

## **MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD JULY 9, 2020**

Open public meeting statement: The meeting was called to Order by the Chairwoman, Jody Case Kennedy, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public Meetings Act. Those present were: Fred Merusi, Bryan Leeper, Glenn Barbagallo, Joseph Cooper, Katherine Snyder, John Sorraco, Jody Case Kennedy, William Haggerty, the Board Attorney, and Thomas Knutelsky, the board engineer.

Those absent were: Richard Innella (excused), Glen Plotsky (excused), Lauren Zitone, and Nina Fradl (excused).

### **FLAG SALUTE**

### **MINUTES:**

The Minutes of the June 11, 2020 Land Use Board Meeting were reviewed. A Motion was made by Mr. Sorraco and seconded by Mr. Merusi to approve the June 11, 2020 Land Use Board Minutes. Roll Call: Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; and Ms. Kennedy, yes. The Motion was carried.

### **CARRIED APPLICATIONS**

#### **PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance:**

Mr. Merusi and Mr. Leeper stepped down from this application as it was a “D” Variance.

Mr. Haggerty stated that the reason this application has been carried so many times because of the issue with COVID 19. The last time the applicant was present they presented testimony, the objectors had a chance to voice their opinion and one of the central issues was the noise that might be made by the equipment that’s used in these lessons. The applicant was going to have a demonstration outside the Municipal Building that evening but it was getting dark and in the interest of safety they did not do that. The application was carried to the next regular meeting to have that demonstration which will be this evening. The application asked for an Interpretation or a Use Variance. The board determined did not approve an Interpretation that this use is customary and incidental to a permitted use in the zone, therefore, a Use Variance would be needed for an approval. The board and public went outside to listen to the demonstration at 7:06 p.m. The board and public returned to the meeting at 7:11 p.m.

Mr. Haggerty indicated that the board and public listened to the demonstration which they were told was the maximum motor size and maximum noise level that would be heard. They were all within 100’ feet of the demonstration.

Mr. Merusi asked if the applicant was going to stay over his property when flying. Mr. Antonaccio, the applicant, indicated that he would stay over his own property. Mrs. Snyder questioned the applicant as to how much acreage does he own. Mr. Antonaccio indicated 29 +/- . Mr. Wallace indicated that this was an application for lessons to be given on this property. The applicant still has the right as the property owner to fly on his property. Mr. Merusi questioned if there would only be 1 machine at a time. Mr. Antonaccio indicated that basically during lessons, there would only be 1 machine at time.

A Motion was made by Mr. Sorraco and seconded by Mr. Merusi to open this matter to the public. All were in favor. The Motion was carried.

Appearing before the board was Joe Boyle who lives in Bayview Avenue in Bayville, NJ. He owns the property next to the applicant. He said the applicant has a well-defined grassy area as the flying zone on his map. He feels there is no way to keep a flying object within that area unless there are nets or other kind of safety gear marking the perimeters. Mr. Antonaccio indicated that typically with his current lessons, he is working in much smaller areas than are available. This is one of the reasons this lot was chosen. They have done this in parks where there are other activities happening. He further indicated that when he teaches, as he has for over 10 years, he typically walks along with the students because it is a very slow flying craft.

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**PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:**

The turns are very tight. The area that he has a flying field is the size of 6 football fields. He indicated that a single football field is all he needs to get a person up in the air and turn around. The area is 600' x 600'.

Appearing before the board was Tony Como, 134A River Road. He questioned as to who will police this operation. This is a non-conforming commercial use for an obnoxious use. He was against this application. He was concerned about the safety because he was stranded on the island during the flooding and had to be helicoptered out. He was concerned that he is keeping the property farmland and not paying taxes like everyone else. He does not feel this use would be allowed anywhere along the River on the Federal lands. The federal lands were to preserve the use of this area. He questioned that there has to be other areas in this township that this use would be permitted. Mr. Leeper indicated that this use is not permitted anywhere in this township. Mr. Haggerty indicated that this equipment is not regulated and as a property owner, he can fly the equipment right now. Mr. Como indicated that he cannot fly over the federal land. Mr. Haggerty indicated that he could. Mr. Como indicated that his attorney will be speaking later and will advise him otherwise. Mr. Haggerty indicated that if he has an attorney, he is not allowed to talk to the board any further, it is improper.

Appearing before the board was Matthew Lynch of the law firm of Askin & Hooker, LLC. Representing June and Tony Como. He apologized for the outburst of his client. He indicated that he submitted a legal memo on the objector's behalf. He referred to Chapter 76 – 27 of the Montague Zoning Ordinances. It provides for prohibited accessory uses for the R3 Zone. It specifies Real Estate Sales Office, Barber Shops Beauty Parlors and dance studios and any other similar uses which the Land Use Board may deem to be of a sufficient high intensity with respect to vehicular traffic. Paragliding does not relate to these uses because they are confined to indoor studios which require some parking. He feels this is a more intensive use because this has more of a possibility of disturbing the neighboring properties along with the natural environment. With regard to the positive and negative criteria, to obtain a variance, there is a whole host of negative criteria which hasn't been addressed by the applicant, namely he hasn't shown that this can be granted without substantial detriment to the public good. As you can see with the neighboring lots, there is a lot of frustration in the area because of the potential that these vehicles can disturb the neighbors. It is an agricultural zone; it is very quiet. This is a substantial deviation from the Montague Master Plan. Customarily this island has been used for farming for decades along with hunting from the hunting club. This is not hiking or fishing, this is not your normal recreational activity. There is a presence of a bald eagle nests on this island. He attached an article from Fish and Game from Arizona about the effects of paragliding by a bald eagle's nest. They recommend flying an altitude of over 2000 feet when you are in a sensitive area. They recommend that you do not fly paragliders in that area because the simplest disturbance can lead to a nesting failure, which would be a violation of the bald and golden eagle's protection act. He has attached pictures from his client's property and he has bald eagle nests on his property. To get to this property you have to use the private road that has been maintained by the Ayers subject to the 1979 Right of Way Agreement which pertains to Lot 62, 61, 59, 58, 57 all neighboring lots. You have to use this road to get to the applicant's property, Lot 65. This being a private road, you cannot use it for commercial purposes, which is what the applicant's intent is. He referred to noise pollution. He has looked over the best practices of the USPPA and it is almost comical when you read the best practices because they indicated how this activity is annoying neighboring peoples and how to best act to avoid disturbing neighboring population. One of which is to take off in one spot and land in another. The applicant indicated that he is going to stay confined to the 600' x 600' spot, he believes that easier said than done. He feels that a strong wind gust will take this equipment off course. The

**CARRIED APPLICATIONS CONT.**

**PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:**

Delaware National Park has banned unmanned air crafts to preserve the national environment and not to disturb any of the animal species within the park. If they banned unmanned vehicles, he is sure that a manned paraglider is mostly likely noisier than any drone that is operated in the park. He feels it would be encompassed with that ban as well. Mr. Haggerty indicated that they do not ban small air planes flying over the park area. He indicated that Machipacong Island is a sensitive area, once the River hits 15', that access road gets submerged with water. In 2004 and 2006 there were 2 evacuations that the coast guard had to come in and rescue certain individuals when the Rivers hit 32' in those years. He feels this is a terrible location for this activity being located in the middle of a sensitive Island with bald eagles present, next to the national park so you are dealing with federal jurisdiction for violations, state violations because Stokes State Forest is near as well. There is not a lot of outside noise to muffle these vehicles and everyone is going to hear it in that area. The negative consequences on the public good, are rather strong and secondly the application does not show how the negative criteria reconciles the granting of a variance to fall in line with the town's Master Plan. This is an agricultural use that prohibits specific commercial uses within the zone and this is what the intent of this operation is going to be.

Mr. Lynch called Dr. June Como to speak to the board with her concerns. She has some important concerns from health and safety stand points and the impact this may have on the fire department, the EMS, the paramedics and the associated health care facilities. She indicated that there will not be any toilet facilities. She is concerned about hand washing in this pandemic. He holds no liability if any of the students fall out of the sky and become injured. That burden falls on the student, the township and the property owners. In addition, the students are responsible for maintaining their own equipment making sure it is in top notch working order. Who is going to review this and how is this going to be documented and where are the records going to be kept. There are signed waivers relinquishing him from potential claims. She is concerned how the health care bills will be paid. She was concerned about any deaths and injuries that may happen with this use.

Appearing before the board was Greg Branski who lives in Barnegat NJ. He owns 135M River Road. He was concerned about the noise level of this equipment. According to NJ Law paragliders cannot fly within 500' of any personal residence or people's property for risk of danger. He was concerned about the bald eagles. He is concerned that the applicant has no insurance, there is no protection for all the residents. He is concerned about the kid's safety. They are all concerned about the property values because of this use. He is against this project.

Appearing before the board was Chris Ayers, 134B River Road. It was mentioned that anyone can fly this equipment without a variance for personal use. He asked that can they assume that as part of these classes, that once they graduate they can use this facility. Is it part of the package that is sold to the students. Mr. Antonaccio indicated that this field is strictly for training. He does not want to make it a field where people come to fly for recreation. Mr. Wallace indicated that the intent of this variance is for sale of lessons for students who are beginners. He is concerned about the additional traffic on the road that he has to maintain. He feels this will be a problem.

Appearing before the board was Mr. Nakayama who lives near the property. He has experienced noise levels. He feels that the noise by his house was louder then what they heard today. He also has an eagle's nest. He was concerned about the wildlife within the property. He is against the application.

Appearing before the board was Joe Boyle. He indicated that part of the protection of the Island is that no one knowing that it is back there and the road is private. As soon as it is

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**CARRIED APPLICATIONS CONT.**

**PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:**

opened up to commercial traffic, people will know that it is there and people will be driving through this area. He feels this will be a problem.

Appearing before the board was Raj Sinha who lives in Sandyston NJ. He owns property next to the applicant. He owns over half the island which is beautiful. He indicated that the applicant has not met the approved special reason under the terms of the NJ Law under the D Use Variance. He does not believe it serves the general welfare of the public use. He believes the board can't grant a Use Variance without causing substantial detriment to the public good. In fact, substantially it impairs the intent and purpose of the Municipal Zoning Ordinance and Municipal Master Plan. It was zoned agricultural land and was not zoned for commercial use. Therefore, it does not meet any of the 3 reasons why you would grant the variance. He was insulted by the comments of the board to the property owners implying that because they were not full time residents that somehow their rights of property ownership are somehow less. He does not believe that applies. The Variance goes with the land and the applicant could sell the property next week.

A Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to close this matter to the public. All were in favor. The Motion was carried.

Mr. Antonaccio indicated that he did buy the property prior to obtaining the variance because the owner did not offer to hold it until he obtained a variance. He has gone through the proper procedures to obtain a variance and appeared before the board for an informal hearing and received no binding approval.

Mr. Antonaccio indicated that he has been searching for 4 years to find a piece of property. He has not found a piece of property that is equally as useable as this one for reasons of safety. There are requirements to make a property useful for teaching and this was the best property he found.

Mr. Antonaccio indicated that these are protected lands. In his research what was found that this operation has potentially less impact on the land then virtually any other activity that can happen on the land because they are not building any structures.

Mr. Wallace asked Mr. Antonaccio to compare the noise of his equipment to leaf blowers, lawn mowers, gun shots, etc. Mr. Antonaccio indicated that he did read the articles about the eagles. In all the cases, they wanted everyone to stay 300' away on land in particular paragliders were addressed. However, this is a separate and very different activity then power paragliders. He indicated that paragliders need to stay aloft by staying in wind currents, so they do not have as much control. Therefore, paragliders tend to have an issue where they land and they can potentially land near eagle's nest. His equipment has power, so he can control where they are going and they are not generally in a situation where they are uncontrolled floating around. They are staying in a pattern over a field so they can land when they need to.

Mr. Antonaccio indicated that as far as emergency services go, the records that one of the public was looking at was from 1995 and a different era. He indicated that the safety records have improved dramatically. He has been doing this for 15 years and no one has been seriously hurt under his training.

Mr. Wallace referred to a case 243 NJ Supra 349 1990 in which a commercial marina was allowed to receive a variance in a residential zone and the residential zone included water fronts and the water front would be particularly suited to a marina. Similarly, the township, like Montague, also had the purpose of encouraging recreational activities was part of their plan for there to be recreation. Thus, it was, in fact, a special use, it was, in fact, particularly suited and

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the proofs were carried. The applicant tonight has a very similar situation which they would encourage recreation. Montague would get a bit of a reputation for being on the cutting edge of new kind of recreation. Any way you can encourage recreation is certainly a benefit to the public and to the township. Many of the communities are trying to encourage recreation to get people to come to this area for that purpose. There was some confusion at the beginning of this process that this area was actually zoned a recreational area. In fact, that potential confusion would stem from the fact that there was not adequate provision within the Master Plan for recreational activities. While this is a bit of unique activity, the expansion of recreational uses into this zone certainly would not be surprising given the history and the vicinity of being near the river and other areas where people tend to hunt, snow mobile, riding quads and other similar activities which would have similar types of motors and probably be a greater intensity that Mr. Antonaccio has provided. He feels this satisfies the criteria under NJ Law.

A Motion was made by Mr. Barbagallo and seconded by Ms. Kennedy to approve the Use Variance application of the applicant. Roll Call: Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, no; and Ms. Kennedy, yes. The Motion failed. The application was denied.

The Chairman called a 5-minute recess at 8:08 p.m.

The Board resumed the meeting at 8:13 p.m.

**NEW APPLICATIONS**

**TSZCO, LLC – Preliminary & Final Site Plan – Block 39, Lots 30 & 31 – 418 US Highway Route 206:**

Appearing before the board was the owner of the applicant, their attorney, Richard Valenti, and their engineer, Allen Campbell. Mr. Campbell was sworn in by the board attorney. Mr. Campbell gave his qualifications to the board and was accepted as an expert witness.

Mr. Valenti indicated that they are applying for Site Plan approval for property located at 418 US Highway Route 206. It is the site you will recognize as the High Point Architectural property. Basically what is proposed is the same use to be continued which has been there for several years. The applicant needs to modernize the property and add a building to function more economically within the space. It has been several years of obtaining NJDOT Permit, NJDEP Permit, and Sussex County Health Department Permits, all of which they sought before they came before the board this evening. This application you will see factors into the DEP approvals and permits. There are no use variances required for this application. They are appearing this evening to pursue site plan approval with the board.

Appearing before the board was Allen Campbell, the applicant's engineer. He submitted to the board the following Exhibits:

Exhibit “A-1” which is a colored rendering of the architectural plans by Charles Schaffer dated July 9, 2020. This exhibits shows the front elevation facing Route 206 and the right side elevation with the garage doors facing north.

Exhibit “A-2” which is a colored version of Block 39, Lots 30 & 31 Site Plan dated August 2018 last updated January 16, 2020.

Exhibit “A-3” which is a colored version of a Site Plan of Block 39, Lots 30 & 31 dated August 2018 last updated June 25, 2020. This exhibit highlights the comments to the board's engineer report.

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**NEW APPLICATIONS CONT.**

**TSZCO, LLC – Preliminary & Final Site Plan – Block 39, Lots 30 & 31 – 418 US Highway Route 206 cont.:**

Exhibit “A-4” which are photographs of the product as a result of the operations that take place at the facility. They are essentially a railing system.

Mr. Campbell referred to Exhibit “A-3” which is the site plan application submitted for this proposal. This is a 1.8-acre site. This is a facility that has been in Montague for greater 50 to 60 years that he knows of. He indicated that 9 years ago, this particular operation was started in this facility and essentially has office areas, processing areas, and warehousing areas. There are trucks in and out. The operation essentially brings in materials, i.e. Stainless steel, aluminum, metals, and cuts, fits and shapes them to meet a certain pattern or demand for things such as the railing at the Statute of Liberty. The raw material comes in big lengths, they are custom fit, packaged and taken to the site to assemble.

Mr. Campbell indicated that this operation has been here for approximately 9 years. It was moved in with the blessing of the Zoning Officer at the time, therefore, the board did not see it before the Land Use Board. The use was determined to be a permitted use in the zone both 9 years ago and currently as stated in the board engineer’s report. The board may recall that Block 39, Lot 31 there was a blue house next door to this property. The applicant purchased the property, took down the blue house and cleaned up the property. They also secured the septic tanks would be safe. He indicated he obtained DEP permits. There are wetlands, riparian zones and water bodies in the rear of the property. They also obtained the necessary permits from the DEP in the front of the property, which has more wetlands and water bodies. They obtained the County Health Department Septic Permits. They have a Stormwater Management Plan. This plan was reviewed by the DEP on 2 occasions. They obtained approval for the stormwater plan from the DEP. They have the Soil Erosion and Sediment Control Certification. They most recently obtained the approval for the curbing along the highway from the NJ DOT. They want to use a common driveway where the existing driveway is. They refine the parking in front of the existing building. They reconfigured the fencing and access drive to make it conforming to the township’s design standards.

Mr. Campbell referred to Exhibit “A-2”. As you come into the site, there are numerous locations along the building where there is currently parking and where parking is going to be available. There is also proposed parking out in front of the new building. There is the new building which is south of the lot and adjacent to the gravel parking lot, which is the strip between the old Montague Tool building and part of the Wilson Fuel Oil Co. coming around that building. To the west which use to be the Schulman house, which is 1000 feet plus away, there is a densely wooded tree line on the rear property line. They are proposing additional buffering on the berm that is up against their stormwater basin in the rear. The proposal this evening is to take the operations out of the north building and put all the operations in the south building. They are proposing to construct some office space and have a show room associated with it. The north building will allow the applicant for better management of materials. It will allow them to get more inside then where they are currently which is outside. It also allows for the circulation on site to be improved. They are going to be able to bring a tractor trailer in, back in under the second story, which is a cantilever second story on the upper floor and turn the tractor trailer around on site. This allows safety off the highway. The tractor trailers are not a common occurrence; it may be once a week. The number of employees are currently 8 to 10. They may go as high as 12. Based on Montague’s Ordinance, based on 12 employees they are required to have 18 parking spaces. They are proposing 32 to 34 spaces readily available. The flexibility in the parking, gives them more flexibility for dumpster locations. The dumpsters are roll offs of various different sizes. They are covered if they are garbage in nature. If they are recycling, they may be outside in the dumpster. There

**NEW APPLICATIONS CONT.**

**TSZCO, LLC – Preliminary & Final Site Plan – Block 39, Lots 30 & 31 – 418 US Highway Route 206 cont.:**

are not a lot of visitors/customers coming to this site. The tours of the show room are usually virtual.

Mr. Campbell referred to the loading zone. He indicated that the site plan demonstrates various loading areas. There are loading areas on the north building where every garage space is essentially a loading area. On the new building they have numerous garage doors which are there to facilitate the operation so they can get certain raw materials in, but at the same time they can load at any door. The design of this has a configuration where the parking up against the building goes to a curbing, but the curbing is low. The curbing only sticks up 1 1/2" which is called a press curb so that they can drive a truck over that curb to get to a garage door. Essentially, they have well in excess of 6 loading bays anywhere on the property as they need them. Mr. Campbell referred to Exhibit "A-1" which shows there are 5 garage bay doors. They can load at any one of these doors depending on their need. The doors do not face the residential homes in the area. Mr. Haggerty questioned if the doors will be open during the operations. Mr. Campbell indicated the doors will be seasonal or to the job. There may have 2 or 3 doors open in certain areas if there is a necessity of ventilation or if the job is such that the materials are in length where a piece may stick out of the door until the product can be assembled.

Mr. Campbell referred to the proposed signage at the new location. There is a possibility in the future, they would like to put a sculpture in front of the building. The sculpture in mind is a globe of the earth. They are proposing a 9' 11" Globe which may have some lettering on it. It is basically a monument sculpture to 911. The sculpture is currently being worked on in the rear yard of the building.

Mr. Campbell referred to Exhibit "A-3" with regard to the lighting. The lights are all building mounted lights on the perimeter which provides sufficient lighting for the new areas. They are proposing to upgrade the lighting on the existing facility and make sure they provide sufficient lights on the south side as they did on the north side.

Mr. Campbell indicated that with the given environmental constraints they have, they have to keep the front yard lawn. If they are allowed to have the sculpture referred to above, they may have some landscaping done around it. The buffer planting that he mentioned earlier, will be evergreen trees towards the rear of the property up against the residential area.

Mr. Campbell indicated that the building height will have one change on it when it comes into the final packet. The building elevation had depicted a 35' height, which should be a 34' height on the building. Therefore, the building height calculation will be 34.7' and will not require a variance.

Mr. Campbell indicated that currently the hours of operation 7 to 4, 5 days a week. On occasion there is a little overtime which is approximately 2 hours. He recommends hours of operation to be 7 to 7, 5 days a week. The lights will be timed accordingly. Security lights will do their job, the sensor on the lights will work. The lights will not be on 24/7 other than security lights.

Mr. Campbell indicated that they would like to start construction at the end of the summer. He indicated that the majority of the materials for the stormwater will come from the excavation of the site. Any materials imported for the building construction will be good, clean fill material because they have to be to be under the floor of the building. Other than that the materials are concrete, asphalt and anything else. He does not feel they will be impacting the new Import Ordinance.

**NEW APPLICATIONS CONT.**

**TSZCO, LLC – Preliminary & Final Site Plan – Block 39, Lots 30 & 31 – 418 US Highway Route 206 cont.:**

Mr. Campbell referred to Mr. Knutelsky's report which referred to the HVAC. He indicated that the HVAC will be on the roof on this proposed building. He further indicated if there is need for a utility in the back, a blower for air or something of this nature, it will be put in the rear on a pad and will have the applicable fencing if necessary. It will be screened from public view.

Mr. Knutelsky indicated that Mr. Campbell has already through his testimony addressed the majority of the comments in his report. He wanted to indicate for the record that the shared usage of the access and the parking is going to be requiring an easement to be filed as part of this application so it will tie the 2 properties together to be reviewed by the board attorney and himself.

Mr. Knutelsky referred to the loading areas. He indicated based on the ordinance, there is technically 4 loading areas required for just that building. He feels it may need a variance. Mr. Haggerty indicated that it can be treated as a variance. He further stated that there has been substantial testimony in regard to how the building is designed and functions effectively to provide the loading areas. Mr. Campbell indicated on the site plan, they had demonstrated the loading for the truck turn area, which is out in front under the second story overhang, they also designated a 25' area in front of the main garage door, which will be specifically for loading which is 2 wide. They have on the site plan designated 2 specific areas in addition to the others that he mentioned that any one of the garage doors can be used as a loading area. He feels there are 7 loading areas on the north side if every garage door is labeled as a loading area. They also have 3 singles, 2 doubles and an isolated one in front on the south side.

Mr. Knutelsky questioned Mr. Campbell if this project was considered a major development with the DEP for stormwater. Mr. Campbell indicated that it was considered a major development for stormwater rules. They have addressed all the requirements of all the stormwater rules which would include the reduction of runoff from the site. They will actually have less water runoff in the rear of the property than it does today. They have infiltration. There is also a drywell configuration for a portion of the roof water.

Mr. Knutelsky indicated in his report he addressed the storage of chemicals on the property and also for fire protection. Mr. Campbell indicated that the materials are basically welding materials. There are tanks for welding purposes. To his knowledge there is no hazardous chemicals. He indicated that the coating is not painting like paint. It is a powder that is baked on. They basically work with an oven.

Mr. Knutelsky referred to item 14 of his report which stated: The proposed parking field alongside the new building on Lot 31 utilized a depressed curb. Bollards are recommended along these parking stalls to protect the new building from vehicular impact. Mr. Campbell stated that his response to this is let the occupant, the owner, who runs this operation, determine where he needs to protect his building and/or parking places if they are necessary depending on the curb type. If necessary, they will have removable bollards if they find a need for that. Mr. Knutelsky agreed.

Mr. Knutelsky questioned that there are two separate lots. Will this ever be two separate operations competing against each other. He also questioned will the building be divided up to different rental units. Mr. Valenti indicated at this time, this is not the plan. Mr. Haggerty indicated that if, in the future, the situation changes, they would have to come back to the board.



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**NEW APPLICATIONS CONT.**

**TSZCO, LLC – Preliminary & Final Site Plan – Block 39, Lots 30 & 31 – 418 US Highway Route 206 cont.:**

A Motion was made by Mr. Merusi and seconded by Mr. Barbagallo to open this matter to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to close this matter to the public. All were in favor. The Motion was carried.

A Motion was made by Mr. Barbagallo and seconded by Mr. Sorraco to approve the Preliminary Site Plan with a variance for the loading zones of the applicant, subject to an easement for the shared driveway. Roll Call: Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; and Ms. Kennedy, yes. The Motion was carried.

A Motion was made by Mr. Merusi and seconded by Mr. Sorraco to waive the reading of the resolution in order for the applicant to obtain a building permit at their own risk. Roll Call: Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; and Ms. Kennedy, yes. The Motion was carried.

**OLD BUSINESS**

**Backyard Horse Ownership – Land Use Board 35 Day Review:**

The board reviewed the proposed Ordinance to Amend Chapter 76, Article VI of the Code of the Township of Montague, to modify Chapter 76-26(B) to Change the Permitted Uses. The Ordinance is amended to read: “(B) Buildings and land uses for agricultural purposes. Agricultural purposes shall include the keeping of up to two (2) horses. In the event a lot contains an area of four (4) or more acres, an additional horse may be kept on such parcel for each additional acre.”

A Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to approve the above change to Chapter 76-26(B) of the Township of Montague Codes and forward same to the Township Committee for their review and adoption. Mr. Merusi, no; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; and Ms. Kennedy, yes. The Motion was carried.

**NEW BUSINESS**

**Fence Ordinance:**

Mr. Haggerty indicated that this change is applicable to flag lots. He thinks the intent for limiting the height of a fence in the front yard is appearance from a road. He feels it does not apply to a flag lot where a house site is not on the road, but essentially it is on a driveway. This would eliminate the 4’ requirement because the fence would not be on a public road. The stem of the flag lot is the entrance to the property on the road.

A Motion was made by Mr. Sorraco and seconded by Mr. Merusi to recommend to the township committee to approve the amendment to the fence ordinance as stated. Roll Call: Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; and Ms. Kennedy, yes. All were in favor. The Motion was carried.

**VOUCHERS**

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Mr. Barbagallo to approve the vouchers on the bills list attached hereto and made a part hereof. Roll Call: Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; Ms. Kennedy, yes. The Motion was carried.

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**CORRESPONDENCE**

The correspondence was reviewed. No formal action was taken.

**PUBLIC PARTICIPATION:**

A Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to open this meeting was opened to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to close this meeting to the public. All were in favor. The Motion was carried.

**AJOURN**

Having no further business, a Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ  
Land Use Administrator