

APRIL 27, 2010

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, April 27, 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. Bono, Cecchini, DeBoer, Gaechter, VanderGroef, Mmes. Kanapinski, Kolicko. Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. Grau, Slate, Smith, VanderBerg, Cillaroto, Ms. Gill.

Board member VanderGroef arrived at 8:00 p.m.

In the absence of Mr. Smith and Mr. Slate, Mr. Cecchini acted as Board Chairman and conducted the meeting.

APPROVAL OF MINUTES

Mr. DeBoer made a motion seconded by Mr. Gaechter to adopt the minutes of March 23, 2010.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Kanapinski, VanderGroef, Kolicko.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-4-2006 STEVEN LANG

Mr. DeBoer made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board's decision made on March 23, 2010 granting extension of major subdivision approval to Steven L. Lang for Block 9, Lot 152, located on Ramsey Road in the RE Zone, pursuant to N.J.S.A. 40:55D-52(d), subject to the following terms and conditions:

1. The extension granted herein shall expire on March 27, 2011.
2. All terms and conditions of the Board's aforementioned major subdivision approval, unless amended herein, shall remain in full 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, Kanapinski, Kolicko.

THOSE OPPOSED: None. MOTION CARRIED.

L-1-2010 80 LEWISBURG ROAD

Mr. Gaechter made a motion seconded by Mr. DeBoer to adopt the resolution memorializing the Board's decision made on March 23, 2010 granting minor subdivision approval to 80 Lewisburg Road, LLC for Block 18, Lot 25, located on Lewisburg Road in the RE-5 Zone, pursuant to N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-70(c), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plan submitted and approved based upon plans prepared by Dykstra Walker Design Group dated August 7, 2009 and as revised at the time of the hearing.
2. Applicant shall make a payment to the Road Trust Fund in the amount of \$2,350.00 prior to the signing of the maps.

3. Applicant shall comply with any affordable housing criteria in effect at the time of the perfecting the subdivision.
4. Driveway permits shall be obtained from the County of Sussex and Township of Wantage at the time of the building permit application.
5. 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.
6. The Applicant shall submit Deeds for the proposed lot and the remainder lot along with wetlands which is subject to a Conservation Easement which shall run with the land and 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 Deeds within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
7. The Applicant shall supply a copy of the Deed showing access rights for Lot 25 across Lot 26 subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Deeds within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
8. The Board specifically concludes that no further subdivision shall be permitted based upon the environmental constraints and development limitations and the fact that the subdivision is being granted to maintain the pasture land unless additional relief is specifically sought from the Board on a future application.
9. 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.
10. Certificate that taxes are paid to date of approval.
11. Sussex County Planning Board approval.
12. 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, Kanapinski, VanderGroef, Kolicko.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

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. Carroll Quinn, Professional Engineer Kenneth Dykstra, and Certified Wind Site Assessor, Mr. Roger Dixon, appeared before the Board. Mr. Dykstra introduced Exhibit A1, part of sheets used on preliminary major subdivision, which showed where the tower would be located, 2100 ft. from Libertyville Road, 3100 ft. from Route 628, and 600 ft. from Fernwood Road. Mr. Dykstra added that the tower would be situated in a heavily wooded area. Mr. Dykstra introduced Exhibit A2, a more detailed view of the site plan application that was submitted on April 14, 2010, showing shaded views of the houses on Lake Neepaulin, located 235 ft. from the existing Quinn dwelling. The maximum height of the structure would be 175 ft., being an accessory structure with a height variance that would generate cleaner water and cleaner air, because electricity would be generated without the need to burn coal or oil. The tower would not be visible since it would not be located in the line of vision.

Mr. Dixon stated that he did not prepare a presentation but that he would answer specific questions. Mr. Cecchini asked about the noise level and what the maintenance involved. Mr. Dixon stated that the proposed tower met what the proposed ordinance has at the

location of the generator itself and that elevation and distance dissolves sound. He added that the tower would make a swishing and mechanical sound. As far as maintenance he stated that regular maintenance was required. Mr. DeBoer asked how far from the nearest road and the nearest building and how noise the tower would be. The distances were discussed by Mr. Dykstra and the sound was discussed by Mr. Dixon. Ms. Kolicko asked if the applicant would continue farming when he subdivides and if the tower would produce both residential and farming use. Mr. Quinn stated that he lost a Lot with the tower and that he would continue farming. He also explained at Ms. Kolicko's inquiry that electricity would be used at it was produced and it would also be stored. Ms. Kanapinski asked what Sussex Rural had to say about the tower and Mr. Quinn stated that they were supportive and moving forward. Mr. Gaechter asked if the application for a cell tower was still going and Mr. Quinn stated that it was still going and that it would be a different application not related to this application.

Mr. Pellow's report dated March 11, 2010, revised April 27, 2010 was reviewed. Item #10 stated that the ordinance required a monopole tower and the proposed is a lattice tower. Both Mr. Quinn and Mr. Dixon stated that monopole was more expensive to transport as it came in 20 ft. sections and permits were involved. They added that lattice looks better from a visual standpoint, that lattice has a lot of air whereas monopole has mass, and that the only visible part would be the top of the blade, almost one (1) mile from the dog park.

A discussion followed regarding distances and setbacks. Mr. Quinn introduced Exhibit A3, a drawing made by him, illustrating distances. It was discussed that the setbacks would be based on what it is today, not the proposed subdivision. Mr. Cecchini asked if the lattice tower would be strong enough to handle a cell antenna. Mr. Dixon stated it would be and he explained that the dimensions would be 153 ft. high plus 22 ft. for the blades for a total of 175 ft. It was discussed that the tower would be located pretty much in the higher area of all lots, currently at 14 ft. from the lot line of the existing lot owned by the applicant. Mr. Pellow indicated that would be an issue. Mr. Kienz indicated the Board might wish to impose a 236 ft. setback from a future home. Mr. Dykstra stated that the topography would be ok, that the slope was about 250 ft. for a house. Mr. Quinn added that the tower would be about one (1) mile from Woodbourne Park.

The meeting was opened to the public. There was no one from the public wishing to come forward on this application. The meeting was closed to the public and open to the Board. Ms. Kanapinski asked about the easement access to the structure. A discussion followed. Ms. Kolicko asked if all the neighbors were noticed and observed that no one opposed. Mr. Pellow indicated that no one opposed the one in Frankford.

Mr. Ed Wiessmann of 28 Fernwood Road stated that he was concerned with the sound. He said that from what he heard should be no problem and asked what would happen if once built it was very noisy. Mr. Kienz stated that the state had standards, that a test could be done once it was built and that they would have to fix it. Mr. Dixon suggested doing the test if someone complained. Mr. Kienz stated that the test should be done once it was built and that it would only take two minutes to do.

A motion was discussed as follows: C variances for height and setback, lattice tower, mandatory noise test, erosion control, any structure going on Block 113, Lot 2.03, and plan should be revised with minimum setback 236 ft. to building envelope, one (1) tower only, no ground metal equipment, only switch, color to be white and grey, subject to Mr. Pellow's report.

Mr. Bono made a motion seconded by Ms. Kolicko to approve this application as discussed above.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, VanderGroef, Kolicko, Cecchini.

THOSE OPPOSED: Gaechter, Kanapinski. MOTION CARRIED.

INFORMAL

Mr. Rudy Solar approached the Board concerning the Outdoor Furnaces proposed ordinance. He wanted clarification on what “offensive odors” would include. It was discussed that the ordinance could be changed to say that the materials allowed to burn should be the ones the furnace was manufactured for. Mr. Solar discussed the R-5 zoning, and Mr. Gaechter referred to the height of the chimney. It was decided that the ordinance would be revised.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Stella Salazar
Secretary