

APRIL 28, 2009

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, April 28, 2009 at the Wantage Township Municipal Building. The meeting was held in connection 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. Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Smith, Vander Groef. Mmes. Kanapinski, Mylecraine, Gill. Attorney Jeanne McManus, Engineer Harold Pellow.

ABSENT: Mssrs. Vander Berg, Cillaroto.

Board member Gill left the meeting at 8:40 p.m.

APPROVAL OF MINUTES

Mr. Bono made a motion seconded by Mr. Grau to adopt the minutes of March 17, 2009.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Gill, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-1-2009 RICHARD AND GAIL HAVENS

Mr. Grau made a motion seconded by Mr. Bono to adopt the resolution memorializing a decision made on March 17, 2009 to grant Minor Subdivision approval with ancillary "c" variance relief to Richard and Gail Havens for Block 1.02, Lot 13, located on Route 284 in the RE-5 Zone pursuant to N.J.S.A. 40:55D-47 and 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. The Applicants shall pay \$1,650.00 per lot to the Road Trust Fund at the time of application for a building permit.
3. Applicants shall obtain DOT approval for a road opening permit.
4. Applicants shall meet any and all COAH requirements that are applicable at the appropriate time subject to review and approval of the Township Planner.
5. The Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Subdivision Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
6. 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.
7. 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.
8. Certificate that taxes are paid to date of approval.
9. Sussex County Planning Board approval.
10. 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: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-5-2009 FRANKLY FOODS AT WANTAGE (FRIENDLY'S)

The applicant is seeking variances to construct signs on the West and South sides of the building which will house the Friendly's restaurant. The property is known as Blk. 20, Lot 3 and is located on Route 23 in the NC zone.

Mr. Smith informed everyone that the applicant met with the subcommittee of the Land Use Board approximately one month ago to review the signage. The Board made some recommendations and adjustments and the applicant is now seeking final approval.

Attorney William Haggerty appeared before the Board. Mr. Haggerty explained that this is an amendment to the site plan for the old Ben Franklin site for the sign above the windows on the Route 23 side that will measure 61 sq.ft. and a 33 sq.ft. sign on the parking area side. Both signs will be partially illuminated. The applicant is also proposing a walk-up ice cream window on the parking area sign with a sign indicating that it is a walk-up window of approximately 10-12 sq.ft. and two ice cream menu boards and an ice cream light fixture. The dimensions to be indicated. Mr. Haggerty indicated that the reason for the request is that the building is set back from Route 23 and the signs fit very nicely in the existing façade of the building and they consistent with the existing signage that is on the building now and the proposed signs will be attractive.

The meeting was opened to the public. Mr. James Opfer asked where will the Friendly's be located.

There were no questions from the Board members.

Mr. Bono made a motion seconded by Mr. Slate to approve this application.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Mylecraine, Slate, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Haggerty asked if receipt of the Resolution could be waived so they could get a building permit and hope to open in approximately two weeks. All were in agreement and Mr. Pellow indicated that the applicant should submit a revised plan with all the dimensions.

L-3-2009 HOPE EVANGELICAL FREE CHURCH

The applicant is proposing a 200-seat church. The property is known as Blk. 2, Lot 51.01 and is located on Route 565 in the HC zone.

Attorney James Opfer, Engineer, Richard Wostbrock, P.E. and Charlie Blessing appeared before the Board.

Mr. Wostbrock referred to the plans submitted with the application dated January 14, 2009 and revised April 6, 2009. Mr. Wostbrock explained that the applicant proposes to construct a 200-seat sanctuary, 92 x 40 rectangular shape two-story building. The goal was to make use of the existing topography and they took into consideration the access to the site. It was discussed that if the building were to be moved over to the left to make the driveway shorter, the advantage of the buffer would be lost. It was discussed that the church is outside of the 100-year flood plain.

Issue with the lights, applicant proposes shoebox lighting. The Board would like to see more attractive lights as used in Town Center considered. The applicant stated that the lighting would be recalculated and resubmitted.

Parking, pedestrian issue, contaminated site across the street. The signs should not say Sussex they should say Wantage. Ground lighting will be used for the signs.

Maggie Kolicko, 22 August Lane asked about the size of the present church in Vernon. Mr. Blessing stated that it was less than 200-seat and the professionals indicated that they wished to prepare for the future for Christmas and Easter. She asked what was being done with the building in Vernon and it was discussed that the plans are to sell it. She then asked how long had the church owned the property in Wantage. Mr. Blessing stated that in the area of 12 years. She asked if anyone had done any research to see if the property is in the wildlife expansion area, she asked how would the area not used be maintained, and about the light pollution. The professionals indicated that there is a wetlands buffer of 150 ft. plus the 100 year flood plain buffer requirements and that there were no proposed changes about the lighting. They also stated that the services would be Sundays and Wednesdays.

There were no other members of the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board.

Ms. Mylecraine asked if there were any plans of ever having a daycare center and if there was any consideration of donating a piece of land to the wildlife.

A reference was made to Mr. Pellow's report dated April 28, 2009 regarding the landscaping. Said report was reviewed. The applicant had indicated that he did not wish to plant trees that would block the view of the surrounding property. Mr. Pellow was in agreement. However, he indicated that trees could be planted on the southeastern side of the building facing Glenwood Road. Proposing a minimum of foundation plantings along the northeastern side of the building was suggested. Plantings at the southwestern side of the building can be donated by the parishioners as the applicant stated in his letter to Mr. Pellow dated April 19, 2009.

Mr. Grau made a motion seconded by Mr. Bono to approve this application subject to Mr. Pellow's report, update of the handicap parking adjustment to the map, lighting fixture layout, revised landscaping. It was suggested doing what was done at Quick Chek, deer-resistant planting and the dumpster must be lackable to protect from the animals.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Gill, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-4-2009 ERIC TURNQUIST / MEADOW VIEW AT WANTAGE

The applicant is proposing to subdivide a 131.712-acre tract of land into seven (7) lots. The applicant proposes to construct five (5) 4- and 5-townhouse units and two (2) single family homes on the subdivided lot and on another adjacent lot. "C" and "D" variances are requested. The property is known as Blk. 17, Lots 3, 25 & 27 and is located on Route 565 in the ML zone.

Attorney Michael Gaus, Engineer Kenneth Dykstra, and principal Eric Turnquist appeared before the Board.

Board members DeBoer and Gaechter stepped down.

Mr. Gaus indicated that the hearing on this application had originally been scheduled for a special meeting for March 31, 2009 and the applicant had noticed. Accordingly, they were informed that they did not have to renote. However, they chose to renote because they wanted to add a significant use variance in the notice.

Proposed Lot 27.06 and remainder Lot 27 are proposed for single-family dwellings and are not permitted in the ML zone and use variances are needed. Existing Lot 25 contains 0.251 acres and is located in the RE-5 zone. A portion of Lot 25 containing 1,114 sq. ft. will be subdivided and annexed to the proposed roadway, and a front yard setback variance will be needed. In addition, 21,785 sq. ft. will be subdivided from Lot 27 and annexed to Lot 25, resulting in a net area of 0.727 acres for Lot 25. A portion of the access road will be constructed in the RE zone with the lot line adjustment for Lot 25 and a use variance may be needed. As per Section 13-30.5, the front yard setback shall be 25 feet and all of the buildings to be set back to conform.

Mr. Pellow's report dated March 17, 2009 revised March 19, 2009 and April 15, 2009 was reviewed. Page Two, Item 2.02 stated that a waiver could be granted for the size of the plans 24" x 36" so the entire could be shown. However, the applicant should obtain a new L.O.I. since the last one expired in 1990, Item 3.03. A waiver was not acceptable. Additional waivers were granted for the following: Item 4.01, Entire tract boundary line (heavy solid line), existing and proposed subdivision or property lines within the tract, and the existing and proposed number of lots, Item 4.11, Conventional septic disposal system requirements, Item 5.01 Roadway name, and Item 6.14 Proposed Developer's Agreement. For Item 6.09, Fire protection plans and details, the applicant will comply with whatever information the Fire Department requires.

For Item 6.13, copies of protective covenants, deed restrictions or homeowner association documents, the applicant requested to have it waived until the application for final approval because of costs being incurred by the applicant. Mr. Gaus stated that the applicant did not know yet if there was going to be a homeowner's association since the applicant is currently in the midst of discussions with the county regarding the septic. He indicated that there may be separate ownership for each individual lot. However, it is the Board's position that the applicant must present an outline or a plan of what it is intended. Mr. Gaus asked if he could send a letter next month outlining what the plans are.

Mr. Smith asked the Board if they thought a waiver could be granted until next month's meeting so the applicant could provide a letter with an outline of what would be done. All were in favor of granting the waiver until next month.

Item 3.01, existing features on the subject property and within 200 feet of the boundary line, buildings or structures with dimensions to existing property lines, utilities including sanitary sewers, water lines, utility poles, aerial/underground electric lines, wells, and septic systems, the applicant indicated this would be done when revised plans are submitted. The Board asked why was a revised plan not submitted. Both professionals stated that they wanted to incorporate the Board's comments when submitting revised plans, while saving the applicant some money. Mr. Pellow indicated that for Item 3.01, 1, the aquifer recharge areas, was not fully addressed. Wells may have to be drilled if no wells are found in the area and a revised L.O.I. is needed, as discussed previously.

Building envelopes utilizing the setback distance specified in the zoning requirements, open space, buffer zone, recreation areas, municipal and public areas and lands to be conveyed to the Township if applicable, and existing and proposed easements, where applicable, to be shown on the revised plans.

Exhibit A1, Color version of Sheet 3 of the preliminary subdivision plot, was introduced. Mr. Dykstra explained that a line adjustment is being proposed for Lot 25. The road frontage on Route 565 is being reduced. Lot 25 will have about 40 ft. of frontage on Route 565 and will have frontage on the new roadway that will end at the cul-de-sac. Ms. Kanapinski asked if a variance for road frontage was being requested. Mr. Grau asked if access had been obtained from the county. Mr. Dykstra explained that road access had been requested. Lot 27 will have a single family home and because it is in the ML zone a use variance will be needed. Lot 25 will need a use variance.

It was discussed that Lot 25 will trigger two use variances: one because part of Lot 27 which is in the ML zone will be annexed to Lot 25 and two because part of Lot 25 will be used for the roadway. In addition, road frontage variance and set back variance from

20.6 ft. to 13.4 ft. will be needed. The professionals indicated that the use variances pose no substantial detriment to the zone plan or to the public as it seems that everything around is already zoned RE-5 single family development and the plan allows one unit to have a small farm which is desirable.

Mr. Dykstra stated that the project proposes five (5) building lots for multi-family housing and an additional single-family home with agricultural related use on Lot 27.06 which will require a use variance. The proposed open space is 33% of the multi-family area. Five units or 20% of the project will be affordable housing. The roadway will be 250 ft. long and they are requesting 2 exceptions from the RSIS standards for curbing of roadway and sidewalks on just one side because they are not developing the other side of the road. Eric Snyder suggested the affordable units should be spread out. Each unit will have individual wells and septic. Extensive soil testing was done, aquifer testing according to the ordinance will be done at some point to ensure that there is adequate water supply for the development.

Water, sewer, signage, pedestrian access, miscellaneous zoning, number of school children, increase of population, wetlands, landscaping, easements, county approval, stormwater management, parking, affordable housing, lighting, mailboxes, trash enclosures, architecture, and guiderail were discussed. The applicant was informed that the design phase and the architecture need to go through our planner, David Troast.

The meeting was opened to the public. Scott Rosselli of 5 Roy Court expressed concern with the runoff for this project, if there would be enough water for the well, and if there would be trees that would affect his sight distance. Mr. Dykstra explained that the stormwater management basin proposed will be located across parts of Lots 27.03, 27.04 and 27.05 discharging to the surface and ultimately discharging to the tributary of the Papakating. Studies have been done to make sure there will be enough water for the project and that water will not be drawn from neighboring wells. The driveway project will not affect Mr. Rosselli's site distance at all as the new road will be about 500 ft from his driveway where there is already access from Rt. 565.

Maggie Kolicko of August Lane asked where the single family homes would be located and where their driveways would be. She asked about the distance from the house to the septic, about an environmental impact statement which she would like to review, she questioned about endangered species, she expressed concern about additional cars that will be turning into Route 565. The professionals stated that an EIS is currently on file with the office and may be reviewed, that there is a 300 ft. buffer required and that a traffic study is currently under review and discussions with the county board. She asked when would the applicant be meeting with the county and the applicant replied that they do not know when they will be meeting with them next. Ms. Kolicko asked how does this development relate to the rural character of Wantage and if the proposal of housing type and lot sizes conforms to the zone and if testing would be conducted to find out if the wetlands would be affected by the usage of water on this project. The professionals explained that it does conform, that the zone is zoned ML housing, multifamily type housing, that the project proposes five-units on two-story buildings with one-car garage, each unit will be approximately 1700 sq.ft. and architectural plans were submitted with the application package, the acreage per unit varies and it does conform with the zone. The Board explained that we could have 300-400 units on that property if septic approvals were obtained. Mr. Dykstra indicated that testing water levels in an adjacent water body was not part of the criteria. Mr. Smith explained that everything that is used on the site goes back in the ground so it recharges the aquifer over the years. She also inquired about the parking and lighting. Mr. Dykstra indicated that a total 59 parking spaces are proposed, one-garage plus one-parking for each unit, additional parking plus visitor parking throughout the site so there will be no parking on the street. Decorative light fixtures that the Township likes, not a lot of lighting was proposed and actually Mr. Pellow asked for more lighting. The applicant did not want to overlight the site and was trying to avoid having a continuous flow of light.

The meeting was closed to the public and opened to the Board. Mr. Smith stated that he had a couple of concerns and that the site walk would determine some of them. He mentioned recreational purpose areas so people would have something to do in the open

space, a piece of property where people could get together and converse, in line with a village concept. He also suggested the applicant talking to Sussex County Transportation in reference to both school and public transportation pick up places.

Mr. Cecchini stated that he was not sure about the design with the parking being behind the units, as suggested. He felt that unregistered or unwanted vehicles would easily be concealed and that might create some confusion with visiting vehicles.

A site walk was scheduled for Tuesday, May 5th at 4:00 p.m. The application was carried to the May 19, 2009 meeting, no further notice is required.

GENERAL BUSINESS

On a motion duly made seconded and carried the Board approved the Recreational Vehicle Ordinance to be submitted to the governing body for approval.

ADJOURNMENT

On a motion duly made seconded and carried the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Stella Salazar
Secretary