

TUESDAY, SEPTEMBER 1, 2009

A special meeting of the Wantage Township Land Use Board was held on Tuesday, September 1, 2009 at 9:00 a.m. 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. The meeting was properly posted and noticed to the public.

ROLL CALL

PRESENT: Mssrs. Cecchini, DeBoer, Gaechter, Grau, Slate, Smith, VanderGroef, Mme. Kanapinski, Attorney Glenn Kienz, Engineer Harold Pellow, Zoning Official Kevin Kervatt.

ABSENT: Mssrs. Bono, Vander Berg, Cillaroto, Mmes. Gill, Mylecraine.

Mr. Smith asked everyone to observe a moment of silence in memory of Attorney Richard Honig.

APPROVAL OF MINUTES

It was discussed that Mr. Vander Berg's name was omitted as having been present at the July 28, 2009 minutes. His name will be added to the minutes.

Mr. Cecchini made a motion seconded by Mr. DeBoer, to adopt the minutes of July 28, 2009, with corrections.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Kanapinski, Vander Groef, Smith.

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

RESOLUTIONS

L-1-2003A LGR ENTERPRISES, INC.

Mr. Cecchini made a motion seconded by Ms. Kanapinski to adopt the resolution memorializing the Board's decision of July 28, 2009 granting extension of amended preliminary major subdivision approval to LGR Enterprises, Inc. for Block 135, Lot 6.01, located on Sherman Ridge Road, in the R-1 Zone, 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 August 15, 2010.
2. All terms and conditions of the Board's aforementioned major 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, DeBoer, Kanapinski, Vander Groef, Smith.

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

L-25-2008 AMES RUBBER, INC.

Mr. Cecchini made a motion seconded by Ms. Kanapinski to adopt the resolution memorializing the Board's decision of July 28, 2009 granting extension minor subdivision approval to Ames Rubber, Inc. for Block 1.02, Lot 9.01, located on Route 284, in the R-5 Zone, pursuant to N.J.S.A. 40:55D-47(f), subject to the following terms and conditions:

1. The extension granted herein is for an additional 190 days.
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, DeBoer, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-13-2009 BICSAK BROTHERS REALTY, LLC

The applicant is requesting amended site plan approval to permit the reopening of a sand and gravel removal business. The property is known as Blk. 11, Lot 5 and is located on Route 23 and Blair Road in the Highway Commercial zone. Notice has been made for a public hearing.

Attorney William Haggerty, Engineer Allen Campbell, and Mr. Paul Bicsak appeared before the Board.

Mr. Haggerty stated that the notice had been made referencing the property location in the PCD zone. However, the ordinance was never approved. The notice was deemed appropriate but no use variance was required. Mr. Kienz confirmed what Mr. Haggerty stated and he recommended to the Board that the PCD zone in the notice did not have any impact on the members of the public or on the application being heard.

Mr. Campbell introduced Exhibit A1, Sheet 2.0 of "Proposed Final Grading", dated April 1, 1998, prepared by Mr. Gary L Worley of G.L. Worley & Associates. Mr. Campbell highlighted the proposed grade that the site plan had been approved for. This amended application will incorporate a restoration portion to bring the soil back to suitable conditions from Blair Road going to the north. This plan will show how the design will allow for over excavated areas to be restored and how they will tie with the grades previously approved. On Exhibit A2, Sheet 3.01 of "Restoration Plan Revised Grades" prepared by Mr. Campbell, dated June 2007, Mr. Campbell highlighted in yellow the proposed grades in that area to the south and he had also demonstrated where some separators were proposed and some other kinds of devices in conjunction with this part of the application. Mr. Campbell indicated that in 2006 his firm was brought on board to remedy an over excavation created by a prior operator. At that time they worked with Mr. Pellow's office and the plan was partially implemented. Exhibit A3, Sheet 5.S1, Exhibit A4, Sheet 5.S4, and Exhibit A5, Sheet 5.S5 of "Sections" dated October 2006, prepared by Mr. Campbell were introduced as well.

Mr. Campbell described the grading proposal in detail. He then indicated that the proposal was to come in, restore the ground in accordance with the restoration plan, and then move into the gravel bank and do necessary restorations there. An area has been incorporated for crushers, separators, and other construction devices seen in construction areas, minimizing trucking. Mr. Campbell stated that the operation would be off the highway which would eliminate noise. The applicant proposed an office trailer to have management on site, plans on site, and an internal bathroom in the trailer as opposed to an outside bathroom which is cleaner. He added that the police usually monitor the site and that prior vandalism was for recreational purposes.

Mr. Haggerty asked how far would the portable crushers be from the nearest residential use. Mr. DeBoer commented that there was a real estate office across the street with a residential apartment. Mr. Campbell stated that the portable crushers would be about 500 ft. from the highway and that there were some huge boulders might need to be crushed if not marketed.

Mr. Pellow's report dated August 31, 2009 was reviewed. Mr. Pellow indicated that this site was approved for soil removal on April 21, 1998 and memorialized on May 19, 1998. He believed that the application should be an amended soil removal application. Mr. Kienz confirmed it. It was discussed that Pods 1, 2, and 6 have to be worked on and Pods 7 and 8 have to be restored. Mr. Pellow asked what happened to the top soil that had disappeared from the site where Pods 7 and 8 are. Both professionals deferred to Mr. Bicsak and asked him how he planned to deal with it. Mr. Bicsak stated that there was a

big mound of top soil behind the barn and that some of it had been removed naturally. Mr. Campbell to revise and mark the plans where the topsoil exists. Mr. DeBoer asked if there should be a concern with the top soil being that there are plans to develop this site and the site would be torn down anyway. Mr. Pellow stated that the site had to be stabilized as there was tremendous erosion on that property.

It was discussed that the restoration needs to happen this fall as reseeding will not be possible after the middle of October. Ms. Kanapinski asked if a bond could be posted. Mr. Pellow stated that there was a bond in place and it would be revised. Mr. Smith asked if a contract could be written to bind operators to ensure restoration of the site. Mr. Kienz suggested one condition could be whoever is in charge of removal to have a preconstruction meeting with Mr. Campbell present so that Mr. Campbell and Mr. Pellow can figure out and avoid damage to town property. Mr. Campbell stated that he had a meeting the week before with a potential operator.

The Board took a two-minute recess.

Mr. Pellow stated the bond should be \$6,000 per acre and if any blasting is required the applicant will have to come back to the Board. A discussion followed regarding new laws and if blasting training is required. It was discussed that the restroom facilities would be pumped and the hours of operation would be Monday through Saturday, from 7:00 a.m. to 4:00 p.m. Mr. Bicsak stated there would be about ten (10) trucks entering with 4-50 loads per day on an average and if they will reach fifty (50) trucks then the office would be notified. Mr. Pellow stated that the name and address of the person doing the work should be shown on the plans.

There were no members of the public present on this application. The meeting was opened to the Board.

Mr. Smith was concerned with noise issues. Mr. Kervatt stated that it appeared that the distance would be double the distance from the road. He asked if there would be a water truck there to water down to prevent dust. Mr. Bicsak stated on windy days that's where the water truck would come in. Mr. Slate asked what the time table would be. Mr. Bicsak stated that it was a work in progress and that it would take approximately two weeks to complete Pods 7 and 8. Mr. Pellow indicated that seeding should include perennials that last longer and the ordinance requires building insurance. Mr. Kienz confirmed that there was no need for a developer's agreement and that the preliminary site plan would be good for three years and prior to the expiration date the applicant must appear for an extension. Mr. Smith asked about the entrance on Blair Road and what was happening with Pod 5. Mr. Campbell stated it was closer to Rachel Manor. It was discussed that Mr. Rother still wanted to have another meeting.

Mr. Slate made a motion seconded by Mr. Grau to grant approval subject to bonding on ten (10) acres for Pods 7 & 8 and any pod that is three (3) acres in size would need to have dollar amount, Item #4f erosion control redesign, Item #8, topsoil will from 2-4" thick, Item #11, if blasting takes place the applicant to come back to the Board and preconstruction meeting with the operators. Ms. Kanapinski suggested setting a time frame to get Pods 7 & 8 done; it was discussed they should be done by October 1, 2009 and no work on any of the other pods until approximately October 15th.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Haggerty asked if the fees for the use variance could be refunded. It was discussed that the applicant had not been charged use variance fees.

INFORMAL

Mr. Terrance Bauman addressed the Board to discuss a project between Bicsak Brothers Realty and CJS. Mr. Bauman explained that CJS was looking to build homes on Lower

Unionville Road and on Route 23 by transferring developing rights. The Board suggested meeting with all the parties involved. A meeting with Bicsak and the subcommittee is scheduled for Thursday, September 10, 2009 and it was discussed that Mr. Haggerty would try to schedule Mr. Dennis Collins to come in that day for a meeting.

ADJOURNMENT

On a motion made seconded and carried, the meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Stella Salazar
Secretary