

MAY 19, 2009

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, May 19, 2009 at 7:00 p.m. at the Wantage Township Municipal Building. The meeting was held in compliance with the provisions of the Open Public Meetings Act, Public Laws 1975, Chapter 231. The meeting was properly noticed and posted for the public.

ROLL CALL VOTE

PRESENT: Mssrs. Bono, Cecchini, Gaechter, Slate, Smith, Vander Berg, Cillaroto, Vander Groef, Mmes. Kanapinski, Mylecraine, Gill, Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. DeBoer and Grau.

Mr. Cecchini arrived at 7:15 p.m. and Mr. Cillaroto arrived at 7:20 p.m.

APPROVAL OF MINUTES

Mr. Slate made a motion seconded by Mr. Bono to adopt the minutes of April 28, 2009.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Gaechter, Mylecraine, Slate, Smith, Gill, Kanapinski, Vander Groef.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-3-2009 HOPE EVANGELICAL FREE CHURCH

Mr. Bono made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of April 28, 2009 to grant preliminary major site plan approval and conditional use approval to Hope Evangelical Free Church for Block 2, Lot 51.01, located on County Route 565 in the HC Zone, pursuant to N.J.S.A. 40:55D-67 and 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 plan prepared by Richard A. Wostbrock, P.E. of LAN Associates, entitled Preliminary Site Plan for Hope Evangelical Free Church, Block 2, Lot 51.01, Township of Wantage, Sussex County, New Jersey, dated January 14, 2009 and consisting of nine (9) sheets, as modified at the time of hearing.
3. This approval is subject to the Applicant's compliance with all terms and conditions of the Board Engineer's reports dated February 11, 2009, revised March 17, 2009, April 9, 2009, and April 28, 2009, and/or as same may have been modified at the time of the hearing.
4. The proposed free-standing sign shall be corrected to read "Wantage" rather than "Sussex", as shown on the sign plan submitted by Applicant.
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 shall supply along with said affidavit a copy(ies) of any approval(s) received.
6. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of the request for same by the Board's Secretary.
7. Certificate that taxes are paid to date of approval.
8. Sussex County Planning Board approval.

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.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

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

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of April 28, 2009 granting amended site plan approval with ancillary "c" variance relief to Frankly Foods at Wantage, LLC for Block 20, Lot 3, located on Route 23 in the NC Zone, pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 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 Applicant shall submit a revised drawing of the signage showing all dimensions, which shall be subject to review and approval by the Township Engineer.
3. 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 any and all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and shall supply a copy of any such approvals received.
4. 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.
5. Certificate that taxes are paid to date of 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: Bono, Gaechter, Mylecraine, Slate, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-25-2007 CONCORD RIDGE (JOHN BAS)

Mr. Bono made a motion seconded by Mr. Gaechter to adopt the resolution memorializing a decision made on May 19, 2009 granting extension of minor subdivision approval and reapproval of minor subdivision to Concord Ridge for Block 42, Lot 38 as shown on the Tax Map of the Township of Wantage, located on 11 Sally Harden Road in the RE-5 Zone, granted 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 December 15, 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: Bono, Gaechter, Slate, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-25-2007 CONCORD RIDGE (JOHN BAS)

The applicant is seeking extension of minor subdivision approval. The approval was granted April 22, 2008 and memorialized May 20, 2008. The property is known as Blk. 42, Lot 38 and is located on Sally Harden Road in the RE-5 zone.

Attorney Thomas Molica appeared on behalf of the applicant. Mr. Molica explained that the reason for the extension request is that the applicant had problems coordinating with their surveyor and site plan engineer addressing Mr. Pellow's review memorandums from September of 2008. The applicant is now in position to fully address those comments, submit the revised plans for the review memos which provide property descriptions for the two lots that are being created. The applicant is requesting a six (6) month extension in order to complete the paperwork. Mr. Smith suggested approving the extension until December 15, 2009. Mr. Kienz indicated that this would be a reapproval because the County would request it so.

Mr. Bono made a motion seconded by Mr. Gaechter to grant the extension, reapproval, and to adopt the resolution memorializing today's decision.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Gaechter, Slate, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-8-2009 SUSSEX AIRPORT

The applicant has filed a site plan application to relocate the parallel taxiway system for the airport. The property is known as Blk.18, Lot 5 and is located on Route 639 in the AH zone.

Attorney Paul E. Rusen and Mr. Paul Styger appeared before the Board.

Mr. Cecchini stepped down on this application.

Mr. Rusen explained currently the airport has a taxiway that runs parallel to one way southwestern portion of airport property. Currently the centerline of the taxiway is 131 ft. from the centerline of the runway. What is being proposed is to relocate the existing taxiway to make it within FAA requirements of 150 ft or more from the centerline of the runway from the centerline of the taxiway. This taxiway covers the southwestern half of the runway.

Mr. Smith confirmed that there had been no changes in the original plan other than it has to meet FAA requirements and that the applicant is doing this to be in compliance with the FAA.

Mr. Pellow's report dated May 18, 2009 was reviewed. Item 1 of the report stated that the applicant was proposing to construct a new taxiway adjacent to the existing taxiway and that most of the work had been completed. A stop work order was placed on the work as the application never came before the Land Use Board. Item 2 called for a copy of the soil erosion permit from the County which Mr. Rusen had in his possession and submitted to the Land Use secretary at the meeting. Mr. Pellow asked when would the large stockpile of soil adjacent to Route 639 and the adjacent retail building be disposed of. Mr. Styger stated the work would take about 3-4 weeks from the start of the work. Items 3 and 4 dealing with the work that remains to be completed. It was discussed that that the applicant had obtained authorization to discharge stormwater from the NJDEP. The original authorization was then submitted for the files. Item 5 of the report asked if the FAA would approve since it was believed a grant was given by them for this work. Mr. Rusen indicated that the applicant and the FAA met at the site approximately one (1) month ago. The applicant stated they would submit a copy of the FAA approval. Mr.

Pellow asked when they complete the work to submit a certificate of compliance with the soil conservation.

The meeting was opened to the public. Attorney Eric Wood, representing the adjoining property owner, stated that his client was requesting a 25 ft. easement for access to his property and the right to use the taxiway. He stated that the applicant had already agreed to such a request. It was discussed that Mr. Wood and Mr. Rusen would work on the agreement and that it should be ready to be executed within the next 30 days and that it should be sent to Mr. Kienz prior to the adoption of the resolution and that it is subject to Mr. Pellow and Mr. Kienz approval.

There was no one else from the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board.

Mr. Slate made a motion seconded by Mr. Bono to approve this application subject to the above. In addition the applicant waived receipt of the resolution prior to building permit. The Board was in agreement.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Gaechter, Mylecraine, Slate, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-27-2007 FORUM HOMES, INC.

The applicant has submitted an application for Final Major Subdivision and Final Major Site Plan. The applicant received approval on April 26, 2005 and memorialized by resolution on May 24, 2005. The property is known as Blk. 113, Lot 11 and Blk. 114, Lot 3 and is located on Old Clove Road in the R-1 zone.

Attorney William Strasser and Developer Raffi Arslanian appeared before the Board.

Mr. Pellow's report was reviewed. Mr. Kienz explained that the applicant was not required to notice for this application. Item 6.13 concerning protective covenants, deed restrictions or homeowner association documents, the applicant's attorney will send to Mr. Kienz for review. Item 6.14, Proposed Developer's Agreement, Mr. Strasser submitted a copy signed by the developer. Regarding the designated location for school buses to pick up and drop off children, Mr. Strasser indicated that according to the resolution, the buses would have to drive up and loop around. A discussion followed regarding the debris in the wetland area and the applicant will have no problem cleaning out the area.

It was decided that clean up of the property must be done and permit must be issued within 30 days and work must be done within 60 days. If there is a problem the applicant has the right to appear before the Board for extension. Ms. Kanapinski suggested talking to Mr. Doherty first to make sure that everyone is on the same page and everybody knows what is going on.

Item 13 of the report, \$10,000.00 for inspection fees must be deposited prior to construction. County approval is required, all easements should be included in the deeds for the lots, and the performance bond is to be renewed as it expires on July 31, 2009.

Item 8 referenced a road off of 628 that the county requested.

Mr. Cecchini made a motion seconded by Mr. Bono to approve this application subject to Mr. Pellow's report including: clean up of wetland area, inspection fees posted prior to construction, county approval, all easements to be submitted, and the performance bond to be renewed.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Gaechter, Mylecraine, Slate, Vander Berg, Gill, Cillaroto, 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. The property is known as Blk. 17, Lots 3, 25 & 27 and is located on Route 565 in the ML zone.

Mr. Gaechter stepped down.

Mr. Kienz asked to have a copy of the transcript sent to the Board's office. Mr. Gaus stated that they would if the applicant ordered one.

Mr. Smith informed everyone that a site walk was conducted on May 5, 2009.

Mr. Gaus explained why revised plans were submitted only for minor subdivision. He stated that there will be changes forthcoming with respect to the major subdivision as well as the site plans.

Mr. Dykstra introduced Exhibit A2, dated 5/19/09, map "minor subdivision plot" including the two (2) houses and test pits from major subdivision plans. Mr. Dykstra indicated that the applicant proposes to create two (2) lots. The lot to the south will consist of 68 acres and will have a single-family home with related agricultural use. The lot to the north will consist of 62.1 acres and will have a single-family home with agricultural use. There was a discussion about the driveway entrance to the house on the upper lot.

Mr. Dykstra stated that a utility easement runs between Lot 3 and Lot 27. The applicant proposes to always have Lot 3 (RE zone) run together with Lot 27. Lot 3 should remain open space. There was a discussion regarding how Lot 3 would remain.

Mr. Pellow's report dated May 19, 2009 was reviewed. Variances, driveway access permit, county approval, conservation easements, and updated L.O.I. were discussed.

The meeting was opened to the public. Giselle Smisko, of Nielsen Rd, representing Friends of the Walkill River National Wildlife Refuge Inc. Mr. Kienz explained that she could speak as a resident. She stated that the Refuge was interested in purchasing all that land involved very they are concerned about the impact on the Papakating Creek, they would be concerned about septic in terms of the creek. Cristine Feorenzo thought that the Wildlife would be purchasing this property and she was concerned with the building of two new houses. Maggie Kolicko expressed concern about the meeting time change. She stated she did not know if had been changed and she felt as if she was in the middle of a "shell" game. Mr. Smith explained to her that the reason why the meeting started early was because of the airport application. Concerning this application she stated that she was concerned about the notice and the application that she had reviewed at the office. She stated that it was probably not the same application. She asked Mr. Kienz to explain what a use variance is and what does the Board consider in granting one. She felt that the Board did not have to grant use variances that would increase the value of this property and make them less purchasable for open space.

The meeting was closed to the public and opened to the Board. Mr. Cecchini stated that he had a problem with approving entrance to single family home as opposed to agricultural use. Ms. Mylecraine asked how will there be access to the house and later construct the road. Ms. Gill asked how are they going to sell the lot and later do a whole road and how long is driveway? Mr. Dykstra indicated the driveway will be about 1500 ft or more.

Mr. Gaus proposed to just do the use variance for the lower lot and hold off on the other one until they come back with the other project. Mr. Gaus asked for a waiver of waiting requirements to add property on to Lot 25 as part of the minor subdivision. Glenn stated if depends on how it is perfected because it will be part of the major subdivision.

Mr. Cecchini stated that access to the northerly lot will not be possible from the southerly lot. This was confirmed.

It was discussed granting subdivision approval subject to coming up with appropriate language for easements for the rest of the land. Mr. Pellow to check with Mr. Knutelsky. regarding uses of the land.

Mr. Cecchini made a motion seconded by Ms. Mylecraine to approve the minor subdivision for one (1) lot plus the remainder, for the southerly lot, subject to the L.O.I. being perfected, county approval for the entrance, 150 ft. buffer around the house, and use variance for single-family in the ML zone, and finding the appropriate language for a conservation easement to allow the land to have another use.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Mylecraine, Slate, Gill, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Smith asked if they could go to the Committee on this application. Mr. Kienz suggested possibility of putting a hold on the original application or dismiss so to give them time to do a workshop. It was suggested that the applicant withdraw the rest of the application, do a workshop, and renote the new application. Mr. Gaus agreed to withdraw the remainder of the application, without prejudice, on behalf of the applicant. It was discussed that no new fees would be requested from the applicant when he files the new application.

Mr. Gaus requested a refund of the fees for the special meeting that was scheduled for March 31, 2009 and did not take place. It was discussed to have this money transferred to the escrow account. Since that might not be possible, according to the law, this issue will be discussed at a later date.

GENERAL ISSUES

Mr. Smith stated that he received a request from Mr. Doherty that an application fee be charged for concept meetings, as by law, we are not allowed to accept escrow monies without an application fee. Mr. Smith suggested a \$20.00 application fee. Everyone agreed.

ADJOURNMENT

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

Respectfully submitted,

Stella Salazar
Secretary