Purpose. Mr. Cecchini asked if the kitchen in the house could be used to cook the food, Mr. Stura explained it is not a commercial kitchen. It is strictly for the Bed & Breakfast.

Ms. Patternostro-Pfister said she would investigate the matter further making sure there are no legal issues. The Board fully supported Mr. Stura's idea.

ADJOURNMENT

Mr. Cecchini asked for a motion for adjournment. on a motion duly made by Ms. Gill, seconded by Mr. DeBoer and carried, the meeting adjourned at 9:49 p.m.

Respectfully submitted,

Jeanne M. McBride
Secretary