

JANUARY 27, 2009

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, January 20, 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. It was properly advertised and posted to the public.

ROLL CALL:

PRESENT: Mssrs. Cecchini, DeBoer, Gaechter, Slate, Smith, Vander Berg, Vander Groef, Ms. Gill, Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. Bono, Grau, Cillaroto, Mmes. Mylecraine, Kanapinski.

RESOLUTIONS

L-23-2008 ROBER MC EWAN

Mr. Slate made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board's decision of January 20, 2009 to grant Minor Subdivision approval to B. Robert McEwan for Block 15, Lots 8 and 10, located on Spreen Road in the Residential 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.
2. This approval is granted based upon plans entitled "Minor Subdivision Plan of Block 15, Lot Nos. 8 and 10" prepared by Eric R. Smart Associates and dated November 17, 2008 consisting of two (2) pages.
3. The Applicant shall provide Conservation Easements and Driveway Easements for the parcels as depicted on the plans subject to the review and approval of the Board Engineer and Board Attorney.
4. In order to perfect the subdivision, the Applicant shall first merge Part of Lot 10 into Lot 8 and then file a Deed subject to review and approval of the Board Engineer and Board Attorney.
5. Applicant shall do test holes for the excavation of the seepage pit locations to determine if the soil is sufficiently porous to accept stormwater runoff subject to witnessing by the Boar Engineer.
6. The foundation which is currently located on the parcel shall be eliminated, well abandoned and septic tank filled with sand.
7. The Applicant shall provide a Drainage Easement to discharge stormwater onto Lot 10.04 from the cross-drain under Spreen Road near the southerly corner of Lot 10.04.
8. The Applicant shall remove the silt in the seepage pits at Spreen Road.
9. The Applicant shall make its best efforts to provide the Township with an as-built for the existing underground utility lines and boxes from the utility company. This condition shall not delay the filing of any Deeds perfecting the subdivision.
10. The Applicant shall amend its plans to show all septic cleanouts and inspection ports for the lots.
11. Lot 10.04 shall grant a Drainage Easement to Lots 10.05 and 10 to discharge stormwater from the 12 inch RCP near the merge points of the drives for Lots 10.05 and 10.
12. The Township shall return \$5,000.00 from the Road Trust Fund to the Applicant since this amount was overpaid at the time of the first application.
13. 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
14. Further, the Township shall immediately return the performance guarantee to the Applicant since none is required in conjunction with a minor subdivision.

15. 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.
16. Certificate that taxes are paid to date of approval.
17. Sussex County Planning Board approval.
18. 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, Gaechter, Slate, Gill, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTION OF THE WANTAGE TOWNSHIP LAND USE BOARD

Mr. Cecchini made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision to award a contract for professional services to Glenn Kienz, Esq. of the law firm of Weiner Lesniak, LLP., pursuant to N.J.S.A. 40A:11-5, subject to the following terms:

1. The Chairman and Secretary of the Land Use Board of the Township of Wantage are hereby authorized and directed to enter into a Contract with Glenn C. Kienz, Esq. of the Law Firm of Weiner Lesniak LLP, for legal services for the period of January 1, 2009 through December 31, 2009 in accordance with the Contract attached hereto and made a part hereof.
2. The contract is entered into without competitive bidding as a "Professional Service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. A copy of the Resolution will be published in the official newspaper of the Borough within ten (10) days of passage as required by law.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-25-2008 AMES RUBBER, INC., FUNDING PARTNER

The applicant is proposing to subdivide 30.429 acres from Lot 9.01 to be conveyed to the United States Fish and Wildlife Service and will become part of the Wallkill River Refuge. The property is known as Balk. 1.02, Lot 9.01 and is located on Route 284 in the R-5 zone.

Attorney Richard Valenti, Engineer Ken Wentink, and Mr. Roberts on behalf of the applicant, appeared before the Board.

Mr. Valenti stated that the portion of land being subdivided will be merged into the adjoining Lot 10.01. Mr. Valenti made reference to a letter from the Fish and Wildlife Service dated January 23, 2009 stating that there will be no building on the property.

Mr. Pellow's report was reviewed. Mr. Valenti indicated that the applicant was in agreement with the report. Item 6, referring to a statement to be included in the deed that a wetland permit may be needed if any improvements are done on Lot 9.01. In regards to Item 7 about the Route 284 right-of-way plans and a drainage easement to discharge water onto Lot 9.01 from the existing culvert, Mr. Wentink stated that he did not have copies of the actual highway maps which date back to 1921. He did have a copy of the acquisition map from 1919.

Robert Eckelkamp, adjoining property owner requested having markers put in on the property line. Ms. Gill stated that if the Fish & Wildlife did not purchase the property yet, then they will have to put markers everywhere. Mr. Smith stated that it is the

landowner's responsibility to make sure his property is staked. Mr. Kienz stated that this issue is not part of this application and the Board has no jurisdiction over asking the applicant to stake the property. Mr. Kienz asked the applicant if they would object to a copy of the metes and bounds being made available to Mr. Eckelkamp. The applicant agreed to that request. Mr. Eckelkamp asked if the applicant wanted to build another house on the remaining lot would he have to come back to the Board. It was explained to him that he would have to get a variance for two houses on one lot.

The meeting was closed to the public and opened to the Board.

Mr. Smith asked why were the property lines not squared off. Mr. Wentink stated that it had to do more with the fact that they were trying to keep the property at 30 acres.

Mr. Cecchini made a motion seconded by Mr. DeBoer to approve this application subject to Mr. Pellow's report.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-21-2008 CHARLES & JANE HUNTER

The applicant is proposing to construct a single family dwelling on Blk. 163, Lot 15.05. Front yard set back variance, non-contiguous, non-constrained land variance, and planning variance are required. The property is located on Wilson Lane & Neilson Road in the RE-5 zone.

Attorney David Wallace and Engineer Ken Wentink appeared before the Board.

Mr. Wentink provided a letter from the Board of Health approving the revisions to the drainage system. It was discussed that the road would be suitable for emergency vehicles as there is not a lot of traffic. It was also noted that Mr. Frye's driveway goes before the proposed new driveway for the applicant.

The professionals explained that the footprint of the house was relocated to 25.4 ft. off the cul-de-sac and now the garage is part of the house, not freestanding like before with space in between. The distance to the nearest house is about 300 or 400 ft., the distance from the front of the house to Mr. Frye's driveway is 90 to 100 ft., there is a row of trees now bare with no leaves on them, when the leaves are there they will screen, Lot 14 is to the southwest of this lot, it already has a house on it. Mr. Frye's lot has a house on it, Lot 15.07 already has a house on it and the properties to the northeast have houses on them, so basically the new house will be surrounded by existing homes. No other house would access the cul-de-sac other than Mr. Frye's and the proposed new house. The lot areas of the surrounding lots range between 1.36 acres and 12 acres. Three of the lots across the street on the other side of Nielson Road and Volcanic Hill are in the neighborhood of 1 acre.

The professionals added that this house is not on a public street where the house would stick out like a sore thumb and there will be no impact to the scheme of the neighborhood. It was discussed that this piece of property is a DEP challenge as to developing it and that there are environmental constraints and slopes, a septic permit was issued, if a variance were not granted then the property would not be developable at all.

The meeting was opened to the public. Mr. Fred Frye stated that there are cul-de-sacs on both ends of the property that are used as a turnaround by people who do not know that the road ends there, he stated that 30 years ago he came to the area looking for a paradise and found it, that the septic water is going to go right into the pond and he does not believe it is a buildable lot the way it stands.

There were no other members of the public present.

Mr. Pellow's report was reviewed. Item 4 states that the floor plans do not agree with the site plan. The site plan depicts a deck across the entire rear of the building and the floor plan depicts a 5' x 13' deck. Mr. Wentink stated that the deck would be across the entire rear of the building. Mr. Pellow added that items from his October 2, 2008 report had to be complied with: driveway access permit will be needed, COAH fees to be complied with, and the house plans have to be prepared by an architect. He mentioned the cul-de-sac needs to be improved as well as it is just grass now.

Mr. DeBoer asked when did the DEP approve the project. Mr. Wentink indicated that the approval was from July 16, 2006.

Mr. Vander Groef expressed concern with the turnaround and maintenance of the road. Mr. Wentink stated that Mr. Hunter would participate, Mr. Kienz stated it would be a condition on the resolution that the owner would be responsible for maintaining the cul-de-sac for emergency vehicle access.

Mr. Smith stated there would be no accessory structures to be constructed on the site to include sheds, pools, gazebos, a gym, swing sets, since the property is very tight. Mr. Wentink indicated those would be restricted to a great extent by the transition area. Mr. Smith asked if the deck behind would be within the transition area and Mr. Wentink indicated it would be within the area given as a waiver, Mr. Pellow stated that the transition area line must be there while the house is being built so they do not go over the line.

Mr. Smith stated that for future homeowners a transition area would have to have somewhat of a monument that would stay. Mr. Kienz stated that a plot plan is needed prior to construction so it can be recorded on a map plus lead requirements. It was decided the attorneys will discuss the issues.

Mr. Vander Berg made a motion seconded by Mr. Cecchini to approve this application subject to Mr. Pellow's report and comments from Mr. Pellow, Mr. Vander Groef, and Mr. Smith.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Slate, Vander Berg, Smith.

THOSE OPPOSED: DeBoer. MOTION CARRIED.

L-24-2008 WHEN PIGS FLY

The applicant has applied for amended preliminary and final minor site plan approval. The applicant is requesting to amend the most recent approval to allow additional storage in the airport hangars.

Mr. Cecchini stepped down.

Attorney Lawrence Cohen, Engineer Robert Tessier, and applicant, William Gennaro, appeared before the Board.

Mr. Kienz stated that a D variance is not needed and that a C variance for accessory use is required.

Mr. Cohen stated that storage as an accessory use is a customary use in this type of property. He reminded everyone that at the last hearing testimony was given by three (3) witnesses who had previously rented from Mr. Gennaro plus the testimony from the Zoning Official. He stated that the applicant now has a more detailed plan of the storage footprint of the hangar and he made reference to his letter dated January 23, 2009 regarding the conditions being acceptable to the applicant.

Mr. Tessier explained the different storage plans for the hangars. He stated this would be limited to the owner of the plane and that the floors inside the hangar would be delineated as far as the storage areas. He stated that at present one (1) vehicle is allowed. Mr. Kienz

suggested having the delineations on the plans so that the building officials will have them when they go out so they will know what to look for.

Mr. Pellow's report was reviewed. It was discussed that COAH would be noted as a condition on the resolution, that a preconstruction meeting was needed and that the Building Dept. should be included in the meeting.

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

Ms. Gill asked if tractors needed to haul the planes in and out of the hangars would be included. It was discussed they would be but only with the purpose of moving the planes.

Mr. Smith stated that there is any configuration change it will have to come back to the Board.

Mr. Vander Berg made a motion seconded by Mr. DeBoer to approve this application and to include Mr. Pellow's reports of June 9, 2008 with a September 8, 2008 and January 12, 2009, and the letter from Mr. Cohen dated January 23, 2009.

ROLL CALL VOTE:

THOSE IN FAVOR: DeBoer, Gaechter, Slate, Vander Berg, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. DeBoer asked about the airport being upgraded to small jets, as he was concerned with the noise.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Stella Salazar
Secretary