

SEPTEMBER 28, 2010

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, September 28, 2010 at the Wantage Township 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, Slate, Smith, Stefanelli. Mmes. Kanapinski and Kolicko. Engineer Harold Pellow, Attorney Glenn Kienz, and Zoning Official Kevin Kervatt.

ABSENT: Mssrs. Bono, Grau, Cillaroto, Vander Groef, Ms. Gill.

New Board Member Patrick Stefanelli was sworn in.

APPROVAL OF MINUTES

Mr. Cecchini made a motion seconded by Mr. DeBoer to adopt the minutes of August 24, 2010.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

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

Mr. Slate made a motion seconded by Mr. DeBoer to adopt the resolution memorializing the Board's decision of August 24, 2010 granting minor site plan and conditional use approval with site plan waivers to collocate telecommunication antennas on an existing monopole to Jersey Central Power & Light Company, a FirstEnergy Company, and Nextel of New York, Inc. for Block 160, Lot 3, located on County Route 519 in the PSC-B Zone, pursuant to N.J.S.A. 40:55D-46.1, N.J.S.A. 40:55D-70(d)(3) and N.J.S.A. 40:55D-51, subject to the following terms and conditions:

1. The development of this parcel shall be implemented and constructed in accordance with the plans submitted and approved and to the satisfaction of the Board Engineer.
2. The granting of this application is subject to and conditioned upon the Applicants complying with any and all terms and conditions contained in the Review Report prepared by Harold E. Pellow and Associates, Inc. dated June 9, 2010 and/or as same may have been modified at the time of the hearing on this application.
3. The granting of this application is subject to and conditioned upon the Applicants co-locating its antennas at a height of 113 feet on the existing monopole on the Subject Property.
4. The granting of this application is subject to and conditioned upon the Applicants removing the facilities within 90 days of receipt of notice if the facilities do not operate for a continuous period of six (6) months and is determined to be abandoned.
5. The granting of this application is subject to and conditioned upon the Applicants and the owner of the Subject Property being jointly and severally responsible for the removal of the improvements granted by this application at their own cost and expense in the event removal of the improvements becomes necessary for any reason. This provision shall constitute a restrictive covenant on the Subject Property in perpetuity.
6. The granting of this application is subject to and conditioned upon the Applicants' equipment shelter being a sand color to match the existing shelter installed by Verizon Wireless.
7. A Deed for the Subject Property containing the aforesaid restrictive covenant is to be prepared, subject to the review of the Board Attorney and Board Planner, and recorded by the owner of the Subject Property with the Sussex County Clerk.
8. There shall be no use or occupancy of the proposed wireless telecommunications facility, nor shall the electric power to operate said facilities

be turned on, until a final as built inspection of the facility has been completed by the Board's Subcommittee and the Township Engineer to ensure that all conditions of this approval have been met.

9. 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.
10. The granting of this approval is subject to and conditioned upon Sussex County Planning Board approval or Letter of No Interest as applicable.
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. 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, Slate, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-8-2010 STEVEN & JENNIFER KOSINSKI

The applicant is proposing to subdivide a 5.110 acre lot out of Lot 8.02. The property is known as Block 143, Lot 8.02 and is located on Mt. Salem Road in the R-5 zone. Notice has been made for a public hearing.

Engineer Kenneth Wentink and Mr. & Mrs. Kosinski appeared before the Board. Mr. Wentink made a brief presentation of the application.

Mr. Pellow's report dated September 8, 2010 was reviewed. It was discussed that the variance originally requested for the 20,000 sq.ft. non-constrained, contiguous land was no longer necessary since the septic system had been approved and issued by the County and that would address those issues. It was discussed that the variance would be granted just in case any issues resulted later on. Mr. Pellow indicated on his report that Lot 8.02 would be very irregular in shape and could not be subdivided in the future due to wetlands. A wetlands permit had been obtained to construct a driveway through the wetlands for Lot 8.05. Road Trust Fund in the amount of \$1,800.00 to be contributed prior to the deeds being signed. COAH regulations may have to be adhered to at the time of building permit application. A driveway permit will be needed at the time of building permit application. Wetlands and transition areas to be conveyed as conservation easements and run with the land. It was discussed that the applicant's engineer had submitted disturbance area calculations. A soil erosion permit from the County would be required and County Planning review would be needed.

The meeting was opened to the public. Mr. Michael Rainer of 118 Moore Road asked to have the trees at the triangle intersection of Moore and Mt. Salem trimmed, since it is a very dangerous intersection. Cars come at a high speed and have knocked his mailbox down four times. The applicant stated the property owner had tried in the past to contact the property owner, Mr. Wolpert, with no results. Mr. Smith asked the secretary to inform Mr. Doherty and to ask if the road crew could trim those trees. There was no one else from the public wishing to come forward.

The meeting was closed to the public and opened to the Board. Mr. Cecchini inquired about the variance for the 20,000 sq.ft. It was discussed the variance would be granted anyway. Ms. Kolicko asked about how did the applicant decide upon such an irregular shape of the lot. Mr. Wentink indicated that it had been done that way in order to comply with other Township ordinances and to avoid the need for other variances.

Mr. DeBoer made a motion seconded by Mr. Cecchini to approve this application subject to Mr. Pellow's report and subject to trees in the triangle being trimmed.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

DON & MARIE DEKORTE AGRICULTURAL SUBDIVISION

Mr. Kienz and Mr. Pellow had had the opportunity to review the documentation provided by the applicant. The Board professionals confirmed that the subdivision description agreed with the map and that the deeds could be signed.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-4-2009 ERIC TURNQUIST

The applicant had requested extension of minor subdivision approval for property known as Block 17, Lots 27, 3 & 25. The original approval was granted on May 19, 2009 and memorialized on June 23, 2009 with an extension granted to June 23, 2010.

Attorney Michael Gaus appeared before the Board. Mr. Gaus explained that the reason for this request was to be able to record the deeds. He added that there was an issue with the L.O.I being updated prior to the Board signing the deeds. The applicant believed that the L.O.I. was not needed for the southern portion of the property to just develop one home and that when they developed the northern part of the property with the Mt. Laurel housing, then the L.O.I. would be needed. Mr. Gaus indicated that so much of the property would be dedicated to farming that the L.O.I. would be waived, as per the discussion at the hearing on this application.

A discussion followed and the Board felt that the L.O.I. was not necessary at this time as long as there was enough building in the transition areas and there was enough space. Mr. Pellow confirmed that that lot would not be subdivided.

Mr. Cecchini made a motion seconded by Mr. Slate to grant the second extension with the clarification that no L.O.I. would be needed for the southerly lot. It was discussed that no resolution would be prepared with regards to this extension in order to save money. Therefore, a note to the file would be sufficient.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Slate, Stefanelli, Kanapinski, Smith

ABSTAIN: Kolicko

THOSE OPPOSED: None. MOTION CARRIED.

L-7-2010 SPACE FARMS, INC.

The applicant is proposing to subdivide a 3.50-acre lot from a 56.25-acre tract. The property is known as Block 160, Lot 12 and is located on Lusscroft Road in the R-5 zone.

Board members DeBoer and Gaechter stepped down, as there was a conflict with the application being a soil removal pre-existing non-conforming condition.

Attorney Tom Collins, Engineer Allan Campbell, and Mr. & Mrs. Space appeared before the Board.

The professionals made a brief presentation of the application. Mr. Collins that the applicant proposed to subdivide the existing rental farmhouse from the larger piece of land. The applicant felt that by subdividing the property, he would be able to sell the house and have somebody else maintain the house. The applicant wished to keep the remaining farmfield and some of the land to the left of the proposed lot so that he would be able to donate some property to the Beemerville Cemetery, as some of the drives of the cemetery might encroach on their property. Mr. Collins indicated that the subdivision would keep the track in place with the farming and that there would be no detriment to the neighborhood with his subdivision. Mr. Collins indicated that this was a pre-existing non-conforming sand and gravel operation that was being made smaller by the subdivision and that made it a D variance. Mr. Collins

explained that the surveyor who had prepared the plans was not available to come to the meeting so Mr. Campbell agreed to step in and attend the meeting on his behalf. Mr. Campbell confirmed what Mr. Collins explained. A discussion followed regarding the size of the proposed lot. Mr. Space stated that they did not want to take more land away for the farming purposes and that, by making the lot 3.50 acres, the new owners would be able to have three (3) horses if they so desired.

There was no one from the public wishing to come forward on this application. The meeting was opened to the Board. Mr. Slate asked if the old road that used to come down out of the cemetery to Lusscroft Road was closed off. Mr. Space replied that road had washed away and that it had not been accessible for years.

Mr. Pellow's report dated July 15, 2010 was reviewed. It was discussed that the driveway would be shifted to improve the sight distance approximately 25 ft. Road Trust Fund contribution in the amount of \$1,900.00 prior to the deeds being signed.

Mr. Cecchini made a motion seconded by Mr. Slate to approve this application subject to Mr. Pellow's report and subject to moving the driveway to improve the sight distance.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Slate, Stefanelli, Kanapinski, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-13-2009 BICSAK BROTHERS REALTY, LLC

The applicant wished to review the approval conditions of this application. The property is known as Block 11, Lot 5 and is located on Route 23 and Blair Road.

Attorney Tom Collins and Engineer Allen Campbell appeared before the Board. Mr. Campbell introduced Exhibit A1, Sheet 3.01, entitled Restoration Plan Revised Grades prepared in June of 2007 and revised June 3, 2009.

Mr. Campbell explained that back in 2009 when the application was presented, the work included the restoration of the southerly portion which had already been stabilized. He stated that the northerly portion was near completion. The remaining portion being the center of the project would be the area to go to next. That area was left back because in gravel operation terms these were some of the lesser materials and the removal operation concentrated on the premium soils. He stated they had encountered some large boulders that needed to be crushed. Some of the comments from the Board led to increasing the distance from the road and they had moved back to 500 ft. The exhibit presented highlighted the changes in pods moving from the north, the 5-acre area that they needed to move into to bring it down to grade. This area corresponded to Pods 5 & 6 and outlining the area designated for the crushers, maintaining the 500 ft. from the right of way line. He stated that the operation would be coming from the rear of the property to Route 23 and that the area would be graded for future development. Mr. Campbell added that sewer allocations were being secured and that the applicant had been working with the D.O.T. and with Rachel Manor.

Mr. Smith confirmed that the operation would be 500 ft. behind the berm and he commented on drainage situation onto Route 23. Mr. Pellow added that the entire front area would need to be restored before they moved back there and that the area would have to be graded, top soiled and seeded. Mr. Campbell stated that the applicant had secured soil erosion permit from the county and that they had had inspections.

Mr. DeBoer made a motion seconded by Mr. Cecchini to confirm that the conditions of the resolution were satisfactory to the Board.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

The applicant presented the Board with a plan to develop the property subject of the soil removal with stores and several other establishments.

Mr. Cecchini made a motion seconded by Ms. Kanapinski to recommend to the committee with the observation that the Board finds that it conforms to the Master Plan.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

PLANNED ENDORSEMENT ORDINANCE

The Board reviewed a proposed amendment to the Planned Endorsement Ordinance adding a new section Planned Commercial Development Zone District.

Mr. Cecchini made a motion seconded by Mr. Slate to recommend it to the Governing Body for its adoption.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

ADJOURNMENT

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

Respectfully submitted,

Stella Salazar
Secretary