

AUGUST 24, 2010

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, August 24, 2010 at the Wantage Township Land Use 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.

ROLL CALL

PRESENT: Mssrs. Cecchini, DeBoer, Gaechter, Grau, Slate, Smith, VanderGroef, Mmes. Gill and Kolicko, Attorney Bryant Gonzalez, Engineer Cory Stoner.
ABSENT: Mssrs. Bono, VanderBerg, Cillaroto, Ms. Kanapinski.

APPROVAL OF MINUTES

Mr. Grau made a motion seconded by Mr. Slate to adopt the minutes of June 29, 2010.

ROLL CALL VOTE:

THOSE IN FAVOR: DeBoer, Gaechter, Grau, Slate, Gill, Kolicko, Smith.
THOSE OPPOSED: None. **MOTION CARRIED.**

RESOLUTIONS

L-1-2003A LGR ENTERPRISES, LLC

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of June 29, 2010 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 July 25, 2012.
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: DeBoer, Gaechter, Grau, Slate, Gill, Smith.
THOSE OPPOSED: None. **MOTION CARRIED.**

L-31-2006 CHRISTIAN LEONE PROPERTIES, III, LLC

Mr. Grau made a motion seconded by Mr. DeBoer to adopt the resolution memorializing the Board's decision of June 29, 2010 granting extension of preliminary major subdivision approval to Christian Leone Properties III, LLC for Block 117, Lot 32.01, located on Sussex County Route 565, in the Highway Commercial Zone, pursuant to N.J.S.A. 40:55D-47(f), subject to the following terms and conditions:

1. The extension granted shall be continued until July 17, 2012.
2. All terms and conditions of the Board's previous Major Subdivision Resolution of 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: DeBoer, Gaechter, Grau, Slate, Gill, Smith.
THOSE OPPOSED: None. **MOTION CARRIED.**

L-15-2009 565 LAND DEVELOPMENT, LLC

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of June 29, 2010 granting extension of minor subdivision approval to 565 Land Development, LLC for Block 117, Lot 38.01, as shown on the Tax Map of the Township of Wantage located at County Route 565 in the Highway-Commercial (HC) Zone and R-5 Zone, requesting an extension of minor subdivision approval is hereby granted pursuant to N.J.S.A. 40:55D-47, subject to the following terms and conditions:

1. The extension granted shall be continued until December 31, 2010
2. All terms and conditions of the Board's previous Resolutions cited above 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: DeBoer, Gaechter, Grau, Slate, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-3-2010 SUSSEX RURAL ELECTRIC COOPERATIVE

Mr. Grau made a motion seconded by Mr. Slate to adopt the resolution memorializing the Board's decision of June 29, 2010 granting preliminary and final site plan approval, conditional use authorization, and "D" variance relief to Sussex Rural Electric Cooperative for Block 113, Lot 1, located at 30 Clove Road in the RE-5 Residential Environs District 5 Zone, pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50, conditional use authorization, pursuant to N.J.S.A. 40:55D-67 and "d" variance approval pursuant to N.J.S.A. 40:55D-70d, in order to permit the placement of a step-down transformer and switch gear on the Subject Property, subject to the following terms and conditions:

1. The proposed development of the Subject Property shall be implemented in accordance with the plan submitted and approved.
2. This approval is granted strictly in accordance with the plat prepared by Kenneth A. Wentink & Assoc., dated 10/27/2009, revised to 02/25/10 and signed by Kenneth A. Wentink on 3/3/10.
3. This approval is subject to compliance with the requirements set forth in the March 10, 2010 report from Harold E. Pellow & Associates, Inc. regarding this application.
4. At such time as the proposed equipment has been installed and is operational, the Applicant shall conduct a final sound check to ensure that the equipment complies with the New Jersey State Standards for noise. In no event shall the equipment exceed the State Ambient Noise Standard of 40 db for night-time operation.
5. The owner of the Subject Property acknowledges and agrees that an Easement permitting use of the unnamed Traveled Way, as shown on the approved plans, as a public right-of-way exists, having been created by prescription and further, that such Easement shall run with the land.
6. A berm shall be installed along Old Clove Road, specifically between the site of the Proposed Structures and the property designated as Block 57, Lot 24 on the Tax Map of the Township of Wantage, and shall be buffered in accordance with an enhanced landscaping plan to be reviewed and approved by the Board Engineer.
7. 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.
8. 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.
9. Certificate that taxes are paid to date of approval.
10. Sussex County Planning Board approval or exemption.

11. 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: Grau, Slate, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-4-2009 ERIC TURNQUIST

The applicant had requested extension of minor subdivision approval for property known as Block 17, Lots 27, 3 & 25.

At the applicant's request, this application was carried to the September 28, 2010 meeting.

Mr. Cecchini made a motion seconded by Mr. Grau to accept the request.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-4-2010 RICHARD & YVETTE KRUK

The applicant was proposing to subdivide a 23.704 acre lot to be known as Lot 7.12 out of the total tract containing 32.113 acres for property known as Block 113, Lot 7.

At the applicant's request, this application was withdrawn.

Mr. Cecchini made a motion seconded by Mr. Grau to accept the request.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-6-2010 JCP&L / NEXTEL OF NEW YORK

The applicant was proposing to add panel antennas at approximately 113 ft. in height onto the existing 120 ft. communications tower. The property was known as Block 160, Lot 3, located on Route 519.

Board members DeBoer and Gaechter stepped down since the application required relief pursuant to N.J.S.A. 40:55D-70 (d).

Attorney Gregory D. Meese appeared before the Board on this application. Mr. Meese explained that he had brought with him four witnesses. Mr. Smith explained that over the years and especially in the last two years, the Board had heard many cell tower applications. He stated that the Board understood the need for the cell towers and that the Board did not see the need to hear all the witnesses' testimony, especially radio frequency and radio frequency emissions testimony given the federal requirements towards these and the professional representations made in the application submitted. Mr. Meese and the Project Architect Mr. Frank Colasurdo, made a brief presentation of the application. The professionals indicated that the applicant wished to collocate the antennas to improve the network service for both JCP&L and Nextel. Mr. Colasurdo explained the plans submitted and no additional exhibits requiring marking were presented. He gave a brief overview of the property. He added that Verizon had constructed an enclosed compound. In explaining the box to be constructed he stated that no man was necessary to watch over or control the box as it would be manned remotely

24 hours a day, 7 days a week and monitored by a silent alarm, that there would be no smoke, no odor, and a 200 amp electric service would be used. He stated that a 7 ft. high chain link fence was proposed with a 4 ft. high keystone wall. There would be 3 sets of antennas, with a GPS the size of a smoke detector to help this antenna synchronize with the other locations. He then some of the technical details of how the system would work.

Mr. Pellow's report was reviewed. Mr. Stoner asked about the equipment shelter. Mr. Colasurdo stated that it would be prefabricated in black or sand color depending on the Board's preference. The Board indicated its preference would be sand to match the existing equipment. It was discussed that there would be one light over the door of the equipment shelter.

There were no members of the public wishing to speak on this application. The meeting was closed to the public and opened to the Board. Ms. Kolicko asked if this would benefit JCP&L only. Mr. Meese replied that it would benefit JCP&L, Nextel, and members of the public that utilized the network.

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

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Grau, Slate, Gill, VanderGroef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

Ms. Susan Nixon approached the Board regarding an apartment over a barn for a farmhand. She stated that she intended to use the property as a retirement facility for horses. The Board advised that the proposed use might require site plan and possibly variance relief but would likely be a use permitted in the zone.

GENERAL

Mr. Smith discussed the following:

1. Given the one-year moratorium on woodstoves Board needed to meet with county officials to figure out how to regulate.
2. change to ordinance #13-5.1B (poultry ordinance)
3. auto dealers on Route 23 parking issues – secretary to advise Kevin Kervatt of Board's concerns.
4. kennel committee – secretary to have Kevin Kervatt do an outreach to meet with Vicky and Maggie
5. Lewisburg Road property – secretary to advise Kevin Kervatt give an update to Board.
6. Concept plan review – a review committee meeting to be set with Mr. Bicsak for the second week in September. Mr. Smith will contact Mr. Troast and Mr. Gonzalez to contact Mr. Collins to have interested parties meet.

ADJOURNMENT

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

Respectfully submitted,

Stella Salazar
Secretary