

SEPTEMBER 18, 2018

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, September 18, 2018 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. It was properly noticed and posted to the public.

SALUTE TO THE FLAG

Mr. Cecchini invited all persons present to participate in the Pledge of Allegiance to the United States Flag, followed by a moment of silence for deceased board member Paul Grau.

ROLL CALL

PRESENT: Larry Bono, William DeBoer, William Gaechter, Victoria Gill, Joanne Kanapinski, Debra Millikin, Jon Morris, Ronald Slate, Michael Cecchini, Michael Walther.

Absent: None. Also, present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

MINUTES

Mr. Morris made the motion, seconded by Mr. Slate to approve the minutes from the July 17, 2018 meeting. A voice vote was unanimously in favor.

RESOLUTIONS

L-2018-02
William Bolella
124 Wolfpit Road
Block 36, Lot 11.01

Mr. Gaechter made the motion seconded by Mr. Morris to approve the Resolution to install ground mount solar located in the front yard. Ayes: Gaechter, Kanapinski, Morris, Slate, Walther, Cecchini. Nays: None. Abstain: Bono, Gill, Millikin, DeBoer.

The Wantage Township Governing Body presented to the Land Use Board, two Ordinances that the Committee introduced at their September 13, 2018 meeting. The Committee is seeking the support of the Land Use Board with respect to the compliance with the Master Plan.

Ordinance #2018-10 An Ordinance amending Chapter 23 of the Township of Wantage revised general ordinances entitled "Soil Removal" & amending Chapter 21 of the Township of Wantage revised general ordinance to include Soil Fill Permit Fees and Escrows.

This is the second time the Land use Board has seen this ordinance. After reviewing the ordinance at a prior meeting, offering suggestions, and Mr. Pellow's office reviewing the ordinance, the Governing Body introduced the Ordinance. Mr. Cecchini asked for a motion in

support of the Ordinance's compliance with the Master Plan. Ms. Gill made the motion, seconded by Mr. Bono to recommend to the Governing Body for approval of Ordinance #2018-10. Ayes: Bono, Gaechter, Gill, Kanapinski, Millikin, Morris, Slate, DeBoer, Cecchini. Nays: None.

Ordinance #2018-11 An Ordinance amending and supplementing the revised general ordinance of the Township of Wantage, Chapter XIII "Zoning" 13-13 "General Regulations" by adding 13-13.20 to Prohibit Retail/Wholesale Sale of Marijuana Products.

Mr. Gaechter said Wantage has been receiving phone calls regarding the growing of medical marijuana. New Jersey recently made six licenses available to grow/process medical marijuana with rumors of more available in September. NJ may pass legislation as early as the end of September to legalize the use of recreational marijuana. Municipalities can opt out of one or all four; growing, processing, distribution and retail parts of the bill. The Governing body of Wantage Township feels there are many unanswered questions, and considers it in the best interest to have an ordinance with a clear position. The topic can always be revisited.

Included in the discussion:

- As a farming community, do we have the right to regulate what farmers grow?
- Right to farm laws and legal crops.
- Agro tourism and Wantage Township.
- Taxation.
- Legal in NJ vs. illegal on a Federal level.

Ms. Millikin told the Board a license issued by the State of NJ must be obtained before marijuana can be managed legally, homegrown products with not be authorized. The plant must be grown in greenhouses.

Mr. Gaechter said the Freeholders, at their most recent freeholder meeting, sent a strong Resolution to the Governor in opposition of the legalization of marijuana.

Ms. Gill made the motion seconded by Mr. Bono to approve the support of Ordinance #2018-11, banning the sale, growth, processing and distribution of marijuana in Wantage Township. Ayes: Bono, Gaechter, Gill, Kanapinski, Millikin, Morris, Slate, DeBoer, Cecchini. Nays: None.

APPLICATION

L-2018-06
Ralph Fredericks
Block 42 Lot 37.02
193 Route 284
Minor Subdivision & "C" Variance

Mr. Cecchini stepped down from the dais due to a conflict, his family owns adjoining property, Mr. Slate assumed the chairman's chair.

Angela Paternostro-Pfister swore in Ken Wentink, Professional Engineer and Land Surveyor of Old Clove Road, Wantage, and Ralph Fredericks, the applicant of 240 Main Rd., Montville NJ.

Mr. Fredericks wishes to subdivide Block 42 Lot 37.02; the lot contains two houses. The homes have separate utilities, wells and septic. Mr. Fredericks completely renovated the carriage house, the Victorian and a 90-foot cow barn. One house was used as a weekend retreat the other house his daughter lived in. His wife recently passed and their needs have changed. The proposed lot 37.02 contains 7.18 acres, proposed lot 37.05 contains 1.39, five acres is required. The homes will share a common driveway.

Mr. Pellow asked for alternatives, Mr. Wentink stated there are no alternatives except to not subdivide.

Mr. Wentink said he learned many years ago, homes on individual lots are considered an upgrade.

The property contains two complete homes shared by a common driveway. Mr. Wentink discussed the necessity of a maintenance agreement for a common driveway. Mr. Pellow stated all aspects of the driveway, including the gravel areas, must be included in the maintenance agreement.

The medical building immediate to the north is the only commercial business in the residential area. There is a deed overlap area that appears on both Mr. Fredericks survey and the medical buildings survey. Mr. Fredericks has maintained the property, it is next to the professional building parking lot on the opposite side of Mr. Fredericks fence. Nobody uses the overlap. Mr. Pellow stated that happens occasionally. Mr. Fredericks will surrender the property, if it complicates matters, to the owners of the professional building. By giving up possession the application will require additional variances. A common drive usually required a driveway of twenty feet wide.

Discussion continued regarding the reason for the subdivide, the Board agreed homes on individual lots are preferred, one cannot build two homes on one lot. Ms. Gill went onto say it is very difficult when valuing and selling property with two homes on one lot.

A Road Trust payment of \$1850.00 is required, prior to the deeds being signed, due to the creation of a lot.

Mrs. Kanapinski asked if Mr. Fredericks plans to sell the properties, he replied yes, his situation has changed since 2016 and he will most likely sell the Victorian house.

Mr. Pellow and Mr. Wentink agreed revised maps are necessary.

Mr. Slate opened the application to the public, seeing no public is present, he opened it to the Board for a motion.

Mr. Morris made the motion seconded by Mr. DeBoer to approve the subdivision, including Mr. Pellow's conditions. Ayes: Bono, Gaechter, Gill, Kanapinski, Millikin, Morris, Slate, DeBoer, Walther.

INFORMAL

The informal listed on the agenda was not in attendance.

Mr. Wentink stated he was approached by a client to grown cannabis in green houses, the Board stated the Township is in the process of passing an ordinance in opposition to the growth of marijuana.

ADJOURNMENT

Mr. Morris made a motion to adjourn, seconded by Mr. Bono and carried, the meeting adjourned at 8:00 p.m.

Respectfully submitted,
Jeanne M. McBride
Secretary