

JUNE 29, 2010

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, June 29, 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, DeBoer, Gaechter, Grau, Slate, Smith, VanderBerg, VanderGroef. Mmes. Gill, Kolicko, Kanapinski, Engineer Harold Pellow, Attorney Glenn Kienz, Zoning Official Kevin Kervatt.
ABSENT: Mssrs. Cecchini, Cillaroto.

APPROVAL OF MINUTES

Mr. Grau made a motion seconded by Mr. DeBoer to adopt the minutes of May 25, 2010.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-28-2006 RUBIN HILL PROPERTIES, LLC (formerly JARET BUILDERS, INC.)

Mr. Grau made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board's decision of May 25, 2010 granting second extension of major subdivision approval to Rubin Hill Properties, LLC 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, 2011.
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: DeBoer, Gaechter, Grau, Slate, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-1-2003A LGR ENTERPRISES, LLC.

The applicant is requesting an extension of preliminary major subdivision approval. The property is known as Block 135, Lot 6.01. The original approval was memorialized August 15, 2006 and extended to August 15, 2010.

Attorney Mark Hontz and Mr. Skip Ferguson appeared before the Board.

Mr. Grau made a motion seconded by Mr. Bono to grant an extension until July 25, 2012.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

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

The applicant is requesting an extension of preliminary major subdivision approval. The property is known as Block 117, Lot 38.01. The original approval was granted on October 27, 2009 and memorialized on July 17, 2007

Attorney Michael Gaus appeared before the Board.

Mr. Grau made a motion seconded by Mr. Bono to grant an extension until July 17, 2012.

ROLL CALL VOTE;

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

THOSE OPPOSED: None. MOTION CARRIED.

L-15-2009 565 LAND DEVELOPMENT, LLC

The applicant is requesting extension of minor subdivision approval. The property is known as Block 117, Lot 38.01. The original approval was granted on October 27, 2009 and memorialized on December 1, 2009.

Mr. Thomas Zummo and Mr. Ken Wentink appeared before the Board.

Mr. Vander Berg made a motion seconded by Mr. Slate to grant an extension until December 31, 2010.

ROLL CALL VOTE;

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Slate, Vander Berg, Gill, 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, Gaechter, and VanderGroef stepped down.

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

The meeting was opened to the public. Mr. Nick Luciano stated that he was wondering how Mr. Wentink would be allowed to place two utilities on less than 5 acres, he stated that Mr. Siglin took him to a place in Vernon to measure decibels. However, he stated that the applicant did not know how loud the machine was going to be. He also added that he did not understand how, if PSEG could buy 85 acres of property why couldn't the applicant cut a couple of trees. Mr. Wentink stated for the record that he was not receiving any compensation from the telephone company, that they had placed their equipment on his property by way of an easement. Mr. Kienz stated that the noise would not be more than 40 dB at the property line after 8 or 10 p.m., by law and that if the machine made more noise than that, then they would be shut down until they could correct it.

The meeting was closed to the public and opened to the Board. Mr. Smith stated that following the site walk, a recommendation was being made for a berm between Mr. Luciano's house and the proposed location, that trees should be planted to block the view and to lower the noise, fencing was necessary, as well as a general permit. Mr. Smith asked if when the unit was placed on a pad would there be an actual fan. Mr. Siglin replied no and that unit would be completely sealed. Mr. Wentink stated that the applicant had a general permit, county approval, and an exemption from soil erosion sediment control.

Member Gill asked if there would always be a hum. Mr. Siglin replied there would be. Mr. Smith stated that the motion would need to include Mr. Kienz' comments about the state regulations. Ms. Kolicko stated that if this was a variance to allow two uses on one property, she felt that allowing two uses was moving further away from the purpose of zoning. She asked how many other properties did the company look at to put this transformer on, she was concerned about the quality of life. She stated she disagreed with the aesthetics and with the post mortem issue, building something and then seeing how loud it was and that a human conversation at 2 a.m. was very loud. She asked if there was a contingency plan in place should the variance be denied and asked if there were customers who did not have the service at the present time. Mr. Siglin stated that if the variance were denied, they would have to look for another property and that this transformer was for service in the future and to solve problems that might come, as far as not having power for a few hours instead of for a few minutes. Mr. Wentink stated that there was no prior variance, that the commercial use was allowed on the residential zone. Mr. Hollyer stated that it was the most suitable location. Mr. Kienz stated that if the sound was not to standards, the operation would be shut down. Mr. Smith asked Mr. Vander Berg if the Building office was capable of measuring sound. Mr. Vander Berg stated that the county would send the Health Dept. with a machine to measure the sound.

Mr. Vander Berg made a motion seconded by Mr. Slate to approve this application subject to the state requirements on noise and to enhanced landscaping.

ROLL CALL VOTE:

THOSE IN FAVOR: Grau, Slate, Vander Berg, Gill, Smith.

THOSE OPPOSED: Kolicko. MOTION CARRIED.

L-4-2010 RICHARD & IVETTE KRUK

The applicant is proposing to subdivide a 23.704-acre lot to be known as Lot 7.12 out of the total tract containing 32.113 acres. The property is known as Block 113, Lot 7 and is located on Sherman Ridge Road in the R-5 zone.

Engineer Jack O'kreпки and Ms. Ivette Kruk appeared before the Board.

The professional made a brief presentation of the application. Mr. Pellow's report was reviewed. It was determined that the application was not complete as there were issues from the report that had not been addressed. Item #4, wetlands issue, an updated L.O.I. was needed, after a discussion, it was decided that if a wetlands expert could testify that the L.O.I. was not needed, it would be acceptable by the Board, a General Permit for a minor road access for Lot 7 was needed, a General Permit would be needed to widen the driveway to 20 ft. for wetlands and buffers, and copies of prior resolutions for the subdivision were needed.

This application was carried to the August 24, 2010 meeting and an extension was granted until August 24, 2010 as well. A site walk was scheduled for Monday August 2, 2010 at 3:00 p.m. with everyone meeting at the site.

GENERAL

OUTDOOR FURNACES

Mr. Smith stated that the ordinance was being looked at and that a recommendation was needed for the attorney to look into a moratorium for one (1) year to give the Board a chance to look at everything and to have testimony from the state. Mr. Vander Berg stated that the Mayor and Council needed to do an ordinance because there were permits out. Mr. Kienz asked to be authorized to speak to Mr. Michael Garofalo about it and come up with the best way to carry out. Mr. DeBoer asked what should be done with the existing furnaces out there, Mr. Smith and Mr. Vander Berg agreed that no new permits should be issued between October and April on existing furnaces.

On a voice vote all the members unanimously approved.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Stella Salazar
Secretary