

**JUNE 19, 2018**

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, June 19, 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: Larry Bono, William DeBoer, William Gaechter, Victoria Gill, Joanne Kanapinski, Debra Millikin, Jon Morris, Ronald Slate, Michael Cecchini, Michael Walther.

Absent: None. Also, present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

**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 July 17, 2018 meeting.

**L-2018-03**

**Shoprite of Sussex/Wantage #285**

Ms. Gill made the motion seconded by Mr. Slate to approve 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. Mr. William Hinkes represented the applicant

Ayes: DeBoer, Gaechter, Gill, Kanapinski, Millikin, Morris, Slate, Walther, Cecchini.

Nays: None

Abstain: Bono

Mr. Cecchini had hoped the pad site for future development was included in the Resolution.

Members of the board met as a sub-committee to discuss updating the used motor vehicle ordinance and introducing a new ordinance on soil importation. Ms. Millikin explained the

Governing Body is looking for the Land Use Board's comments, afterward they will review the feedback, then introduce the ordinance.

### Soil Importation Draft Ordinance

There has been an increase in soil importation within Sussex County. Wantage wants to insure the quality, safety and amount of soil deposited.

Various topics were discussed such as the definition of soil, dirt verses mulch, and where the soil originated. Some of the materials are being brought in and staying here, some are processed in Wantage.

Ms. Millikin stated an example of 100 cubic yards or more will need a permit, whether it is for fill or processing.

Mr. DeBoer asked if the ordinance also included millings, Mr. Pellow stated an existing ordinance exists for millings.

### Used Motor Vehicle Draft Ordinance

Past discussions regarding the regulation of the sale of used cars exposed the need for stricter guidelines. The Board discussed assorted issues that have come up to the zoning officer that need clarification.

Some suggestions discussed:

- Insuring all cars are in blacktop.
- A resolution limiting the number of vehicles.
- The number of dealerships.
- Hours of operation.

Discussion continued regarding different types of vehicles sold in Wantage Township. Wantage Township is home to the sale of heavy equipment, motorcycles, lawn tractors and recreation vehicles. Mr. Morris, who was part of the sub-committee, explained the topic is very broad, and the sub-committee decided to limit the ordinance to autos. When discussing the number of dealerships permitted in town, the sub-committee considered the number of dealerships currently operating and added one more. The new car dealership that sell used cars were included in the count. To get a used car license from the state, one must have approval from the town first.

The legality of some of the issues were discussed, Ms. Millikin assured the Board the Township Attorney has been included in the drafting of the Resolution and any concerns they have will be reviewed by the attorney. After the Governing Body finalizes the Resolution, it will come back to the land use for their stamp of approval.

## **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 reviewed the application and discussions of the May 2018 meeting. He readdressed the number of employees, concrete crushing, relocation of the containers, intersection impact, road improvements (reiterating half of the cost is their fair share). Mr. Calli indicated the concrete crusher was not operational, they submitted the cut sheets of the crusher, as it is not a principal operation on the property and said a sound study could be performed after the approval as a condition.

The Applicant agreed to increase the parking lot size to eliminate a variance.

Ms. Paternostro-Pfister asked the both Ms. Gill and Mr. Bono if they had listened to the CD's from last month's meeting, Mr. Bono did not, Ms. Gill did listen to the tapes. There are seven Board members eligible to vote

Engineer Ken Dykstra reexamined the application:

- Exhibit A3 dated 6/19/18 one sheet is same as last month, difference is the sign is shown on the plan.
- A free-standing sign with landscaping
- Forty-six 10 x 20 parking spaces
- Two 550-gallon tanks on an 8x8 pad with a metal roof

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

Ms. Gill discussed her many unanswered questions and concerns; traffic and road impact, hours of operation, number of truck loads per day, number of employees, the mountains of crushed concrete, covered? ground contamination? ACD 3 and ACD 5, what is the definition.

Mr. Calli explained NYC is very strict, it is just an assurance that nothing hazardous would come onto property.

Mr. Cecchini discussed the surrounding farmland properties and the potential for other development. Because the property is farmland preserved, rock crushing noise will not affect neighbors, as there are no neighbors nearby.

When Mrs. Kanapinski asked why they chose to develop the middle lot, Mr. Dykstra explained it blocks the view of the operation, the front lots will be prepped for future commercial development. Unless you travel on Roy Road, one will not know it is there.

The trucks will travel on Route 15 to get to Route 565 towards Roy Road.  
Mr. Walter wanted to know what type of fuel the tanks will contain, Mr. Dykstra replied diesel.

Ms. Paternostro-Pfister said the information regarding the number of trucks, hours of operation, size of the truck, number of employees is vague. She explained we are here to understand the intensity of the use of the property. The variance runs with the land, a Use variance is considered the highest variance. She asked if they were willing to have a condition on the number of trucks per day. The Board must consider the safety of other people on the road and the use. Mr. Calli replied although the variance runs with the land, the facts are specific to the use. Another applicant would have to come before the Board with their application

Discussion involving the noise level of the crusher and the sound expected on the property continued. The crusher is in NYC.

Mr. DeBoer asked for clarification of the thirty trucks/loads per day. Mr. Romano explained it could be thirty loads or five, they will not crush every day. The trucks are not all owned by Mr. Romano's company, it is cheaper in NYC to hire trucks than to own them. The trucks coming in with a full load will leave with or without a load. Mr. Dykstra said based on the traffic count, if thirty trucks came in, thirty will go out, for a total of sixty trips per day.

There were questions regarding the 20,000 square foot building and the intended use. Mr. Romano agrees the building is large, he is building it in anticipation of not having to come before the board to ask for an extension.

The discussion then concentrated on road improvements and the sight distance. Mr. Dykstra displayed Exhibit A-4 a photo from 6-1-2018 with a view from the top of Roy Road looking towards Route 565. The photo shows the 500-foot portion of the road the applicant will pave. It will contain five inches of asphalt. Mr. Dykstra next discussed the sight distance on Route 565 from the corner towards the right. After the vegetation is cleared, there will be a sight distance of 700 feet. He also spoke about stopping distance, there is a reaction time and a breaking time. At sixty miles per hour the distance is 620 feet. That time is not one hundred percent conforming with the highway standard, but close. Roy Road will contain a stop bar and a double yellow line.

The Board demonstrated concern regarding the area of road directly in front of Mr. Romano's driveway, Mr. Romano said he will make any repairs necessary for the trucks to enter and exit. Mr. Cecchini brought up the trailers on the corner of the property and told Mr. Romano he must remove them.

Mr. Cecchini opened the application to the public.

John Nuss of 29 Beemer Road asked if inspectors will be able to access the property at all times and if the truck loads will be logged from their point of commencement. Mr. Romano replied yes.

Ann Smulewicz of 108 Route 23 is concerned about her community, enforcement is an issue in Wantage, she does not want Wantage to become a dump.

Mr. Cecchini explained the application is for a processing plant, not a dump, the Township is in the process of passing a new soil ordinance to prevent dumping

Mr. Cecchini closed the application to the public and opened it again to the Board.

Ms. Gill said there are too many open-ended questions and is concerned it will be a hardship on the zoning officer to govern, an example is the hours of operation. Mr. Romano said if a truck is stuck on Route 80 in traffic, he will stay open until the truck arrives.

Ms. Paternostro-Pfister stated there are many points the Board must consider; the hours of operation, number of trucks, a cap on employees, type of materials stored on the property, diameter of the piles, how long the piles remain on the property, and if there is any contamination or combustible material.

Mr. Pellow suggested test holes to determine the road durability as it exists today. Ms. Paternostro-Pfister suggested a pre-construction meeting and possible road bonding. Mr. Pellow reminded the applicant the sight line must receive Sussex County Planning Board approval. Mr. Calli does not want a condition of an approval to hinge on third party compliance, due to a public safety issue.

Mr. Romano agreed to the hours of operation; 7:00 am - 3:30 pm Monday through Saturday  
Mr. Cecchini indicated the number of employees should not be fixed number, jobs are a good thing to bring to the community. Ms. Paternostro-Pfister said in past applications, the number of employees has always been discussed. The number of employees adds to the traffic on Roy Road. Mr. Cecchini stated public safety is the most important issue,

When asked why so many parking spaces were on the site plan Mr. Dykstra said Wantage Township's ordinance requires forty-six spaces for that size building. The plan includes ten spaces for employees.

Ms. Millikin tried to confirm there were no DEP requirements needed, Mr. Calli said he didn't believe so.

Mr. Cecchini asked Ms. Paternostro-Pfister to arrange a motion for the Board with the conditions discussed.

A motion to approve with the following conditions:

- Nothing combustible.
- No Soil.
- Trucks are not to exceed thirty trucks per day entering and thirty trucks per day exiting
- There will be a pre-construction meeting.
- All paving material and the depth of the material shall be approved by Harold Pellow.
- The sight line on Route 565, shall agree with exhibit A-4, shown to be 700 feet.
- All material shall be concrete pursuant to the testimony of the applicant and his professionals.
- No trucks shall be stored overnight.

- A double yellow line and stop bar will be situated on Roy Road.
- Roy Road will be improved 500 feet from the corner of Route 565 upward Roy Road.
- The temporary trailers shall be removed from the property.
- The area of Roy Road near the driveway shall be repaired at the applicant's expense.
- All equipment shall be stored inside
- The applicant shall comply with all Federal, State, County, Local and DEP requirements.
- The application requires receive a fire department review.

Mr. DeBoer made the motion to approve seconded by Mr. Cecchini

Ayes DeBoer, Slate, Cecchini

Nays: Kanapinski, Gill, Millikin, Walther.

Mr. Calli asked if the Board was going to make a motion to deny the application?

Ms. Gill made a motion to deny the application seconded by Ms. Kanapinski.

Ayes Kanapinski, Gill, Millikin, Walther.

Nays: DeBoer, Slate, Cecchini.

Mr. Cecchini opened the meeting to the public

Ann Smulewicz asked the Board to explain the new soil ordinance, Mr. Cecchini explained the ordinance is at the discussion level, the next step will be to send to the Committee. It is in draft form; the committee will discuss it while still in draft form. She then asked if someone would examine the mound of processed material on the quarry. Mr. Pellow agreed.

Mr. DeBoer, asked what the next step is for the applicant. Ms. Paternostro-Pfister explained to appeal they must go to the governing body.

Mr. Cecchini stated his tenant will leave at the end of the year, and truck traffic will decrease. He discussed the need for business for the growth of the Township. Ms. Gill supported her decision by stating the applicant did not have specific answers for her.

### **INFORMAL**

Tonight's informal has been postponed.

### **ADJOURNMENT**

Mr. Cecchini asked for a motion for adjournment. on a motion duly made by Ms. Kanapinski, seconded by Ms. Gill and carried, the meeting adjourned at 9:00 p.m.

Respectfully submitted,  
Jeanne M. McBride  
Secretary