

TUESDAY, OCTOBER 27, 2009

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, October 27, 2009 at the Wantage Township Municipal Building. The meeting was held in compliance 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, DeBoer, Gaechter, Grau, Slate, Smith, Vander Groef, Ms. Gill, Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. Cillaroto and Vander Berg, Mmes. Kanapinski and Mylecraine.

Mr. Smith announced that the next meeting of the Board would be November 24th, 2009 and that the Reexamination Report of the Master Plan would be reviewed then. He asked the Board to approve of him writing a letter to the attorney for the Bicsak property stating that their property was being recognized as part of the Township's Town Center designation. The Board unanimously agreed.

APPROVAL OF MINUTES

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the minutes of September 22, 2009.

ROLL CALL VOTE:

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

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

RESOLUTIONS

L-14-2009 JIM NAISBY, JR.

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of September 22, 2009 granting minor subdivision approval to Jim Naisby, Jr. for Block 152, Lots 6.03 and 6.04, located on Snover Road, in the RE-5 Zone, pursuant to N.J.S.A. 40:55D-47 subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved. The subdivision shall be based upon the documentation contained in the plans entitled "Minor Subdivision, Lots 6.04 and 6.03, Block 152, Snover Road, Wantage Township, Sussex County, New Jersey" prepared by Eric R. Smart Associates Land Surveying dated August 10, 2009.

2. The 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. This approval is subject to the Applicant complying with all terms and conditions of the Board Engineer's report dated September 14, 2009 and/or as same may have been modified at the time of the hearing in this matter.
4. Subject to the Applicant removing a portion of the stone wall to the north on the Subject Property as necessary to provide adequate sight distance with respect to the 50 foot wide access easement to the south of Lot 6.03 over Lot 6.04.
5. The Applicant shall add any wetlands existing on Lot 6.03 that are to be transferred to Lot 6.04 into the existing Conservation Easement for Lot 6.04. The Easement Deed and descriptions shall be subject to the review and approval of the Board Engineer and Board Attorney.
6. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
7. Certificate that taxes are paid to date of approval.
8. 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, Gaechter, Grau, Slate, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-16-2009 ROY ROAD, LLC

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of September 22, 2009 granting minor subdivision approval to Roy Road, LLC for Block 16, Lot 5.01, located on Roy Road and County Route 565 in the Highway Commercial (HC) Zone, pursuant to N.J.S.A. 40:55D-47 subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved. The subdivision shall be based upon the documentation contained in plans entitled "Minor Subdivision Plans, Block 16, Lot 5.01, Sussex County, Route 565 and Roy Road, Township of Wantage, Sussex County, New Jersey" prepared by Kenneth D. Dykstra, P.E. of Dykstra Walker & Associates, dated August 17, 2009 and consisting of seven (7) sheets.
2. This approval is subject to the Applicant's satisfaction of all terms and conditions of the Board Engineer's report dated September 14, 2009 and/or as same may have been modified at the time of the hearing in this matter.

3. This approval is subject to the Applicant submitting a copy of the Letter of Interpretation issued by NJDEP for the Subject Property.
4. This approval is subject to the Applicant providing soil log information to satisfy Checklist Item 4.11 to the Board Engineer with respect to the proposed septic disposal system.
5. This approval is subject to Sight Easement information being provided for the intersection of County Route 565 and Roy Road to the Board Engineer as well as being shown on the plans submitted.
6. This approval is subject to the Applicant submitting all proposed Deeds and Easement Deeds for review and approval by the Board Engineer and Board Attorney.
7. This approval is subject to the Township's COAH regulations once the lots are developed.
8. This approval is subject to a contribution to the Wantage Road Trust Fund in the amount of \$5,700.00 for three (3) lots at the cost of \$1,900.00 per lot.
9. 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.
10. 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.
11. 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.
12. Certificate that taxes are paid to date of approval.
13. Sussex County Planning Board approval.
14. 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, Grau, Slate, Gill, Vander Groef, Smith.

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

L-17-2009 ROY ROAD, LLC

Mr. Smith indicated that a correction was needed on Page 2, first paragraph to indicate that the property was being subdivided into two lots plus the remainder.

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution, with changes, memorializing the Board's decision of September 22, 2009 granting minor subdivision approval to Roy Road, LLC for Block 17, Lot 38.01, located on Roy Road, in the Highway Commercial Zone, pursuant to N.J.S.A. 40:55D-47, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved. The subdivision shall be based upon the documentation contained in the plans entitled "Minor Subdivision Plans, Block 17, Lot 38.01, Sussex County Route 565 and Roy Road, Township of Wantage, Sussex County, New Jersey" prepared by Kenneth D. Dykstra, P.E. of Dykstra Walker & Associates, dated August 17, 2009 and consisting of seven (7) sheets.
2. The development of this parcel shall be implemented in accordance with the terms and conditions of the Board Engineer's report dated September 14, 2009 and/or as same may have been modified at the time of the hearing.
3. This approval is subject to the Applicant providing a Letter of Interpretation from the NJDEP for the Subject Property as indicated at the time of the hearing.
4. This approval is subject to the Applicant providing soil log information in compliance with Checklist Item 4.11 after crops have been harvested for the season.
5. No further subdivision of remainder Lot 38.01 pursuant to the agreement of the Applicant at the time of the hearing of this application.
6. Compliance with the Township's COAH regulations once the lots are developed.
7. Contribution to the Road Trust Fund in the amount of \$3,800.00 prior to the Deeds being signed. This amount is derived from the creation of two (2) new lots at a cost of \$1,900.00 per lot.
8. 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.
9. 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.

10. 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.
11. Certificate that taxes are paid to date of approval.
12. Sussex County Planning Board approval.
13. 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, Grau, Slate, Gill, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-10-2009 SHEILA HUGHES

The applicant is proposing to open a sporting goods store for fishing, hunting and camping supplies. At some point in time, there will be firearms and ammunition. The property is known as Block 165, Lot 15 and is located at Route 23 and Brink Road in the commercial/residential zone.

Keith Alan Hughes and Sheila Hughes, applicants, appeared before the Board.

Mr. Pellow's report was reviewed. It was determined that the proposed was a permitted use for the area. The bulk requirements for the Hamlet and the existing conditions were reviewed. It was discussed that they were all pre-existing non-conforming conditions. A discussion followed regarding the ingress and egress to and from the site. Mr. Pellow indicated that entering and exiting to and from Route 23 was very dangerous and he recommended access from Brink Road. The applicant stated that it was very difficult for someone towing a boat to buy fishing supplies to enter from Brink Road and she suggested being allowed to enter from Route 23 and exiting onto Brink Road. The Board recommended entering southbound on Rt. 23 only. Mr. DeBoer stated that all the years there was a deli there the entrance was from Route 23 and asked why would that change now. The Board stated safety was the main concern.

The signage was discussed. The applicant stated that she wished to use the original sign that measured 14 ft. long x 12 in. high. The sign met the code back then. She added there was lighting already there that was shining on that sign and she would like to incorporate all that into this site plan. She added that she would like to place a sign by the road, like a real estate sign. Mr. Smith stated that a sandwich sign was allowed. However, the applicant stated that she would like to have something more stable. Mr. Smith added that the sign would then have to conform to present requirements.

Mr. Pellow's report stated that the parking lot was not in very good condition. The applicant stated that it was resurfaced with stone. It was discussed that oil and stone was required. Mr. Vander Groef suggested allowing the applicant time to complete the paving due to the impending winter weather. The Board agreed to allow the paving to be completed on or before April 30, 2010.

The meeting was opened to the public. Mr. Harry Meincke, owner of the property, stated that according to the square footage of the building the applicant needed only 4 _ parking spaces where Mr. Pellow's report indicated that six (6) parking spaces were needed since the square footage was to include the office area as well. Mr. Mencke indicated that he had two tenants who did not drive. He stated that if the situation changed and tenant required parking he would open his garage, at present used for storage, to allow parking for tenants. As far as the septic issues raised by Mr. Pellow in his report, Mr. Meincke stated that he asked around and the prior owner, Mr. Cloke, installed it long time ago and he said he put in the largest one he could accommodate and that it would be for four bedrooms. He stated there was no record of approval available. Mr. Meincke stated he had problems with the prior tenants, that he had tried to sell the property and he was not able to and that now would be his chance to make something out of it if he could rent it out.

Mr. Kienz suggested granting preliminary site plan approval, with no certificate of occupancy granted until everything is satisfied.

Mr. Pellow agreed to receive revised "as built" plans and recommended to the Board to defer a final decision until revised signs, ingress/egress, and parking lot issues were provided.

Mr. Cecchini made a motion seconded by Mr. Bono to grant preliminary site plan approval, subject to Mr. Pellow's report, review of revised "as built" plans, appropriate signage, paving of the parking lot, and ingress issues.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-11-2009 NICOLE BOURNE

The applicant is proposing to subdivide one (1) lot plus the remainder. The property is known as Block 33, Lot 3 and is located on Unionville Road in the RE-5 zone.

Engineer Jason Dunn from Dykstra Associates, Nicole Bourne, the applicant and Gary Haar, her husband, appeared before the Board.

Mr. Dunn explained that the reason for appearing tonight was to deal with completeness issues. Mr. Dunn stated that a variance for the 20,000 sq.ft. of contiguous, non-constrained land. He explained that when the minor subdivision was prepared, the need for that area was not taken into account.

Mr. Pellow's report was reviewed. It was discussed that the applicant had obtained copies of the prior resolutions of approval for the property. The applicant requested a waiver for the L.O.I. and for locations of all existing features on the subject property and within 200 feet of the tract boundaries based upon a survey performed by a New Jersey Licensed Land Surveyor. Mr. Pellow indicated that it could be conditions of approval. Written confirmation of the proposed lot numbers was supplied at the meeting.

The application was deemed complete and scheduled for the November 24th meeting.

L-12-2009 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

The applicant is proposing to add six (6) panel antennas at approximately 100 feet in height onto the existing 120 foot wireless communication tower and a 7.5 foot by 13.25 foot equipment shelter within the existing 30 foot by 30 foot fenced area. The property is known as Block 24, Lot 1.01 and is located on Route 284 in the RE-5 zone.

Attorney Richard Schneider and Planner William Masters appeared before the Board.

Board members Cecchini, DeBoer, and Gaechter stepped down.

Mr. Schneider stated that the applicant proposed to install one antenna at 100 ft. and that all the equipment would be located within the existing gated compound.

There was no one from the public wishing to come forward on this application. There were no comments from the Board members.

Mr. Slate made a motion seconded by Mr. Bono to grant use variance inclusive of side and rear setbacks.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-15-2009 565 LAND DEVELOPMENT, LLC

The applicant is requesting minor subdivision approval and preliminary major subdivision approval to create eight commercial building lots plus a remainder. The property is known as Block 117, Lot 38.01 and is located on Route 565 in the HC and RE-5 zones.

Board members Cecchini, DeBoer, and Gaechter stepped down.

Attorney Michael Gaus and Kenneth Wentink, the project's Engineer, and Thomas Zummo, the applicant, appeared before the Board.

Mr. Gaus explained that the applicant intended to subdivide the property into nine (9) lots. The large lot would be unbuildable and the applicant would like to minor off the 27-acre tract. He stated that there will be a permanent conservation easement and that there was environmental interest on that property. He added that the property was zoned HC in the front and RE-5 in the rear and it was currently being used as a soil removal operation.

Mr. Wentink stated that the large lot was mostly an existing pond in the surrounding wetlands. A street off of Route 565 and ending in a cul-de-sac was proposed, the lot at the Northeast corner along Route 565, Lot 38.03, was proposed to be a detention basin. The lots were set up based on approximately two (2) acres where the proposed grade was 10% or less. A use variance was being requested for the RE-5 in the rear of the property as the applicant felt it would be very inappropriate to access a residential area through a non-residential area. The area located in the RE-5 residential area was being proposed as non-residential development. Mr. Wentink added that the drainage was designed in accordance with state plans with a two, ten, and one hundred-year storms and the drainage in the streets and right-of-ways was designed for a 25-year storm. He added that the streets would be done according to municipal standards. He stated that more information of the lot uses was not available because they did not know what future lot owners would want to use the lots for and that it would be up to the future owners of each individual lot to apply for the proper site plan approval or variances if required.

A discussion followed regarding the timing on coming back for final approval as the soil removal was market driven. Mr. Gaus indicated that he did not believe it made sense to bond for improvements when there was really no indication for building timeline and that there could be a deed restriction against lot development without coming back to the Board.

Mr. Pellow's report was reviewed. The applicant is to deposit \$16,800.00 to the Township Road Trust Fund. It was discussed that the approval should be subject to Mr. Pellow's report to address a number of issues listed.

The meeting was opened to the public. Mr. Emil Conforth expressed concern about the proposed detention basin. He stated it would be within 100 ft. from his well and he was concerned with pollution to his well. Mr. Wentink indicated that if the well had been drilled after July of 1979, it had to be 50 ft. from the septic and if drilled prior to July of 1979 it had to be 100 ft. from the septic and in his opinion there could be more contamination from a septic than from a detention basin. Mr. Conforth submitted information on aquifers which was marked as Exhibit A1. The secretary will send a copy of the aquifer information to Mr. Pellow for his review.

It was discussed that the entire subdivision would be redesigned for each lot to have individual detention basins.

The meeting was closed to the public and opened to the Board. Ms. Gill stated that there were too many conditions.

A motion was made by Mr. Grau and seconded by Mr. Slate to grant use variance to allow commercial type activities to take place in a residential area, subject to subdivision approval and individual detention basins.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Grau made a motion seconded by Mr. Slate to grant minor subdivision approval.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

Mr. asked if, with the minor subdivision, did Road Trust Fund apply. Mr. Kienz stated that since a new lot was being created one unit of Road Trust Fund in the amount of \$2,100.00 would apply.

Approval of the preliminary major subdivision was discussed. Although the applicant was requesting several waivers, the Board agreed that even if they were granted approval, the future lot owners would have to come back to the Board for site plan approval.

Mr. Gaus stated that by granting preliminary approval, the Board would give the applicant the ability to argue that they were grandfathered in when things do change and hopefully would give the Township more lots and more ratables.

Mr. Grau made a motion seconded by Mr. Slate to grant preliminary major subdivision approval, subject to Mr. Pellow's report to run with the resolution.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-18-2009 ANTHONY & CAROLE HARNETT

The applicant is proposing a mother/daughter apartment by constructing a 33' x 38' addition to the rear of the existing home. The property is known as Block 155, Lot 7.08 and is located on Route 519 in the RE-5 zone.

Board members DeBoer, Gaechter, and Vander Groef stepped down.

Land Surveyor Eric Smart and applicants Anthony and Carole Harnett appeared before the Board.

Mr. Pellow's report was reviewed. Under specific requirements, the zoning was revised to RE-5 from R-1, the right-of-way width of CR 519 was shown, and the height of the addition, 18'3", was shown on the construction plans.

It was discussed that the addition will consist of one bedroom. Mr. Smart explained that the applicants intend to eliminate one bedroom and make it into an office. Therefore, there will be no change in the number of bedrooms. It was discussed that there will be another vehicle on site and that the current situation would easily accommodate the additional vehicle. COAH regulations to be adhered to. It was made clear that, if approval were granted and the use is abandoned in the future, the addition could not be used as a rental unit. However, it could be sold as a mother/daughter. When asked by Mr. Kienz to explain why should the Board grant the variance, Mr. Smart replied that the addition would not be noticeable from the road unless one walked around the house, all the houses in the neighborhood were large, economically and unfortunately for the homeowners, the taxes would increase and there would be no more school age children added. It was explained that although there would be a door connecting both units these would be two separate housing units.

Mr. Smith stated that based on the current economic environment it was beneficial for families to create mother/daughter homes.

There was no one from the public wishing to come forward on this application. There were no comments from the Board members.

Mr. Bono made a motion seconded by Mr. Grau to approve this application, subject to the applicant submitting a revised plan and an as-built plan.

ROLL CALL VOTE: THOSE IN FAVOR: Bono, Cecchini, Grau, Slate, Gill, Smith.
THOSE OPPOSED: None. MOTION CARRIED.

L-4-2009A ERIC TURNQUIST

The applicant is appearing before the Board to discuss future ownership of open space Lot 27.08 and Stormwater Management Basin on Lot 27.05.

Attorney Michael Gaus and Engineer Ken Dykstra appeared before the Board.

Mr. Gaus referenced Mr. Pellow's report dated October 26, 2009 discussing the infiltration basin maintenance cost estimate based on a 10-year time period in the amount of \$15,613.80. Mr. Gaus indicated that the applicant was prepared to pay that amount. With respect to the open space he indicated nothing would change except for the open pathways for everyone in the Township to enjoy.

Mr. Smith indicated that he had spoken to the Township Administrator who indicated that the Township did not want the responsibility.

A discussion followed as far as who should have ownership and maintenance of the open space and detention basin. The Board suggested having a few more conversations with interested parties and carrying a decision to the November 24, 2009 meeting.

Mr. Grau made a motion seconded by Mr. Bono to defer a decision on this matter until the November meeting.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-6-2009 ROY ROAD, LLC

The applicant is appearing before the Board to discuss the operational plan for this application. The property is known as Block 16, Lot 5.01 and Block 17, Lot 38.01 and is located on Roy Road.

Board member Cecchini stepped down.

Attorney Michael Gaus appeared before the Board.

The Board suggested carrying this discussion to the November 24, 2009 meeting. Mr. Gaus explained that he would like to notice for that meeting due to the amendment caused by Letter of Interpretation findings. He requested the attorney bringing an anticipatory resolution for adoption at that meeting.

Mr. Grau made a motion seconded by Mr. Bono to carry this application to the November 24, 2009 meeting.

ROLL CALL VOTE:

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

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

A meeting was scheduled for Friday, October 30, 2009 at 8:00 a.m. at Mr. Pellow's office to go over the detention basin maintenance.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Stella Salazar
Secretary