

**MAY 25, 2010**

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, May 25, 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. Mmes. Gill, Kanapinski, Engineer Harold Pellow, Attorney Glenn Kienz.

**ABSENT:** Mssrs. Bono, Vander Berg, Cillaroto, Vander Groef, Mme. Kolicko.

Board member Gill arrived at 7:50 p.m.

**APPROVAL OF MINUTES**

Mr. Cecchini made a motion seconded by Mr. DeBoer to adopt the minutes of April 27, 2010.

**ROLL CALL VOTE:**

**THOSE IN FAVOR:** Cecchini, DeBoer, Gaechter, Kanapinski.

**THOSE OPPOSED:** None. **MOTION CARRIED.**

**RESOLUTIONS**

**L-2-2010 CARROLL QUINN**

It was discussed that some changes needed to be made to the resolution

Mr. Cecchini made a motion seconded by Mr. DeBoer to adopt the resolution, with corrections, memorializing the Board's decision made on April 27, 2010 granting site plan approval to Carroll Quinn for Block 113, Lot 2.01 located on Fernwood Road in the RE-5 Zone, pursuant to N.J.S.A. 40:55D-46.1 and 40:55D-70(c), 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. Applicant shall only be permitted to place one (1) tower on the property.
3. The tower shall be no higher than 162' to the tip of the blade based upon it being located at an elevation of 726'. If the elevation is lowered, it may be proportionately increased in height to a maximum of 175' and if placed at a higher elevation, it shall be decreased proportionately in height, subject to final review and approval by the Board Engineer.
4. The tower shall be of lattice design subject to sealed plans and final review and approval by the Construction Department and the Board Engineer.
5. After the equipment is operational, a noise test shall be done by the Township Engineer and if the equipment fails to meet State and Township ambient noise standards it shall immediately be shut down and alterations made to insure that it meets the highest night time noise standard present.
6. Any structure being erected on Block 113, Lot 2.3 shall be required to have a minimum setback of 236' to the edge of the building envelope subject to the review and approval of the Board Engineer and Construction Department.
7. No ground metal equipment shall be permitted.
8. Only a switch turning the equipment on and off shall be allowed. The color shall be white and gray.
9. Applicant shall meet all the requirements of the Board Engineer as stated in his revised April 27, 2010 report.
10. 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.

11. 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.
12. Certificate that taxes are paid to date of approval.
13. Sussex County Planning Board approval, if necessary.
14. 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.

THOSE OPPOSED: None. MOTION CARRIED.

### **APPLICATIONS**

#### **L-28-2006 RUBIN HILL PROPERTIES, LLC (Formerly JARET BUILDERS, INC.)**

The applicant requested an extension of final major subdivision approval. The original approval was granted on April 24, 2007 and memorialized on May 15, 2007 with an extension granted until May 15, 2010. The property is known as Block 132, Lot 3.20 and is located on Libertyville Road in the R-1 zone.

Mr. Joseph Retz, Jr. appeared before the Board. Mr. Retz stated that the reason for the extension request was that he had to post the performance bond. The Board discussed granting a one-year extension.

Mr. Grau made a motion seconded by Mr. DeBoer to grant a one-year extension until May 15, 2011, subject to a \$3000.00 escrow being posted within two weeks.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, Slate, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

#### **L-3-2010 SUSSEX RURAL ELECTRIC COOPERATIVE**

The applicant is proposing to install a public utility step-down transformer unit on a lot which also houses an office building in the RE-5 zone and a variance is needed as only one use is allowed per lot. The property is known as Block 113, Lot 1 and is located on Clove Road. Notice has been made for a public hearing.

Board members Kanapinski, DeBoer, and Gaechter stepped down.

Attorney Richard Hollyer, Engineer Ken Wentink, and Mr. Jim Siglin, President & CEO of Sussex Rural Electric Cooperative, appeared before the Board.

Mr. Siglin made a brief presentation of the application. He stated that a stepdown transformer was proposed in the Lake Neepaulin area in order to provide better service. He indicated that an update needed to be done almost every 10 years and that there was a proposed substation in 1978 that was not built. The plan was revised in 1989 and updated in 2007 with the need for a stepdown transformer which would take higher voltage to be distributed to the homes. The transformer would be based on the amount of voltage needed and would serve roughly 1500 homes. Mr. Siglin explained that at the present time, the service was coming from the Sussex substation and Frankford and that this transformer would get them closer to where they were needed in the most economical way, providing better service in the middle of summer and the middle of winter, should they lose any of the other substations. He indicated that this new transformer would be more reliable and would have better capability and that it would be key to getting power back during outages. He stated that based on the growth in the area, updating was needed

in order to provide reliable service and that the service would be ready when needed. He stated the unit would be 10ft x 10ft x 10ft, and that it would be controlled by a supervisor monitoring from the office checking for loads, voltages, temperature, oil pressure and that no personnel would be needed on the site. Maintenance consisted of monthly visual inspections of 5-10 minutes to the self contained sealed box that would be a steel welded box with pulling fins on the back, well secured, conforming to the national electric safety code and that no fencing would be needed.

Mr. Smith asked if adding a feeder station projected increase in voltage and if demand for electricity had increased even if there was no increase in building. Mr. Siglin indicated that there had been an increase of about 20% in the last two years, that the load had changed summer demand similar to winter demand and that the poles would be bigger, about 10 ft. higher with another set of wires on top and that there may be one or two more poles at some point in time along Libertyville. Mr. Pellow stated that no parking would be allowed per general permit.

The meeting was opened to the public. Several neighbors addressed the Board. Karen Merritt asked if there would be monetary benefit to the property owner and stated that why wouldn't the transformer be located in a more suitable location since there were a lot of wires in the proposed area and that more equipment would have to be built. Ms. Kathy Gorman questioned safety issues, if there was a setback ordinance and if the applicant would want this transformer in front of his home. Mr. Nick Luciano stated that a DB was much louder when there was no buffer.

Addressing the issue of noise, Engineer Chuck Pike stated that the unit was guaranteed from the manufacturer's to have a level of 70 decibels (dBs) or less at 3 ft from the wall unit. He added that he did some noise calculations resulting in 40 dBs at 100 ft., 32 dBs at 250 ft. He stated that with the property line being at 170 ft. the result would be approximately 35 dBs. He stated that that a soft wisper would be about 33 dBs and normal conversation would be about 65 dBs and that a residential central air conditioning unit would be around 71 dBs. He added that 20 dBs could barely be perceived and that the unit was designed to be located in residential areas. Mr. Pike stated that there was a knoll between the proposed station and Mr. Luciano's house (240 ft) which would dampen the sound. Mr. Pike introduced Exhibits A2, a picture of the Wykertown Substation illustrating what a traditional substation looks like and A3, a picture of the proposed stepdown transformer. He added that the measurements of the box would be 9.3 ft W x 9.6 ft. H, x 13.11 ft. L. Mr. Ken Wentink stated that placing the box behind his building would not be possible since it was a transition area and they were not allowed to cut any trees.

The meeting was closed to the public for questions to witnesses and open to the public for general comments. Mr. Nick Luciano, neighbor, addressed the Board. He introduced Exhibit P1, Currents newsletter link to Sussex Rural Electric Cooperative. He expressed concern about the real estate value of his home, the beautiful view being obstructed, noise, a noise abatement plan, wetlands, health hazard, and the location of the box. Mr. Luciano also indicated that he thought this application would represent a conflict of interest with Mr. Wentink and the Township. Mr. Kienz stated that Mr. Wentink was not employed by the Township and he had appeared on applications before the Board on behalf of other applicants. Therefore, there was no conflict. Karen Merritt, Christine Feoranzo, Leslie Tol, and Sandra Williams were concerned with noise and with the view of the box. Mr. Rocco Russo stated that he had been in construction for many years and suggested having a site walk.

Mr. Smith stated that not all the Board members were present at this meeting and that he felt that more members should look at the property. Mr. Grau stated that from the testimony, it was his opinion that regular traffic would be louder than the proposed transformer.

Mr. Kienz stated that a condition on the resolution could be that if the unit did not meet the noise standards, it would need to be corrected or it would be shut down until it was corrected.

A site walk was scheduled for Tuesday, June 8, 2010 at 3:00 p.m. with the Board members meeting at Mr. Wentink's parking lot. The hearing on this application was adjourned to the meeting of June 29<sup>th</sup>, 2010, no further noticed was required.

The regular meeting of the Board was rescheduled from June 22, 2010 to June 29, 2010.

### **GENERAL**

**RIGHT TO FARM ORDINANCE** - a change was discussed regarding livestock. The professionals will work on it and revisit at a later meeting.

**SMALL WIND ENERGY SYSTEMS ORDINANCE** A change was made on Page 3, Item 3d, changing the height of the tower to no more than 120 ft. including the blade at its highest point. A motion was made by Mr. Cecchini seconded by Mr. Slate to recommend it to the Mayor and Committee for its approval.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

### **INFORMAL**

Ms. Billie Aikens approached the Board to discuss the outdoor woodburning furnaces. Several other members of the public were present. It was discussed that the Board would meet with Mr. Mike Plaza to discuss this issue.

### **KENNEL COMMITTEE**

Mr. Smith informed the Board that he was looking for a volunteer for the Kennel Committee. He named Ms. Victoria Gill as Chairperson and asked her to pick a couple of Board members to work with her.

### **ADJOURNMENT**

On a motion duly made seconded and carried, the meeting was adjourned at 11.15 p.m.

Respectfully submitted,

Stella Salazar  
Secretary