

MARCH 23, 2010

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, March 23, 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, VanderBerg, Vander Groef. Mmes. Gill, Kolicko, Kanapinski. Attorney Glenn Kienz, Engineer Harold Pellow, Zoning Official Kevin Kervatt.

ABSENT: Mssrs. Bono, Smith, Cillaroto.

Member Vander Groef arrived at 8:15 p.m.

APPROVAL OF MINUTES

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the minutes of January 26, 2010.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, Vander Berg, Gill, Kolicko.
THOSE OPPOSED: None. **MOTION CARRIED.**

RESOLUTIONS

L-28-2006 JARET BUILDERS, INC.

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of January 26, 2010 to grant extension of final major subdivision approval to Jaret Builders, Inc. for Block 132, Lot 3.20, located on Libertyville Road in the R-1 Zone, pursuant to N.J.S.A. 40:55D-52, subject to the following terms and conditions:

1. The extension granted herein shall be continued to May 15, 2010.
2. All terms and conditions of the Board's aforementioned final 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, DeBoer, Gaechter, Grau, Gill, VanderBerg,
THOSE OPPOSED: None. **MOTION CARRIED.**

L-4-2009 ERIC TURNQUIST

Mr. Grau made a motion seconded by Mr. Vander Berg to adopt the resolution memorializing the Board's decision of January 26, 2010 to grant extension of minor subdivision approval to Eric Turnquist for Block 17, Lot 27, located on Route 565 in the ML 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 June 23, 2010.
2. All terms and conditions of the Board's aforementioned minor 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, DeBoer, Gaechter, Grau, Gill, VanderBerg,

THOSE OPPOSED: None. MOTION CARRIED.

L-4-2009A ERIC TURNQUIST

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of January 26, 2010 to grant clarification of previous terms and conditions to Eric Turnquist for Block 17, Lots 27.08 and 27.05, located on Sussex County Route 565 in the ML Zone, having been determined that control should remain private and not be the responsibility of the municipality pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 and that the Applicant shall adhere to all terms in the memorializing Resolution.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Grau, Vander Berg, Gill.

THOSE OPPOSED: None. MOTION CARRIED.

L-13-2009 BICSAK BROTHERS REALTY, LLC

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of January 26, 2010 to grant clarification and reaffirmation of previous approval to Bicsak Brothers Realty, LLC for Block 11, Lot 5, located on Route 23 and Blair Road in the Highway Commercial Zone, pursuant to the authority N.J.S.A. 40:55D-46, subject to the following terms and conditions:

1. All previous conditions set forth in September 22, 2009 memorialized Resolution shall remain in full force and effect except as modified herein.
2. The Applicant shall be permitted to remove materials located in Pod 5 at this time subject to adherence to any and all recommendations made by the Board Engineer.
3. The Applicant shall appear no later than the April 27, 2010 meeting of the Board to obtain subdivision approval for the movement of the entrance way.
4. 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, Grau, Gill, VanderBerg,

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-4-2006 STEVEN LANG

The applicant was requesting an extension of major subdivision approval. The original approval was granted February 27, 2007 and memorialized on March 27, 2007. An extension to March 27, 2010 was granted on June 23, 2009. The property is known as Block 152, Lot 9 and is located on Ramsey Road in the RE zone.

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

The professionals indicated that due to delays caused by litigation, the applicant is now awaiting NJDEP approval.

The Board discussed granting a one (1) year extension to March 27, 2011.

Mr. Cecchini made a motion seconded by Mr. Grau to grant the extension.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, VanderBerg, Gill, Kanapinski, Kolicko, Slate.

THOSE OPPOSED: None. MOTION CARRIED.

L-1-2010 80 LEWISBURG ROAD, LLC

The applicant was proposing to subdivide 2.801 acres from Lot 25 consisting of 22.370 acres. The property is known as Block 18, Lot 25 and is located on Lewisburg Road in the RE-5 zone.

Board member Grau stepped down.

Attorney Michael Gaus, Engineer Kenneth Dykstra, and one of the principals, John Sarracco, appeared before the Board.

Mr. Gaus indicated that the applicant was requesting, in addition to a variance for the undersized lot, a variance for the 20,000 sq.ft. because of the water table, not because of slope, to be explained. Mr. Dykstra introduced Exhibit A1, colored Sheet 3 of the original subdivision plans. He indicated that Lot 15, a six (6) acre land-locked parcel behind Lot 25 would be included in the deed for the remainder lot.

Mr. Pellow's report was reviewed. It was discussed that the applicant would need to deposit \$2,350.00 in the Township's Road Trust Fund prior to the deeds being signed, COAH requirements would apply at the time of building permit application, a driveway permit would be needed from the County and the Township at the time of building permit application, deeds would be required for the proposed lot and the remainder lot, and wetlands conveyed as conservation easements to run with the land, the two-family depicted on the map is a prior existing, non-conforming use with the septic system having recently been upgraded. The driveway into remainder Lot 25 has access rights across Lot 26. The wetlands buffer was discussed and Mr. Gaus indicated that the applicant had been in front of the DEP for approximately two years or longer resolving the wetland buffer issues and that a copy of the LOI had been submitted. The land-locked parcel, Block 18, Lot 15, will be included in the deed for the remainder lot. Mr. Gaus indicated that both lots could not be merged because they did not have a common boundary but they would be tied together the same way it was done in the Turnquist deed. Road widening for Lewisburg Road to be conveyed to the County of Sussex.

The meeting was opened to the public. There were no members of the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board. Member Kolicko had a question regarding lot boundaries depicted on the map. Mr. Cecchini commented on using the correct verbiage on the reasons why the subdivision was granted. Mr. Kienz explained that there were environmental constraints and that the applicant wished to maintain the corral for the farm, creating then a substandard lot.

Mr. Cecchini made a motion based on Mr. Kienz comments seconded by Mr. VanderBerg to approve this application.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, VanderBerg, Gill, Kanapinski, Vander Groef, Kolicko, Slate.

THOSE OPPOSED: None. MOTION CARRIED.

L-2-2010 CARROLL QUINN

The applicant was proposing to install a wind turbine tower. The property is known as Block 113, Lot 2.01 and is located on Fernwood Road in the RE-5 zone.

Mr. Kienz reviewed the notices. One of the neighbors did not get the appropriate notice. Mr. Kienz suggested treating Mr. Pellow's report as a review to clarify some of the issues. He also stated there would be no action at tonight's meeting and that a site walk needed to be arranged.

Mr. Carroll Quinn and Certified Wind Site Assessor, Mr. Roger Dixon, appeared before the Board. It was discussed that since Wantage Township did not have a wind energy

system ordinance but one had been prepared, the application would be reviewed based on the proposed ordinance, keeping in mind that changes could occur prior to the ordinance being adopted. It was also discussed that said ordinance might not be adopted until the May 13th meeting of the Mayor and Committee.

Mr. Pellow's report dated March 11, 2010 was reviewed. It was discussed that the proposed tower would be situated on a six (6) acre lot. The setbacks would not be an issue since the approved subdivision might never be perfected. Height, enclosure, style, appearance, color, finish, noise levels, and access to the tower were discussed.

A site walk was scheduled for Monday, March 29, 2010 at 10:00 a.m. It was decided that a balloon test would be performed so that the Board and interested parties would have a good idea of how high the tower was going to be. Depending on wind conditions for the balloon test, an alternate date was set for Thursday, April 1 at 10:00 a.m.

The application was carried to the April 27, 2010 meeting and Mr. Kienz will prepare an anticipatory resolution to be adopted at that meeting.

GENERAL

RIGHT TO FARM ORDINANCE AND SMALL WIND ENERGY SYSTEMS ORDINANCE

The Board agreed to table these two ordinances to a future meeting.

OUTDOOR FURNACES AND BOILERS ORDINANCE

Mr. Cecchini made a motion seconded by Mr. Vander Berg to approve the ordinance and to recommend it to the Mayor and Committee for its adoption.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, VanderBerg, Gill, Kanapinski, VanderGroef, Slate.

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

MR. DREW FLOCKHART (R.E.R. SUPPLY)

Mr. Flockhart stated that he had a previously approved site plan for composting and that he wanted to expand the operations. The Board confirmed that he needed to come in with an amended site plan application.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Stella Salazar
Secretary