

FEBRUARY 17, 2009

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, February 17, 2009 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 advertised and noticed to the public.

ROLL CALL

PRESENT: Mssrs. Cecchini, Gaechter, Grau, Smith, Vander Berg, Cillaroto, Vander Groef, Ms. Mylecraine.

ABSENT: Mssrs. Bono, DeBoer, Slate, Mmes. Kanapinski, Gill.

Mr. Vander Groef arrived at 7:35 p.m.

Ms. Mylecraine was sworn in as a new Board member.

ADOPTION OF MINUTES

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the minutes of December 29, 2008.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Mylecraine, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Grau made a motion seconded by Mr. Vander Berg to adopt the minutes of January 20, 2009.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Vander Berg, Cillaroto, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Gaechter made a motion seconded by Mr. Vander Berg to adopt the minutes of January 27, 2009.

THOSE IN FAVOR: Cecchini, Gaechter, Vander Berg, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Smith stated that the COAH application was submitted about one month ago, it was reviewed by the head of the department who said that it was one of the best she had seen and would like to use it as a model. The Board would like to recognize Mr. Kienz, Mr. Troast, and Mr. Pellow for the work that they did.

RESOLUTIONS

L-7-2008 ESTATE OF RALPH W. HAVENS

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board's decision of January 20, 2009 granting Preliminary Site Plan approval and Soil Removal Permit to the Estate of Ralph W. Havens for Block 4, Lot 3 and Block 13, Lot 4, located on New Jersey State Highway Route 23 in the vicinity of Pond School Road in the Industrial Zone, pursuant to N.J.S.A. 40:55D-46, 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 development shall be consistent with plans entitled "Soil Removal Permit Application, Block 4, Lot 3, Block 13, Lot 4 in the Township of Wantage, Sussex County" prepared by Kenneth A. Wentink and Associates consisting of 21 sheets with the latest revision date of August 6, 2008 except as modified herein.

3. Cemetery Road's right-of-way shall continue to exist, however, in the event development takes place on the Subject Property, the Applicant shall take no action which would interfere with the possible development and use of the Cemetery Road right-of-way.
4. The lower end of Pond School Road shall be vacated as a result of it being in an environmentally sensitive area. The Applicant shall specifically reserve a future right-of-way alignment for the new Pond School Road which shall be submitted and subject to the review and approval of the Board Engineer.
5. All areas of disturbance shall be staked in the field subject to the review and approval of the Township Engineer.
6. The hours of operation shall be 7:00 to 5:00 Monday through Friday and 7:00-12:00 on Saturday.
7. Applicant shall post maintenance guarantees in the amount of \$3,000.00 per acre plus 15 percent (15%). This shall be posted prior to any work beginning on site.
8. Applicant shall return by the regularly scheduled January 2014 meeting of the Board for additional review and an update on the status of the mining application.
9. Applicant shall not be permitted to disturb more than ten (10) acres of land at any one time.
10. Applicant shall strictly adhere to the phasing plan indicated on the plans. Any alterations or changes to that phasing plan shall require the review and approval of the Board Engineer and if he deems it necessary of the entire Land Use Board.
11. No airable soil within 8 inches of the surface shall be removed from the site but shall be properly stockpiled and respread on the surface.
12. Soil removal shall not be deposited in any way or in any way thrown or placed upon adjoining properties or public roads.
13. All operations shall be conducted in strict accordance with any State law, other Ordinances of the Township and the terms of the application as modified by the permit granted in this approval.
14. This operation shall be so conducted as to not constitute a nuisance to adjoining property owners. In no event shall any sharp declivities, piles, depressions or other safety hazards be created.
15. Parking or maintenance of trucks, vehicles or equipment on an abutting road or highway shall be deemed a nuisance.
16. Upon completion of any excavation delineated under Section 23-1.7c of the Ordinance, the area shall be properly leveled off, cleared of debris and graded to conform to the contours and grades as approved by the Board Engineer, seeded and mulched.
17. Soils shall not be removed except from one contiguous area at a time.
18. No material shall be removed which is within 8 feet of an existing water table.
19. While working in an area, the working face of the excavation shall not exceed 60 degrees and the slopes along the perimeter of the excavated area when operations are completed shall not exceed 30 degrees from the horizontal.
20. Maximum height of any structure or machine stockpile shall not exceed 40 feet.
21. Maximum noise levels at the property line shall not exceed the allowable threshold pursuant to Section 23-1.15.1.
22. The owner shall provide progress reports to the Township Engineer six (6) months after the issuance of a permit.
23. No storage, trash, junk or debris may be stored in any licensed area, no safety hazards permitted either during or after completion of operations.
24. The Applicant shall obtain an annual operating license for the soil removal operation.
25. The Applicant shall revise the profile for Pond School Road subject to review and approval of the Township Engineer.
26. 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.
27. 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.
 28. Certificate that taxes are paid to date of approval.
 29. Sussex County Planning Board approval.
 30. Sussex County Soil Conservation District approval.
 31. 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, Vander Berg, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-9-2008 (L-24-2008) WHEN PIGS FLY, LLC

Mr. Grau made a motion seconded by Mr. Vander Berg to adopt the resolution memorializing the Board's decision of January 27, 2009 granting Amended Preliminary and Final Site Plan approval with "c" variance relief to When Pigs Fly, LLC for Block 18, Lots 12.08 and 5, located on County Route 565 in the Industrial and Airport Hazard Zone, pursuant to N.J.S.A. 40:55D-46, N.J.S.A. 40:55D-50 along with N.J.S.A. 40:55D-70(c), 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 granted strictly in accordance with the final plans for the taxi way entitled "Preliminary and Final Taxi Way Site Plan for Lot 5, Block 18" dated May 6, 2008 and consisting of three (3) sheets as well as the separate plans for the hangars entitled "When Pigs Fly Airport Hangars" prepared by Dykstra Associates, Inc., Sparta, New Jersey, dated December 3, 2008 consisting of three (3) pages as amended per the hearings in this matter amended and/or modified in consultation with the Board Engineer.
3. The Board also determines that the approvals granted are in strict accordance with the terms and conditions of a Resolution decided July 28, 1997 and memorialized September 16, 1997 granting preliminary site plan approval for the Subject Property except as may be modified by this Resolution.
4. The Applicant must enter into written Lease Agreements with all prospective tenants and include in such Lease language with respect to compliance with the Federal Aviation Regulations particularly as it pertains to maintenance.
5. This application is also subject to the terms and conditions contained in the Resolution memorialized on April 25, 2006 except as modified herein.
6. As regards the additional taxi way, the Applicant shall provide a copy of the Deed of Conservation Easement to the Township Engineer so that the environmental constraints on the Subject Property can be properly identified in relation to these new improvements.
7. The existing detention basin shall be reconstructed and necessary corrections made to it as part of the Phase II development of the property.
8. As-built elevations are required for the first phase of hangars as the paved areas were all redone subject to the review and approval of the Township Engineer.
9. Applicant shall meet any and all COAH requirements as appropriate subject to the review and approval of the Board Attorney.
10. Prior to beginning of the work on-site for the approved additional hangars, a pre-construction meeting shall be held with the Board Engineer and Construction Official for the Township.
11. Applicant shall specifically delineate on the plans those areas which will be used for storage of the aircraft along with those areas used for

- recreational equipment storage. Further, the actual hangers shall be painted to indicate where those areas are subject to the review and approval of the Construction Official.
12. The additional taxi way shall be completed in conjunction with the erection and temporary final Certificate of Occupancy for the fifth hanger.
 13. Permitted storage items within the storage areas shall include cars, snowmobiles, boats, trailers, ATVs, motorcycles, bicycles, canoes and campers. Any other equipment shall be subject to the review and approval of the Construction Official for the Township.
 14. Applicant shall provide copies of Leases for all hangers for review by the Board Attorney.
 15. No outside storage of any kind shall be permitted.
 16. The additional equipment stored in the hanger must be owned by the tenant or owned by a principal of the tenant. A principal of the tenant applies to those situations when the airplane is in the name of a corporation.
 17. Owner or lessee of the hangers shall permit inspection of the hangers by Township Officials at all reasonable times during reasonable business hours.
 18. No storage of any other materials of any kind whatsoever shall be permitted.
 19. 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.
 20. 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.
 21. Certificate that taxes are paid to date of approval with respect to property owned by the Applicant.
 22. Sussex County Planning Board approval.
 23. Sussex Count Soil Erosion and Sediment Control approval.
 24. 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, Vander Berg, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-20-2008 VANDECKER BROTHERS, INC.

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board's decision of January 20, 2009 granting Amended Preliminary Major Site Plan approval to VanDecker Brothers, Inc. for Block 21, Lots 8, 9, 36, 37 and 38, located on State Highway 284 in the Multifamily Residential (M-R) Zone, pursuant to N.J.S.A. 40:55D-46, 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 granted strictly in accordance with the site plan prepared by Richard A. Wostbrock, P.E. of Lan Associates, dated August 22, 2008 consisting of eight (8) pages. Said plans to be revised in accordance with specific recommendations of the Board Engineer.
3. This approval is conditioned upon satisfaction of the terms of the Board Engineer's report dated October 29, 2008, last revised December 15, 2008 prepared by Harold E. Pellow, P.E., L.S.
4. Applicant shall be required to appear before the Board on or before January 20, 2014 so that the Board can revisit the issue of whether additional restoration bonding shall be required.

5. The Board specifically determines the trailer is not a permanent structure and shall be reviewed at the time the Applicant appears for its five (5) year review date.
6. Applicant shall provide the Land Use Board with the design of the proposed building.
7. Applicant shall submit a soil erosion plan prior to the start of each phase.
8. Applicant shall show top soil quantities and where the stockpiles shall be located.
9. Revised landscaping plans shall be provided for each phase.
10. All conditions contained in the prior approval dated April 25, 2006 shall remain in full force and effect.
11. The Board further concludes that it can grant waivers from the specific items spelled out in Mr. Pellow's report given the fact that this is only an amended plan.
12. The Board also determines that the amount of any of any maintenance guarantees shall be \$6,000.00 per acre for a total of \$60,000.00 for 10 open acres. This amount shall be revised from time-to-time.
13. 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.
14. 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
15. Certificate that taxes are paid to date of approval.
16. Sussex County Planning Board 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, Vander Berg, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-21-2008 CHARLES & JANE HUNTER

Mr. Smith stated that Condition #10 should be added to say that the footprint of the building should not exceed what was submitted in the plans as it was discussed in testimony during the hearing.

Mr. Cecchini made a motion seconded by Mr. Vander Berg to adopt the resolution, with changes, memorializing the Board's decision of January 27, 2009 granting Bulk and Planning Variance approval to Charles and Jane Hunter for Block 163, Lot 15.05 located on Wilson Lane and Neilson Road in the Residential Environs Zone, pursuant to N.J.S.A. 40:55D-70(c)(1) as well as N.J.S.A. 40:55D-36, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plan submitted and approved.
2. This approval is subject to the Applicants' complying with all terms and conditions of the Board Engineer's reports dated October 2, 2008 and January 12, 2009 and/or as same may have been modified at the time of the hearings in this matter.
3. This approval is subject to the Applicants fencing in any transition areas prior to work commencing on the site and delineating conservation for easement areas through the use of monuments.
4. This approval is subject to there being no accessory buildings or structures such as sheds, patios, pools and the like being located on the Subject Property given the constrained nature of the site.
5. Prior to the issuance of any construction permit, the Applicants shall file with the Board and Construction Official an affidavit verifying that the Applicants are in receipt of all necessary agency approvals other than the

- municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
6. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
 7. Certificate that taxes are paid to date of approval.
 8. Sussex County Planning Board approval, if needed.
 9. 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.
 10. This approval is subject to the footprint of the building not exceeding what was depicted in the plans submitted, as stated during the hearing testimony.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Vander Berg, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-25-2008 AMES RUBBER, INC.

Mr. Vander Berg made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board's decision of January 27, 2009 granting Minor Subdivision approval to Ames Rubber, Inc. for Block 1.02, Lot 9.01, located on New Jersey State Highway Route 284 in the R-5 Zone, pursuant to N.J.S.A. 40:55D-47, 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 granted strictly in accordance with the plans entitled "Minor Subdivision Plan of Block No. 1.02, Lot 9.01, Township of Wantage, Sussex County, New Jersey" prepared by Kenneth A. Wentink and Associates with a latest revision date of January 14, 2009 consisting of two (2) sheets prepared for Ames Rubber, Inc.
3. 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.
4. Certificate that taxes are paid to date of approval.
5. Sussex County Planning Board approval.
6. 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, Vander Berg, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-12-2008 LEWISBURG ROAD ACQUISITIONS, LLC The applicant is requesting an extension minor subdivision approval granted July 22, 2008 and memorialized August 26, 2008. The property is known as Blk. 17, Lot 1 and is located at the intersection of Roy Road and Lewisburg Road in the RE-5 zone.

Mr. Grau made a motion seconded by Ms. Mylecraine to grant an extension to July 21, 2009.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Mylecraine, Vander Berg, Cillaroto, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

It was discussed that a cash bond for the improvements on Roy Road would have to be in place.

L-13-2008 PIDGEON HILL FARMS, LLC The applicant is requesting an extension minor subdivision approval granted July 22, 2008 and memorialized August 26, 2008. The property is known as Blk. 120, Lot 2 and is located on Pidgeon Hill Road in the RE-5 zone.

Mr. Grau made a motion seconded by Ms. Mylecraine to grant an extension to July 21, 2009.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Mylecraine, Vander Berg, Cillaroto, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Stella Salazar
Secretary