

JANUARY 20, 2009

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, January 20, 2009 at the Wantage Township Land Use 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. Cecchini, DeBoer, Gaechter, Grau, Smith, Slate, Vander Berg, Cillaroto, Vander Groef, Mmes. Gill, Kanapinski, Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mr. Bono, Mme. Mylecraine.

APPROVAL OF MINUTES

Mr. Slate made a motion seconded by Mr. Grau to adopt the minutes of December 16, 2008.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Slate, Vander Berg, Gill, Smith.

THOSE OPPOSED: None. **MOTION CARRIED.**

REORGANIZATION

Mr. Smith welcomed the new member of the Board Justin Vander Groef and congratulated William Gaechter, Edward Vander Berg, Michael Cecchini, Diane Mylecraine, Victoria Gill, Angelo Cillaroto, Joanne Kanapinski on being reappointed. Mr. Kienz proceeded to administer the oath of office to the newly appointed members with the exception of Mr. Bono and Ms. Mylecraine who were not present.

Mr. Grau made a motion seconded by Mr. Cecchini to nominate Mr. James Smith as Chairman of the Land Use Board for 2009. A voice vote was unanimously in favor.

Mr. DeBoer made a motion seconded by Mr. Grau to nominate Mr. Ronald Slate as Vice Chairman of the Land Use Board for 2009. A voice vote was unanimously in favor.

Mr. Grau made a motion seconded by Mr. Slate to nominate Mr. Glenn Kienz and the firm Weiner Lesniak as Attorney for the Land Use Board for 2009. A voice vote was unanimously in favor.

Mr. Cecchini made a motion seconded by Mr. Grau to nominate Ms. Stella Salazar as Secretary of the Land Use Board for 2009. A voice vote was unanimously in favor.

Mr. Grau made a motion seconded by Mr. Cecchini to nominate Mr. Harold Pellow and the firm Harold Pellow & Associates as Engineer of the Land Use Board for 2009. A voice vote was unanimously in favor.

Mr. Cecchini made a motion seconded by Mr. Grau to name the New Jersey Herald and the Sunday Herald as the official newspapers of the Land Use Board for 2009. A voice vote was unanimously in favor.

The meeting dates for the Board were designated as the third and fourth Tuesday of each month in 2009, except April and December, as the meeting dates of the Land Use Board. The dates are as follows: January 20, January 27, February 17 and 24, March 17 and 24, April 28, May 19 and 26, June 16 and 23, July 21 and 28, August 18 and 25, September 15 and 22, October 20 and 27, November 17 and 24, December 15, January 19 and 26, 2009.

Mr. Cecchini made a motion seconded by Mr. Grau to approve the aforementioned dates. A voice vote was unanimously in favor.

Mr. Harold Pellow was sworn in as witness Board Engineer for all the meetings throughout 2009.

RESOLUTIONS

L-11-2006 MOUNTAINVIEW MANOR

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of December 16, 2008 to grant Amended Preliminary and Final Major Subdivision and Amended Preliminary and Final Major Site Plan with Amended Use Variance for Phase I and Amended Overall Preliminary Site Plan approval to Mountain View Manor at Wantage, Inc. for Block 4, Lot 1.01, located on Route 23 South, in the Industrial Zone, pursuant to N.J.S.A. 40:55D-46, N.J.S.A. 40:55D-48, N.J.S.A. 40:55D-50, and N.J.S.A. 40:55D-70(d)(1), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved, as amended at the hearing.
2. This approval is subject to the Applicant complying with all terms and conditions of the Board Engineer's December 15, 2008 review report and/or as the terms and conditions of said review report may have been modified at the time of the hearing of this matter and/or as reflected in this Resolution.
3. This approval is subject to the Applicant's submission of Easement Deeds and descriptions necessary to the development of Phase I of the Mountain View Manor at Wantage project to the Board Attorney and Board Engineer for review and approval.
4. This approval is subject to the Applicant providing architectural elevations of the buildings as well as architectural plans for the design of all buildings subject to the review of the Board Planner.
5. This approval is subject to the Applicant correcting all plans to correctly reference the Wantage Land Use Board and not the Wantage Planning Board.
6. This approval is subject to the Applicant providing the Board with a copy of all legal documents for the entity that will be owning, using and/or maintaining the following aspects of Phase I of the project:
 - (1) wetlands and transition areas;
 - (2) water facilities;
 - (3) roadway and sidewalks;
 - (4) landscaping;
 - (5) stormwater facilities;
 - (6) septic systems; and
 - (7) building exteriors.
7. This approval is subject to the Applicant merging proposed Lot 5 as shown on the plans into Lot 1.07, Block 4.01 to resolve the parking encroachment of Building No. 4 onto Lot 5. Proof of said merger shall be provided to the Board Attorney, Board Engineer and Board Secretary.
8. This approval is subject to the Applicant posting performance and maintenance guarantees for landscaping and other improvements on the site to be reviewed by the Board Engineer. Landscaping plans are to be submitted for review and approval by the Board Planner.
9. This approval is subject to the Applicant submitting all signage plans to the Board Planner for review and approval.
10. This approval is subject to the Applicant undertaking soil logs at the location of the proposed septic systems.
11. This approval is subject to the Applicant providing a revised solid waste facilities design and maintenance plan for the proposed trash enclosures.
12. Applicant shall provide at least 20 percent (20%) affordable housing on-site in accordance with any and all regulations promulgated by COAH subject to the final review and approval by the Land Use Board Planner and Attorney. This requirement shall be addressed prior to the issuance of any building permit and the actual construction of units shall be in

- accordance with the Board's professionals recommendations and commiserate with issuance of any temporary or final Certificates of Occupancy for the entire site.
13. This approval is subject to the following outside agency approvals:
 - (a) Sussex County Soil Erosion and Sediment Control
 - (b) Sussex County Planning Department;
 - (c) New Jersey Department of Environmental Protection (Water System); and
 - (d) Sussex County Health Department (Septic Systems).
 14. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an affidavit verifying that the Applicant is 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.
 15. 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.
 16. Certificate that taxes are paid to date of approval.
 17. 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: Cecchini, Grau, Slate, Vander Berg, Smith.

THOSE OPPOSED: None. **MOTION CARRIED.**

L-12-2006 TOWN CENTER

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of December 16, 2008 to grant Amended Final Major Site Plan approval to John Maione Enterprises (Town Center at Wantage Phase I) for Block 4.01, Lot 1.07, located on Route 23 in the Industrial Zone, pursuant to N.J.S.A. 40:55D-50, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. This approval is subject to the Applicant complying with all terms and conditions of the Board Engineer's report dated January 15, 2008 and/or as the terms and conditions of said review report may have been modified at the time of the hearing of this matter and/or as reflected in this Resolution.
3. This approval is subject to the Applicant complying with all terms and conditions of all prior approvals except as same may have been modified by this Resolution.
4. This approval is subject to the Applicant working out the proposed intersection's safety issues with the Board Engineer
5. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an affidavit verifying that the Applicant is 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. Sussex County Health Department approval.
9. Wantage Township Fire Subcode Official approval.
10. Wantage Township Plumbing Subcode Official approval.
11. 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: Cecchini, Grau, Slate, Vander Berg, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-18-2007 BRINK ROAD BUILDERS

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of December 16, 2008 to grant Extension of Minor Subdivision approval to Brink Road Builders, Inc. for Block 21, Lot 15.01, located on Lower Unionville Road, in the RE-5 Residential Environs Zoning District, pursuant to N.J.S.A. 40:55D-47(f), subject to the following terms and conditions:

1. The extension granted herein shall expire on April 24, 2009.
2. All terms and conditions of the Board's aforementioned minor subdivision approval unless amended herein, shall remain in full force and effect.
3. 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: Cecchini, Gaechter, Grau, Slate, Vander Berg, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-1-2008 BRUCE & JOANNA BORELLA

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of December 16, 2008 to grant Extension of Minor Subdivision approval to Bruce and Joanna Borella for Block 42, Lot 4, located on Wantage School Road in the RE-5 Residential Environs Zoning District, pursuant to N.J.S.A. 40:55D-47(f), subject to the following terms and conditions:

1. The extension granted herein shall expire on June 23, 2009.
2. All terms and conditions of the Board's aforementioned minor subdivision approval unless amended herein, shall remain in full force and effect.
3. 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: Cecchini, Gaechter, Grau, Slate, Vander Berg, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-16-2008 565 LAND DEVELOPMENT

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of November 25, 2008 to grant Minor Site Plan approval and Soil Removal Permit Recommendation to 565 Land Development for Block 117, Lot 38.01, located at County Route 565 in the Highway-Commercial (HC) Zone and R-5 Zone, pursuant to N.J.S.A. 40:55D-46.1, N.J.S.A. 40:55D-51 and Chapter 23 of the Township of Wantage Code, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. This approval is subject to the Applicant complying with all terms and conditions of the Board Engineer's report dated July 8, 2008, revised October 28, 2008 and/or as same may have been modified at the time of the hearing.
3. This approval is subject to the Applicant complying with all prior conditions of approval with respect to the Resolution adopted by the Board on August 21, 2007 and memorialized on September 18, 2007 and/or as same may have been modified at the time of the hearing.
4. This approval is subject to the Applicant submitting its signage plans for further review by the Board Engineer to confirm compliance with the Ordinance requirements for signage, if necessary.

5. This approval is subject to the Applicant providing certification that the groundwater table is or is not within 8 feet of the proposed final grades and adding this certification to the plans.
6. This approval is subject to the Applicant providing specific drainage details for the proposed detention basin and meeting with the Board Engineer to finalize these details with appropriate revisions being filed as directed by the Board Engineer.
7. This approval was subject to the Applicant providing and maintaining a performance guarantee and with surety acceptable to the Township Attorney in the amount of \$28,750.00 including a 15 percent (15%) inspection provision for Phase I) as was required pursuant to the Resolution memorialized on September 18, 2007 (which bond has already been posted) and \$28,750.00, including a 15 percent (15%) inspection cost for Phase II.
8. This approval is subject to the Applicant providing copies of its applications to NJDEP for wetlands transition area averaging to reduce the transition area widths as shown on the application as well as for General Permit No. 6 to excavate Wetlands Area "D".
9. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an affidavit verifying that the Applicant is 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.
10. 10. 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.
11. Certificate that taxes are paid to date of approval.
12. Sussex County Planning Board approval.
13. NJDEP Letter of Interpretation.
14. Township of Wantage Soil Removal Permit approval.
15. Township of Wantage Soil Erosion and Sediment Control Permit.
16. 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: Gaechter, Grau, Slate, Vander Berg, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

HOUSING ELEMENT AND FAIR SHARE PLAN

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of December 29, 2008 to adopt the Housing Element and Fair Share Plan with a proviso that the COAH Spending and Marketing Plans would be subsequently reviewed.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Slate, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-24-2008 WHEN PIGS FLY the applicant had requested to have this application carried to the January 27, 2009 meeting. No further notice is required.

L-23-2008 ROBERT MC EWAN

The applicant is proposing a minor subdivision of two lots plus the remainder. The property is known as Blk. 5, Lots 8 & 10 and is located on Spreen Road in the R-5 zone.

Attorney Christopher Quinn and owner Bob McEwan appeared before the Board.

Quinn stated that the application had been filed under L-26-2003

Mr. Pellow's report was reviewed and discussed. Existing Lots 8 and 10 will have to be merged prior to subdividing these lots. The attorney indicated it would be done by deed. The property at present consists of two lots and the applicant is looking to create an additional lot. Proposed Lot 10.04 has a residence, well, and septic system constructed, it is 5.343 acres with 363.72 feet on Spreen Road. Lot 10.04 meets area and dimensional requirements and has 20,272 sf of contiguous, non-constrained land. There will be a separate drive out to Spreen Road. The 20' x 20' drive back-out area should be relocated where it can be used by someone backing out of the garage. Sight distance profiles are needed. Test holes are to be excavated at the seepage pit locations to determine if the soil is porous enough to accept the storm runoff. The Engineer's office to be present.

Proposed Lot 10.05 has a foundation, well, and septic system constructed. Lot 10.05 is 5.244 acres with 250.06 ft on Spreen Road. It meets area and dimensional requirements and it has 20,590 sf of contiguous, non-constrained land. The 20' x 20' back out area is to be relocated so it can be used by someone backing out of the garage. It was recommended merging the drive with the drive into Lot 8 as it is paved and it would eliminate a driveway easement over Lot 10.04. Mr. McEwan indicated he did not wish to have a shared driveway and a driveway easement would be needed. Test holes to be excavated at the seepage pit locations to determine if the soil is porous enough to accept the storm runoff. The Engineer's office to be present.

Lot 10 is being eliminated and the foundation on this lot is to be removed, the well abandoned, and the septic tank filled with sand. There is erosion on this lot and it needs to be addressed in the Spring of 2009. A drainage easement is needed to discharge stormwater onto Lot 10.04 from the cross drain under Spreen Road near the southerly corner of Lot 10.04. A profile of the existing paved drive is needed from Spreen Road. A profile of the existing paved drive is needed from Spreen Road up to the merge point of Lot 10.05. The silt in the seepage pits at Spreen Road is to be removed. The existing underground utility lines and boxes to be shown, all of the septic cleanouts and inspection ports to be shown for all lots. Lot 10.04 to grant a drainage easement to Lots 10.05 and 10 to discharge stormwater from the 12 inch RCP near the merge points of the drives for Lots 10.05 and 10. A refund of \$5000.00 Road Trust Fund fees was discussed. The applicant is creating 1 lot only; therefore the RTF applies to only 1 lot. The wetlands and transition areas to be conveyed as conservation easements and be inserted in the lot deeds for Lots 10.04, 10.05, and 8.

There was no one from the public present on this application.

Mr. Cecchini made a motion seconded by Mr. Grau to approve this subdivision, subject to Mr. Pellow's report.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, Slate, Vander Berg, Gill, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Quinn stated that the applicant was willing to leave the bond in place, pending resolution of the appeal to the Supreme Court. It was decided that the performance guarantee would be returned to the applicant and if the appeal to the Supreme Court goes through, then the performance guarantee will be readdressed.

On a motion duly made seconded and carried, the Board unanimously agreed to amend the resolution with a condition on the performance guarantee.

L-7-2008 RALPH W. HAVENS

The applicant is seeking Preliminary and Final Major Site Plan with a Soil Removal Permit to remove 1.5 cubic yards of soil from the site. The property is known as Blk. 4,

Lot 3 and Blk. 13, Lot 4 and is located on Route 23 and Pond School Road in the Industrial zone.

Engineer. Kenneth Wentink and Ralph Havens appeared before the Board.

Mr. Havens gave a brief description of the operation that has taken place over the years.

Mr. Wentink stated that the applicant would like to request a landscape buffer. It was discussed that in case of any development, a buffer would apply.

Mr. Pellow's report was discussed.

The meeting was opened to the public. Maggie Kolicko asked why was granting a 10-acre increment operation preferred to granting 5-acre increments. Mr. Smith explained that it had to do with space to move the equipment. Mr. Pellow explained that when they are cutting down, they cut 20 ft and there is no room to move.

The meeting was closed to the public and opened to the Board. Mr. Pellow said that the ordinance disagrees with the hours of operation. Mr. Havens stated that his hours would be 7:00 a.m. – 4:00 p.m. during the week and Saturdays normally 7 a.m. to 12:00 noon. Mr. Slate suggested keeping their bonding to a minimum since they are generating their own top soil. \$3000 per acre was discussed.

Mr. Slate made a motion seconded by Mr. Grau to grant Preliminary Major Site Plan approval for five (5) years with a 10-acre disturbance, right-of-ways on two roadways and recommendation for a license. Mr. Gaechter stated that the road was taken out, Mr. Smith said an easement on Pond School Road for realignment of the road would be needed.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, Slate, Vander Berg, Gill, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-20-2008 VAN DECKER BROTHERS, INC.

The applicant is seeking Amended Site Plan approval to the Site Plan approval granted by the Board for application #L-8-2005, which was memorialized on February 28, 2006. The property is known as Blk. 21, Lots 8, 9, 36, 37 & 38 and is located on Route 284 in the M-R zone.

Mr. DeBoer and Mr. Gaechter stepped down.

Attorney Michael Gaus, Engineer Richard Wostbrock, Engineer and one of the principals, Michael Okrepki, appeared before the Board.

Mr. Gaus explained that this application was seeking to amend a prior site plan approval granted December 20, 2005 and memorialized on April 25, 2006, under application #L-8-2005.

Mr. Wostbrock stated that the changes include relocation of equipment and that the scale of equipment has become larger, a 70 ft scale as opposed to the approved 40 ft scale. He added that the current owner is moving equipment, and that there is a wheel washing area so the vehicles that come out of the main pit and get washed.

Mr. Wostbrock stated that Phase A, on Page 51 of the plans submitted, is currently in progress. The 5-acre plan was eliminated and 10-acre plan was approved for the previous application. Mr. Pellow's report was reviewed. It was discussed that the applicant would maintain a 50 ft. buffer from Lower Unionville Road. The 50 ft buffer along Lower Unionville to be staked and flagged at 50 ft intervals. It was discussed that there is a temporary trailer in front of the septic area that is used to monitor what is going on. The trailer is connected to the scale. Items still outstanding from the prior resolution on Page

5 of the report the Board is to approve the design of the building., a Developer's Agreement, and the hours of operation 7:00 a.m.– 4:00 p.m.during the week, 7:00 a.m. to 12:00 noon on Saturdays, and no Sundays.

Mr. Gaus suggested posting the bond before they start the last phase. It was discussed the applicant should return in five (5) years and at that time the Board will revisit the bond. This condition will be noted in the resolution. Mr. Smith stated that he was concerned about the brush that is being cut that it be removed so the site will look clean. Mr. Okrepki stated that they have been doing a number of things to maintain the site and get it all cleaned up. He stated that the barn is a project for this summer, part of it might be torn down, the rentals have been fixed, a leaking oil tank was pulled and there were a lot of environmental issues, erosion problems.

Mr. Gaus requested to have the license name changed from Van Decker to MJMA Mining Gravel and Sand LLC. Mr. Kienz asked Mr. Gaus to send him a letter to that effect. The Board agreed to the change.

The applicant was opened to the public. Marie Springer has questions on ownership of the project, on what completeness means, what exactly is the final phase, use of the building. Mr. Okrepki stated it was for storage of equipment, office. Maggie Kolicko asked about the processing plant that was approved. It was explained to her that the equipment proposed is portable, easier to work with. She wondered about the bright aqua piece of equipment visible from Lower Unionville Road. She stated that this area is the gateway to her community, she mentioned different projects including CJS, the pipeline, and this mine Rob Decker, 54 L. Unionville Road, discussed the ponds, the equipment, and the noise. Robert Kohle of Judge Beach Road complained about the dust and the trees between the 50 ft. buffer area that have uprooted. It was discussed that Mr. Pellow will take a look.

The meeting was closed to the public and opened to the Board. Mr. Vander Berg commented that the trailer is temporary and will sit on footings and should be noted in the resolution.

Mr. Grau made a motion seconded by Mr. Cecchini to grant a 5-year approval from tonight, subject to Mr. Pellow's report and to the applicant returning for reapproval.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Grau, Slate, Vander Berg, Gill, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

Mr. Vander Berg stepped down.

Mr. Paul Knakkegaard is interested in purchasing the old solar barn to be used for personal storage. The property is _ acre and is zoned residential. Mr. Knakkegaard wants to put a roof on it and clean up the site. It was determined that the barn is a valid pre-existing non-conforming structure and storage of timber, seasonal equipment, an antique car, all for personal use is allowed and there should be no lumber sale and no rentals. The LUB secretary will submit a letter to Mr. Kevin Kervatt, the Zoning Official, who issued a violation on 12/31/08.

Mr. Cecchini stated that there are so few opportunities to do something with this property because of the size and as the building deteriorates and falls down it will continue to be an eyesore. He stated that this is a good opportunity to have someone fix it up and do something nice with it.

Mr. Cecchini made a motion seconded by Mr. Grau to recommend to the Zoning Officer to allow the personal use of this building by Mr. Knakkegaard.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Grau, Slate, Gill, Cillaroto, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Stella Salazar
Secretary