

**TUESDAY, SEPTEMBER 22, 2009**

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, September 22, 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. The meeting was properly noticed and posted to the public.

**ROLL CALL**

**PRESENT:** Mssrs. Bono, Cecchini, Gaechter, Grau, Slate, Smith, Vander Berg, Vander Groef, Mmes. Gill, Kanapinski, Attorney Bryant Gonzalez, Engineer Harold Pellow, Zoning Official Kevin Kervatt.

**ABSENT:** Mssrs. DeBoer, Cillaroto, Ms. Mylecraine.

Mr. Smith announced that the Land Use Board's next meeting would take place on October 27, 2009.

**APPROVAL OF MINUTES**

Mr. Grau made a motion seconded by Mr. Slate to adopt the minutes of September 1, 2009.

**ROLL CALL VOTE:**

**THOSE IN FAVOR:** Cecchini, Gaechter, Grau, Slate, Kanapinski, Vander Groef, Smith.

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

**RESOLUTIONS**

**L-1-2003A LGR ENTERPRISES, LLC**

It was discussed that this resolution needed the following corrections: LGR Enterprises, LLC instead of LGR Enterprises, Inc., changing "minor subdivision" to "major subdivision" throughout the body of the resolution, and correcting the name of the person who appeared before the Board from "Mark Hontz, Esq." to "Gordon Ferguson."

Mr. Cecchini made a motion seconded by Ms. Kanapinski to adopt the resolution, with corrections, 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, Kanapinski, Vander Groef, Smith.

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

**L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE**

Mr. Smith stated that Lot 27 should be changed to Lot 27.01.

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of May 19, 2009 granting minor subdivision approval to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.01 and 25, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-47 along with use variance relief pursuant to N.J.S.A.

40:55D-70(d) and ancillary "c" variance for front yard setback pursuant to 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. The subdivision shall be based upon the documentation contained entitled "Preliminary Subdivision and Preliminary Site Plan for Meadow View at Wantage, Block 17, Lots 3, 25 and 27" specifically Sheet 3 of 23 with a date on it of July 16, 2009 prepared by Kenneth D. Dykstra, P.E. of Dykstra Walker and Associates.
2. This subdivision shall be perfected by a filed map specifically delineating this subdivision on a separate sheet which shall be subject to the review and approval of the Board Engineer and Board Attorney.
3. Applicant shall provide Sight Triangle Easements as delineated on the plans in recordable form which shall be subject to the review and approval of the Board Engineer and Board Attorney.
4. Sussex County Planning Board approval as part of the ancillary relief being sought in conjunction with the major subdivision approval or if the Applicant so desires a separate application to the County Planning Board for this minor subdivision..
5. 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.
6. Certificate that taxes are paid to date of approval.
7. 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, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

#### **L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE**

Mr. Smith stated that Lot 27 should be changed to Lot 27.01.

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major subdivision, use variances, and de minimis exceptions from the RSIS to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.01, 3 and 25, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-46, N.J.S.A. 40:55D-48, N.J.S.A. 40:55D-70 (d) and N.J.A.C. 5:21-3.1, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved and in accordance with the testimony and exhibits produced at the public hearing.
2. The terms and conditions of the Board Engineer's report dated July 22, 2009 and/or as same may have been modified during the public hearing.
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 all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
4. The final subdivision plat signed by the Board and all other required parties shall be recorded with the Sussex County Clerk's Office within a reasonable time of the memorialization of this Resolution and execution of the plat by all required parties pursuant to the provisions of the Municipal Land Use Law. Failure to do so shall render this approval null and void.
5. This approval is subject to a letter from the County Health Department that septic systems can be constructed and will be adequate for the proposed uses based on soil logs and permeability tests.
6. The Applicant will construct walking paths in the open space lots within those areas where farm roads currently exist and in a manner consistent

- with Wetlands Regulations and the conservation easement being created and consistent with a pedestrian circulation plan submitted to and approved by the Board Engineer.
7. The Applicant is required to obtain permission from JCP&L to construct a roadway under the utility lines.
  8. The Applicant will be required to convey all delineated wetlands and transition areas as conservation easements.
  9. The Applicant will be required to convey site easements at the intersection of County Route 565 and the access road to the County of Sussex.
  10. The Applicant will enter into a Developer's Agreement with the Township if the Board Attorney and Mr. Troast determine that one is required for this development.
  11. The Applicant shall provide an additional lighting plan along the access drive for review and approval by the Board's Engineer.
  12. The Applicant will provide the type(s) of guiderail(s) to the Board's Engineer for review by the Engineer and the Board to determine what type of rail will be permitted.
  13. The recorded Subdivision Plat 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 Plat within a reasonable time pursuant to the Municipal Land Use Law after all parties required by law have signed the plat. Failure to do so shall render this approval null and void.
  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 for this approval. Additionally, the Applicant is required to provide the Board Engineer with a copy of the Sussex County Planning Board approval of the minor subdivision granted by this Board on May 19, 2009 on application no. L-4-2009.
  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: Bono, Cecchini, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE (LOT 27.01)**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major site plan for five (5) units and a variance for a central water system to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.01, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-46 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 and in accordance with the testimony and exhibits produced at the public hearing.
2. The terms and conditions of the Board Engineer's report dated July 22, 2009 and/or as same may have been modified during the public hearing.
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 all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
4. This approval is subject to a letter from the County Health Department that septic systems can be constructed and will be adequate for the proposed uses based on soil logs and permeability tests.

5. The Applicant will construct walking paths in the open space lots within those areas where farm roads currently exist and in a manner consistent with Wetlands Regulations and the conservation easement being created and consistent with a pedestrian circulation plan submitted to and approved by the Board Engineer.
6. A landscape plan is to be prepared by a landscape architect in accordance with the comments contained in the Board Engineer's report of July 22, 2009.
7. The Applicant will be required to convey all delineated wetlands and transition areas as conservation easements.
8. The Applicant will submit revised architectural plans that show the current proposed number of dwellings on the lots which are being subdivided so that the Board Engineer can determine the adequacy of the parking proposed.
9. The Applicant will enter into a Developer's Agreement with the Township if the Board Attorney and Mr. Troast determine that one is required for this development.
10. The Applicant will provide revised plans showing gang-type mail and paper boxes for the units.
11. The Applicant will provide a plan outlining where the trash enclosures are to be located and said plan will be reviewed by the Board and Board Engineer to determine whether the plan is satisfactory.
12. The Applicant shall submit revised architectural plans so that the Board can approve the materials and type of buildings.
13. The Applicant shall provide a landscaping plan subject to the review and approval of the Board Engineer.
14. A maintenance plan and schedule shall be provided for stormwater subject to the review and approval of the Board Engineer.
15. The Applicant shall provide the appropriate number of affordable housing units as directed by the Board Planner and its attorney.
16. 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.
17. Certificate that taxes are paid to date of approval.
18. Sussex County Planning Board approval for this approval. Additionally, the Applicant is required to provide the Board Engineer with a copy of the Sussex County Planning Board approval of the minor subdivision granted by this Board on May 19, 2009 on application no. L-4-2009.
19. 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, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE (LOT 27.02)**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major site plan for five (5) units and a variance for a central water system to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.02, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-46 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 and in accordance with the testimony and exhibits produced at the public hearing.
2. The terms and conditions of the Board Engineer's report dated July 22, 2009 and/or as same may have been modified during the public hearing.
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 all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
4. This approval is subject to a letter from the County Health Department that septic systems can be constructed and will be adequate for the proposed uses based on soil logs and permeability tests.
  5. The Applicant will construct walking paths in the open space lots within those areas where farm roads currently exist and in a manner consistent with Wetlands Regulations and the conservation easement being created and consistent with a pedestrian circulation plan submitted to and approved by the Board Engineer.
  6. A landscape plan is to be prepared by a landscape architect in accordance with the comments contained in the Board Engineer's report of July 22, 2009.
  7. The Applicant will be required to convey all delineated wetlands and transition areas as conservation easements.
  8. The Applicant will submit revised architectural plans that show the current proposed number of dwellings on the lots which are being subdivided so that the Board Engineer can determine the adequacy of the parking proposed.
  9. The Applicant will enter into a Developer's Agreement with the Township if the Board Attorney and Mr. Troast determine that one is required for this development.
  10. The Applicant will provide revised plans showing gang-type mail and paper boxes for the units.
  11. The Applicant will provide a plan outlining where the trash enclosures are to be located and said plan will be reviewed by the Board and Board Engineer to determine whether the plan is satisfactory.
  12. The Applicant shall submit revised architectural plans so that the Board can approve the materials and type of buildings.
  13. The Applicant shall provide a landscaping plan subject to the review and approval of the Board Engineer.
  14. A maintenance plan and schedule shall be provided for stormwater subject to the review and approval of the Board Engineer.
  15. The Applicant shall provide the appropriate number of affordable housing units as directed by the Board Planner and its attorney.
  16. 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.
  17. Certificate that taxes are paid to date of approval.
  18. Sussex County Planning Board approval for this approval. Additionally, the Applicant is required to provide the Board Engineer with a copy of the Sussex County Planning Board approval of the minor subdivision granted by this Board on May 19, 2009 on application no. L-4-2009.
  19. 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, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE (LOT 27.03)**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major site plan for five (5) units and a variance for a central water system to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.03, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-46 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 and in accordance with the testimony and exhibits produced at the public hearing.
2. The terms and conditions of the Board Engineer's report dated July 22, 2009 and/or as same may have been modified during the public hearing.
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 all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
4. This approval is subject to a letter from the County Health Department that septic systems can be constructed and will be adequate for the proposed uses based on soil logs and permeability tests.
5. The Applicant will construct walking paths in the open space lots within those areas where farm roads currently exist and in a manner consistent with Wetlands Regulations and the conservation easement being created and consistent with a pedestrian circulation plan submitted to and approved by the Board Engineer.
6. A landscape plan is to be prepared by a landscape architect in accordance with the comments contained in the Board Engineer's report of July 22, 2009.
7. The Applicant will be required to convey all delineated wetlands and transition areas as conservation easements.
8. The Applicant will submit revised architectural plans that show the current proposed number of dwellings on the lots which are being subdivided so that the Board Engineer can determine the adequacy of the parking proposed.
9. The Applicant will enter into a Developer's Agreement with the Township if the Board Attorney and Mr. Troast determine that one is required for this development.
10. The Applicant will provide revised plans showing gang-type mail and paper boxes for the units.
11. The Applicant will provide a plan outlining where the trash enclosures are to be located and said plan will be reviewed by the Board and Board Engineer to determine whether the plan is satisfactory.
12. The Applicant shall submit revised architectural plans so that the Board can approve the materials and type of buildings.
13. The Applicant shall provide a landscaping plan subject to the review and approval of the Board Engineer.
14. A maintenance plan and schedule shall be provided for stormwater subject to the review and approval of the Board Engineer.
15. The Applicant shall provide the appropriate number of affordable housing units as directed by the Board Planner and its attorney.
16. 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.
17. Certificate that taxes are paid to date of approval.
18. Sussex County Planning Board approval for this approval. Additionally, the Applicant is required to provide the Board Engineer with a copy of the Sussex County Planning Board approval of the minor subdivision granted by this Board on May 19, 2009 on application no. L-4-2009.
19. 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, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE (LOT 27.04)**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major site plan for five (5) units and a variance for a central water system to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.04, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-46 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 and in accordance with the testimony and exhibits produced at the public hearing.
2. The terms and conditions of the Board Engineer's report dated July 22, 2009 and/or as same may have been modified during the public hearing.
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 all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
4. This approval is subject to a letter from the County Health Department that septic systems can be constructed and will be adequate for the proposed uses based on soil logs and permeability tests.
5. The Applicant will construct walking paths in the open space lots within those areas where farm roads currently exist and in a manner consistent with Wetlands Regulations and the conservation easement being created and consistent with a pedestrian circulation plan submitted to and approved by the Board Engineer.
6. A landscape plan is to be prepared by a landscape architect in accordance with the comments contained in the Board Engineer's report of July 22, 2009.
7. The Applicant will be required to convey all delineated wetlands and transition areas as conservation easements.
8. The Applicant will submit revised architectural plans that show the current proposed number of dwellings on the lots which are being subdivided so that the Board Engineer can determine the adequacy of the parking proposed.
9. The Applicant will enter into a Developer's Agreement with the Township if the Board Attorney and Mr. Troast determine that one is required for this development.
10. The Applicant will provide revised plans showing gang-type mail and paper boxes for the units.
11. The Applicant will provide a plan outlining where the trash enclosures are to be located and said plan will be reviewed by the Board and Board Engineer to determine whether the plan is satisfactory.
12. The Applicant shall submit revised architectural plans so that the Board can approve the materials and type of buildings.
13. The Applicant shall provide a landscaping plan subject to the review and approval of the Board Engineer.
14. A maintenance plan and schedule shall be provided for stormwater subject to the review and approval of the Board Engineer.
15. The Applicant shall provide the appropriate number of affordable housing units as directed by the Board Planner and its attorney.
16. 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.
17. Certificate that taxes are paid to date of approval.
18. Sussex County Planning Board approval for this approval. Additionally, the Applicant is required to provide the Board Engineer with a copy of the Sussex County Planning Board approval of the minor subdivision granted by this Board on May 19, 2009 on application no. L-4-2009.
19. 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, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-4-2009A ERIC TURNQUIST-MEADOWVIEW AT WANTAGE (LOT 27.06)**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major site plan for four (4) units and a variance for a central water system to Eric Turnquist-Meadow View at Wantage for Block 17, Lots 27.06, located on Sussex County Route 565 in the RE-5 and Mount Laurel (ML) Zones, pursuant to N.J.S.A. 40:55D-46 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 and in accordance with the testimony and exhibits produced at the public hearing.
2. The terms and conditions of the Board Engineer's report dated July 22, 2009 and/or as same may have been modified during the public hearing.
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 all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
4. This approval is subject to a letter from the County Health Department that septic systems can be constructed and will be adequate for the proposed uses based on soil logs and permeability tests.
5. The Applicant will construct walking paths in the open space lots within those areas where farm roads currently exist and in a manner consistent with Wetlands Regulations and the conservation easement being created and consistent with a pedestrian circulation plan submitted to and approved by the Board Engineer.
6. A landscape plan is to be prepared by a landscape architect in accordance with the comments contained in the Board Engineer's report of July 22, 2009.
7. The Applicant will be required to convey all delineated wetlands and transition areas as conservation easements.
8. The Applicant will submit revised architectural plans that show the current proposed number of dwellings on the lots which are being subdivided so that the Board Engineer can determine the adequacy of the parking proposed.
9. The Applicant will enter into a Developer's Agreement with the Township if the Board Attorney and Mr. Troast determine that one is required for this development.
10. The Applicant will provide revised plans showing gang-type mail and paper boxes for the units.
11. The Applicant will provide a plan outlining where the trash enclosures are to be located and said plan will be reviewed by the Board and Board Engineer to determine whether the plan is satisfactory.
12. The Applicant shall submit revised architectural plans so that the Board can approve the materials and type of buildings.
13. The Applicant shall provide a landscaping plan subject to the review and approval of the Board Engineer.
14. A maintenance plan and schedule shall be provided for stormwater subject to the review and approval of the Board Engineer.
15. The Applicant shall provide the appropriate number of affordable housing units as directed by the Board Planner and its attorney.
16. 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.
17. Certificate that taxes are paid to date of approval.

18. Sussex County Planning Board approval for this approval. Additionally, the Applicant is required to provide the Board Engineer with a copy of the Sussex County Planning Board approval of the minor subdivision granted by this Board on May 19, 2009 on application no. L-4-2009.
19. 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, Vander Berg, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-6-2009 ROY ROAD, LLC**

Mr. Bono made a motion seconded by Mr. Vander Berg to adopt the resolution memorializing the Board's decision of July 28, 2009 granting preliminary major site plan approval, conditional use approval and recommendation to the Township Committee regarding soil removal permit to of Roy Road, LLC for Block 16, Lot 5.01 and Block 17, Lot 38.01 as shown on the Tax Map of the Township of Wantage, located on Route 565 and Roy Road in the HC Zone, requesting preliminary major site plan approval, conditional use approval and a recommendation to the Township Committee regarding a soil removal permit is granted pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 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 and in accordance with the testimony produced at the public hearings.
2. This approval is subject to the Applicant complying with all terms and conditions of the Board Engineer's reports dated May 26, 2009, revised June 18, 2009 and revised July 24, 2009, and/or as same may have been modified at the time of the hearings.
3. This approval is subject to the Applicant submitting signage plans for further review by the Board Engineer to confirm compliance with the Ordinance requirements for signage, if necessary.
4. This approval is subject to the Applicant providing and maintaining a performance guaranty with surety acceptable to the Township Attorney in an amount not to exceed \$7,000.00 per acre. This approval is further subject to the Applicant providing a performance guaranty for any and all repairs required to be made to Roy Road in an amount to be determined by the Board's Engineer prior to the commencement of Phase III of the soil removal operation.
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. This approval is subject to the Applicant complying with all the conditions of the Conditional Use Ordinance permitting a soil removal operation in the HC Zone.
7. This approval is subject to the Township Committee granting a soil removal permit pursuant to the Township of Wantage code.
8. This approval is granted subject to the phasing plan testified to by the Applicant consisting of four (4) separate phases over an approximate ten (10) year period.
9. This approval is granted subject to the Applicant being permitted to have no more than 50 trucks a day on the site. In the event the Applicant intends to have more than 50 trucks a day working on the site and any special operation for more than two (2) consecutive days, the Applicant is required to notify the Board Engineer verbally and in writing so that the Township can take all appropriate actions to off-set traffic and dust problems.

10. This approval is subject to the Board Engineer inspecting the site every six (6) months as required by the Ordinance, but inspecting Roy Road every three (3) months to determine compliance with the phasing plan, this approval and all other Township Ordinances applying to this operation. The Applicant agrees to pay the cost for the Board Engineer to conduct this inspection. The Applicant will perform any and all repairs to Roy Road as required by the Board (Township) Engineer resulting from his inspection(s).
11. This approval is subject to the Applicant submitting a proposal of operation at the site (including soil blending) to be approved by the Board after consulting with its engineer.
12. This approval is subject to the Applicant entering into a Developer's Agreement with the Township in a manner and form approved by the Board's Attorney, prior to the commencement of Phase III which agreement will detail the maintenance and repair of Roy Road during construction of the project in a manner acceptable to the Board's Engineer.
13. This approval is subject to the Applicant constructing the site to correspond with the Site Restoration Plan prepared by Dykstra Walker Design Group, Kenneth D. Dykstra, P.E., dated July 16, 2009 Sheet 9 of the 24 sheet Preliminary Site Plan filed with the Board. This approval is subject to the Applicant providing 12 inches of arable soil over the existing shale.
14. This approval is subject to the Applicant providing and maintaining a performance guaranty with surety acceptable to the Township Attorney for all work to be performed in the Roy Road right-of-way in an amount to be determined by the Board Engineer.
15. This approval is subject to the Applicant's soil removal operation going no lower than the existing grade of Roy Road except for Phase III when the Roy Road reconstruction will be done.
16. This approval is subject to the Applicant requiring all trucks to access the site from Roy Road and the trucks leaving the soil removal operation will proceed to County Road 565.
17. 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.
18. Certificate that taxes are paid to date of approval.
19. Sussex County Planning Board approval.
20. Receipt by the Applicant of a Type IV-Line Verification, Letter of Interpretation issued by the NJDEP delineating the wetlands and providing buffer widths on the site.
21. Township of Wantage Soil Removal Permit approval.
22. Township of Wantage Soil Erosion and Sediment Control Permit.
23. 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, Vander Berg, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-13-2009 BICSAK BROTHERS REALTY, LLC**

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board's decision of September 1, 2009 granting amended site plan approval to Bicsak Brothers Realty, LLC for Block 11, Lot 5, located at Route 23 and Blair Road in the Highway Commercial Zone, pursuant to N.J.S.A. 40:55D-46, subject to the following terms and conditions:

1. The plans shall be revised to mark where top soil will exist on the site.
2. Any party responsible for removal shall have a preconstruction meeting with Mr. Campbell and Mr. Pellow to ensure there will not be damage to town property.

3. There shall be a bond in the amount of \$6,000.00 per acre for every 5-acre pod.
4. Seeding shall include perennials which will last longer.
5. The implementation of erosion control measures as discussed at Item 4f of Harold Pellow's August 31, 2009 report.
6. Item No. 8 on Harold Pellow's August 31, 2009 report that the top soil shall be up to 4 inches thick.
7. No blasting shall take place, and if blasting is deemed necessary the Applicant shall return to the Board and hold a preconstruction meeting with the operators.
8. Pods 7 and 8 shall be restored and the work completed by October 1, 2009.
9. No work on any Pods other than 7 and 8 shall be commenced until approximately October 15, 2009.
10. Subject to all other issues raised by Harold E. Pellow, P.E., Township engineer and his report dated August 31, 2009.
11. 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.
12. 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.
13. Certificate that taxes are paid to date of approval.
14. Sussex County Planning Board approval, if necessary.
15. 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, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**APPLICATIONS**

**L-10-2009 SHEILA HUGHES**

It was announced to the public that the application was being carried to the October 27, 2009 meeting of the Board to allow the applicant to provide more adequate notice to the Borough of Sussex.

**ROLL CALL VOTE:**

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

THOSE OPPOSED: None. MOTION CARRIED.

**L-15-2009 565 LAND DEVELOPMENT, LLC**

This application was deemed incomplete. The applicant has already noticed for tonight's meeting. The application was carried to the October 27, 2009 meeting. No further notice would be necessary.

Board member Cecchini stepped down.

Attorney Michael Gaus stated that Mr. Wentink and Mr. Pellow would get together prior to the scheduled hearing to iron out some details.

Mr. Vander Berg made a motion seconded by Mr. Bono to carry this application as specified above.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

**L-14-2009 JIM NAISBY, JR.**

The applicant is seeking approval for a lot line adjustment to subdivide 21.421 acres from Lot 6.03 to be annexed to Lot 6.04. The property is known as Blk. 152, Lots 6.03 and 6.04 and is located on Snover Road in the Residential Environs zone.

Surveyor Eric Smart and Mr. Jim Naisby, Jr., property owner, appeared before the Board.

Mr. Naisby explained that he was the owner of Lot 6.04 and wished to purchase property from his neighbor owner of Lot 6.03. Mr. Smart explained that Lot 6.03 consisted of 27.4 acres and would become a 6-acre lot. Lot 6.04 consisted of 23.8 acres and would be 45.20 acres after the lot line adjustment. Mr. Smart indicated that there was a 50 ft. strip on the southeast of the property for access to the property in back of Lot 6.03. Mr. Smart stated that there were wetlands on the property and part of them were addressed when the old subdivision was done. The applicant asked for a waiver from the L.O.I. since there would be no construction at all. It was discussed the property would pretty much stay wooded and the owner would have animals and fields. Mr. Naisby confirmed what Mr. Smart said and stated that he would have the property in the back farmed by the same person who now farms his property and that he would extend the fields where he currently had his sheep and goats and that he would basically prevent people from building next to him.

Mr. Pellow's report was reviewed. Item 2 of his report stated that Resultant Lot 6.04 met the area and dimensional requirements for the RE-5 Traditional Development Option zone. Item 3 referred to the front yard setback and the 20,000 sq.ft. of contiguous, non-constrained land requirements for the RE-5 Traditional Development Option zone not being met. However, these were pre-existing conditions so he stated that this requirement could probably be waived. There was a discussion about the site distance for the 50 ft. easement and the reason why the easement was needed, the reason being that access from the other side of the property was difficult due to wetlands and other constraints. Item 6 dealt with an existing shed on Lot 6.03 that is to be moved within the setback lines, approximately 40 ft. It was discussed that it would have to be moved prior to the deeds being signed. County review was needed. Mr. Smart stated that a letter from the County was received and that the county reviewed it. The wetland buffer line on Lot 6.04 was discussed, the road widening deed for Snover Road, needed deeds for Lots 6.03 and 6.04. It was stated that Road Trust Fund and COAH regulations did not apply.

There was no one from the public wishing to come forward on this application.

There were no questions from the Board. Mr. Smith stated that a motion would include the removal of the stone wall to the north to meet the site distance and a conservation easement for the wetlands would apply.

Mr. Grau made a motion seconded by Mr. Cecchini subject to the above to approve this application.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED

**L-16-2009 ROY ROAD, LLC**

The applicant is requesting minor subdivision approval to create three lots plus a remainder. The property is known as Blk. 16, Lot 5.01 and is located on Route 565 and Roy Road in the HC zone.

## **L-17-2009 ROY ROAD, LLC**

The applicant is requesting minor subdivision approval to create two lots plus a remainder. The property is known as Blk. 17, Lot 38.01 and is located on Route 565 and Roy Road in the HC zone.

Board member Cecchini stepped down.

Attorney Michael Gaus, Engineer Kenneth Dykstra, and principal, Tom Zummo appeared before the Board.

Mr. Gaus asked the Board if both applications L-16-2009 and L-17-2009 could be procedurally consolidated for the hearing, even though they were separate applications and there would be separate resolutions and he believed they sufficiently interrelated and he thought it would be easier to just have one hearing on both.

The Board agreed to the request and proceeded to hear both applications together.

Mr. Gaus proceeded to say for the record that he did notice both applications, even though they were minor subdivisions and they did not require notice, just in the unlikely event that a variance did pop up, he wanted to be able to proceed with the application. Mr. Gaus explained that the two lots subject of the applications, were right across the street from each other on Roy Road and that they had been before the Board for some prior applications involving minor subdivisions a few years ago as well as a soil removal application within the last several months so he believed the Board was relatively familiar with both properties.

Mr. Dykstra made a brief presentation of each of the applications. For application L-16-2009, Mr. Dykstra introduced Exhibit A1, Minor Subdivision Plans of Block 16, Lot 5.01, dated 9/22/09. The applicant proposed to subdivide Lot 5.01 into three (3) lots plus a remainder. Proposed were Lot 5.02 with 5.231 acres, Lot 5.03 with 5.007 acres, Lot 5.04 with 10.189 acres and remainder Lot 5.01 with 9.383 acres. Lot 5.01 will house an area of future stormwater management basin to control runoff from Lots 5.01, 5.02 and 5.03. Mr. Gaus stated that the detention basin would be maintained by the owner of Lot 5.01. A homeowner's association among the lot owners was not proposed.

Mr. Pellow's report was reviewed. Item 1 of his report discussed the fact that Lot 5.01 was subdivided out of Lot 5 as a minor subdivision in 2007 and he wondered if minor subdivision ran with the parent lot, which would make this subdivision premature as three years were required to subdivide more than three lots. Mr. Gonzalez explained that he took a look at the definition of minor subdivision as far as the ordinance of the Township and if the subdivision was not being proposed within two years of the original subdivision, then it was a minor subdivision otherwise it would be classified as a major subdivision. It was discussed that the minor subdivision of Lot 5 was memorialized in April of 2007. The application being heard was submitted in August of 2009. L.O.I. to be provided prior to the deeds being signed. Sight easements existing at the intersection of Route 565 and Roy Road were granted under the prior approval and the Deed Book and Page to be shown. County review was needed. Soil logs needed prior to the deeds being signed. Mr. Pellow indicated that all three lots plus the remainder conformed to area and dimensional requirements for the HC zone. Mr. Pellow stated that a note had been added to the plans on Sheet 3 of 7 for a proposed drainage easement across Lots 5.03, 5.02, and remainder Lot 5.01. The drainage easement was to be shown and it was believed it was to discharge stormwater to the future stormwater management basin on remainder Lot 5.01. A discussion followed regarding the sight distance profiles that had been shown for all the driveways along Roy Road. The speed limit for Roy Road was 50 mph. However, the sight distances had been calculated for 35 mph. Mr. Pellow's report stated that the sight distances should be set for the future grade of Roy Road. There was concern as to what would happen if the soil removal operation did not get completed and the proposed commercial lots were sold, then the driveway locations would have insufficient sight distance from Lots 5.03 and 5.04. It was discussed that the approval would be subject to site plan of each individual lot. COAH regulations would have to be

adhered to once those lots had been developed. A Road Trust Fund contribution of \$1,900.00 or \$5,700.00 was to be submitted prior to the deeds being signed.

The meeting was opened to the public. Mr. Emil Conforth had concerns about the safety of traffic on Route 565 and Roy Road and asked if any safety measures were provided. Mr. Dykstra indicated that the applicant had applied to the County and that it was subject to County requirements. Mr. Conforth asked what type of business were being targeted. Mr. Gaus responded that the applicant had no specific use in mind yet and that it would be whatever the ordinance allowed. Mr. Conforth asked if the property owner would have to maintain the detention basin would it make it more difficult to sell the property and if there was an ordinance on basin maintenance in place. It was discussed that it would not make it more difficult to sell and that the basin maintenance was subject to state regulations. Mr. Smith stated that a bond would be in place by the owner for the retention pond maintenance. Mr. Conforth wondered about what would the topography look like when the soil removal was completed. It was explained that the issue was handled in the prior application for soil removal at which time the applicant had proposed grading. It was discussed that it would be handled at the time of site plan, after the soil removal was done. Mr. Conforth discussed traffic and safety issues to which the Board replied that it was under the County's jurisdiction. Mr. Gonzalez added that at the time of site plan application for this property the Board would have jurisdiction over on-site circulation of traffic.

The meeting was closed to the public and opened to the Board. Ms. Kanapinski asked since there were numerous rock walls on the property why not follow the contours of the walls. Mr. Dykstra stated the walls would not be there after the soil removal.

With respect to application L-17-2009, Mr. Dykstra introduced Exhibit A1, Minor Subdivision Plans of Block 17, Lot 38.01, dated 9/22/09. Lot 38.01 fronts on Roy Road and Route 565 on the left side. Proposed were Lot 38.02 with 3.821 acres and Lot 38.03 with 13.252 acres with a remainder Lot 38.01 with 2.708 acres. A 50 ft. access to Lot 38.03 from Roy Road and between Lots 38.01 and 38.02 was proposed.

Mr. Pellow's report was reviewed. It was discussed that the lots met the area and dimensional requirements for the Highway Commercial zone. The access to proposed Lot 38.03 did not require a variance. Mr. Gonzalez indicated that it all had to do with building orientation and if the building faced the County Road then the access strip out towards Roy Road would be considered just for access and not for lot width. The issue could not be determined at this time since a site plan was not being presented to the Board. Mr. Gaus agreed and stated that there was no proposed site plan at the moment and that if a variance were to arise it would have to be at the time of a site plan application. Mr. Dykstra indicated that an L.O.I. had been received and a copy would be provided to the Board. Copy of the letter from the Tax Assessor approving the lot numbers was provided and filed with the Land Use office. Item 4 of the report discussed the remainder Lot 38.01 containing 2.708 acres. Mr. Pellow did not think this lot should be further subdivided as it would not conform to the other lots on that side of Roy Road or the other side of Roy Road. The applicant agreed with that condition. County review was needed, COAH regulations would apply once the lots are developed. Road Troast Fund contribution of \$1,900 per lot or \$3,800 would be due prior to the deeds being signed. Item 8 of the report addressed the sight distance as inadequate for the existing conditions. However, it would be adequate once Roy Road had been excavated to its proper elevation after the soil removal project had been completed. A discussion followed as to why a common driveway could not be utilized for the three lots. Mr. Gaus explained that in terms of eventually obtaining septic approval for the lots being created, it was preferable not having overlapping common interests. It was discussed that it was too early to decide that issue and that it could be addressed at the time of lot development plans.

Mr. Bono made a motion seconded by Mr. Slate to adopt application L-16-2009 subject to Mr. Pellow's report.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Bono made a motion seconded by Mr. Slate to adopt application L-17-2009 subject to Mr. Pellow's report.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

### **GENERAL ISSUES**

Mr. Richard Kruk inquired about the process for creating an easement for a neighbor to gain access to his property. Mr. Kruk's property is located on Sherman Ridge Road and Libertyville Road. At the present time the electric company has an easement on the same access road. Mr. Gonzalez stated that it was a private matter. The interested parties should contact an attorney and have a deed prepared with the easement and any transfer they wish to negotiate in exchange for the easement. They should approach the electric company since there is already an easement with them. The Board secretary will contact Mr. Kruk to give him the information.

### **ADJOURNMENT**

On a motion duly made seconded and carried, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Stella Salazar  
Secretary