

NOVEMBER 30, 2010

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, November 30, 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. Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Smith, Stefanelli, Cillaroto, Vander Groef. Mmes. Gill, Kanapinski, Kolicko. Attorney Glenn Kienz, Engineer Harold Pellow.

APPROVAL OF MINUTES

It was discussed that Mr. Cecchini's name should be removed from making the motion to approve the minutes of September 28, 2010 as Mr. Cecchini was not present at the October meeting.

Mr. Grau made a motion seconded by Mr. DeBoer to adopt the minutes of October 26, 2010, with corrections.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-9-2010 GARY AND DEBRA OLSYN

Mr. Bono made a motion seconded by Mr. DeBoer to adopt the resolution memorializing the Board's decision of November 30, 2010 granting minor subdivision with "c" variance relief to Gary and Debra Olsyn for Block 23, Lot 12.01, located on Sally Harden Road in the RE-5 Zone, pursuant to N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-70c, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved based upon plans entitled *Minor Subdivision of Block No. 23, Lot 12.01* prepared by Kenneth A. Wentink Associates, except as modified at the hearing.
2. The Applicant shall submit to the Board Attorney for review and approval a copy of an easement granting to the owner(s) of Lot 12.04 in perpetuity the right to use the shared driveway located on Lot 12.01, to permit access to Lot 12.04 from Sally Harden Road.
3. Applicant shall comply with all requirements contained in the Board Engineer's report dated November 16, 2010.
4. The Applicant shall deposit the amount of \$2,000.00 into the Road Trust Fund prior to the Deeds being signed.
5. The Applicant shall comply with all affordable housing requirements pursuant to applicable C.O.A.H. regulations, if any.
6. Applicants shall obtain a soil erosion and sediment control permit, if required.
7. 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.
8. The Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicants shall record the Subdivision Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.

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: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-10-2010 EAST COAST ALTERNATIVE ENERGY, LLC

Mr. Grau made a motion seconded by Mr. DeBoer to adopt the resolution memorializing the Board's decision of November 30, 2010 granting "c" variance to East Coast Alternative Energy (Susan Martin) for Block 158, Lot 1.10, located at 18 Volcanic Hill Road, in the RE-5 Zone, pursuant to N.J.S.A. 40:55D-70c, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plan submitted and approved.
2. This approval is granted strictly in accordance with the plan prepared by Derek J. Kennedy & Associates, LLC, dated September 26, 2010.
3. Applicant shall satisfy all items contained in Mr. Pellow's report dated October 20, 2010.
4. 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.
5. 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.
6. Certificate that taxes are paid to date of approval.
7. Sussex County Planning Board approval.
8. 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: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Stefanelli, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-1-2008 BRUCE BORELLA

The applicant requested a second extension of minor subdivision approval. The property is known as Block 42, Lot 2 and is located on Wantage School Road. The original approval was granted and memorialized on May 20, 2008 and extended to June 23, 2009.

Engineer Kenneth Wentink appeared before the Board on behalf of the applicant. Mr. Wentink explained that the driveway sight easements had been graded, the maps had been appropriately revised and the metes and bounds descriptions prepared to allow perfection of the minor subdivision.

Mr. Cecchini made a motion seconded by Mr. Grau to reaffirm the subdivision approval for a 190-day extension.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-16-2008A 565 LAND DEVELOPMENT, LLC

The applicant was proposing to amend prior site plan approval to allow the importing of compost from off site and mixing with native soil to produce topsoil for marketing. The property is known as Block 117, Lot 38.01 and is located on Route 565 in the HC and R-5 zones.

Mr. Cecchini stepped down.

Mr. Zummo appeared before the Board and indicated that due to the economy, he would like to bring in compost to mix with soil to produce topsoil for marketing, in an effort to produce business.

A discussion followed regarding what the applicant would need in order to amend the site plan. Some type of variance, most likely a use variance would be needed. It was determined that a concept meeting at Mr. Pellow's office was necessary in order to discuss and to allow the applicant sufficient time to notice for the variance for the meeting on December 21, 2010 and a site walk at another day after the concept meeting. The concept meeting was scheduled for Monday, December 6, 2010 at 10:00 a.m. and the site walk was scheduled for Tuesday, December 14, 2010 at 3:00 p.m.

Mr. Grau made a motion seconded by Mr. Slate to carry this application to the December 21, 2010 meeting. Mr. Smith stated that if it was determined that a variance was needed, it would be so advertised.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Slate, Stefanelli, Gill, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-9-2010 GARY AND DEBRA OLSYN

The applicant is proposing to create one new lot and a remainder. A variance for lot frontage is needed. The property is known as Block 23, Lot 12.01 and is located on Sally Harden Road in the R-5 zone.

Engineer Kenneth Wentink and applicant Debra Olsyn appeared before the Board.

Mr. Kienz explained that the application had been revised to two lots instead of three. Mr. Pellow's report dated November 16, 2010 was reviewed. Proposed Lot 12.01 which contains the existing house meets area and dimensional requirements of the RE-5 zone. The 20,000 sq.ft. of minimum contiguous, non-constrained land is not shown but it is not required as the dwelling exists. Proposed Lot 12.04 requires a lot frontage variance of 193.66 ft. The plans show the proposed house in the plus 15% slopes, Mr. Wentink stated it would be moved. Access easement across Lot 12.04 for the benefit of Lot 12.01 would be required. Both lots will access Sally Harden Road at the same point and the drive to be paved 20 feet wide up to the point the drives split. The drive into Lot 12.04 will traverse 15% plus slopes and erosion and drainage would be a major issue. The plan to detail how the drainage and erosion will be controlled. There will be over 1 acre of disturbance and stormwater compliance is needed. Construction details for numerous walls to be built along the driveway and a driveway permit would be needed at the time of building permit application. Mr. Pellow stated that the applicant needed certification that there were no wetlands within 150 feet of any disturbance. Mr. Wentink stated that the wetlands were located across the street and on the adjoining lot to the right and that the applicant needed to get a permit from the DEP for the driveway going through a transition area unless they are able to use the existing wood road. Road Trust Fund contribution in the amount of \$2,000.00 prior to the deeds being signed was required.

COAH regulations may need to be complied with at the time of building permit application.

Mr. Bono made a motion seconded by Mr. DeBoer to approve this application subject to Mr. Pellow's report.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Kanapinski, Vander Groef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-5-2010 EAST COAST ALTERNATIVE ENERGY, LLC

The applicant is proposing to construct solar panels in a front yard. The property is known as Block 158, Lot 1.10 and is located on Volcanic Hill Road in the R-5 zone.

Ms. Susan Stark, Manager of East Coast Alternative Energy, LLC, and Susan Martin, homeowner, appeared before the Board.

Ms. Stark explained that there were two front yards on the property and that was the reason for the request of "c" variance approval. She added that the solar array will be a ground mount system and that it would not be visible from any other adjoining properties and that it would not create a significant amount of disturbance to land and that they had approval from the State of New Jersey. She indicated that the item remaining from the last hearing was whether or not there were wetlands on the property. The applicant submitted a letter from Jeff Tareila Environmental Consulting dated November 19, 2010 stating that the closest freshwater wetland transition areas to the proposed solar array are approximately 10'. Ms. Stark added that there was no other suitable place for the panel location. She stated that the panels would be an inherently beneficial use for the state of New Jersey as it would reduce the homeowner's electricity bill to near \$0.00 and it would create green energy. It was discussed that the panels would not have a negative impact in the neighborhood and that solar panels were something the State Legislature was encouraging.

It was discussed that there were no additional issues regarding Mr. Pellow's report. Mr. Pellow did comment that the applicant had moved the panels slightly closer to the house and away from the public. Ms. Stark confirmed that and stated that a revised plan had been submitted.

There was no one from the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board. There were no further comments.

Mr. Grau made a motion seconded by Mr. DeBoer to approve this application subject to Mr. Pellow's report dated September 8, 2010 and revised October 20, 2010.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-11-2010 JAMES WYNN

The applicant is proposing to create one new lot and a remainder. A variance for lot frontage will be needed. The property is known as Block 149, Lot 5 and is located on Glen Road in the R-5 zone.

Ms Gill stepped down.

Surveyor Eric Smart and James Wynn appeared before the Board. Mr. Smart explained that the applicant was proposing to divide his very large piece of property in half where the proposed new lot would be 38 acres and the remainder lot would be 33 acres. A new

house will be constructed in the back of the property on the new lot. A variance for lot frontage of 110.7 ft. on the new proposed subdivided lot is needed. Mr. Smart stated that the driveway would go through a wetlands buffer and that they had approval from the DEP for that and they also had a second letter from Wade Wonder stating that there are no wetlands or stream buffers where the house is proposed to be built. Soil logs and perk tests were discussed. A waiver for cutting trees was requested.

Mr. Pellow's report was reviewed. Deeds are needed for the widening of Glen Road. The front yard setback to the dwelling on Lot 5 is 57.3 ft. and 80 ft. is required, but this is an existing condition. The side yard setbacks to the two garages on Lot 5 are 2.9 ft. and 9.8 ft. and 10 ft. is required, but it is an existing condition. Lot 5.01 may not be able to be subdivided in the future due to insufficient road frontage and there is a huge lake on Lot 5 which will make Lot 5 difficult to subdivide. COAH requirements to be addressed at the time of building permit application and Road Trust Fund contribution of \$1,800.00 required prior to the deeds being signed.

There was no one from the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board. Ms. Kolicko asked if the driveway would be suitable for a fire truck. It was discussed it would be suitable.

Mr. Grau made a motion seconded by Mr. Cecchini to approve this application subject to Mr. Pellow's report.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Stefanelli, Cillaroto, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-2010 WANTAGE SOLAR FARM, LLC

The applicant is requesting preliminary major site plan approval to create a solar energy farm. The property is known as Block 4, Lots 1.01 and 1.06 and is located on Route 23 in the Industrial zone.

Attorney William Kehoe, Engineer Sean M. Savage of Birdsall Services Group, Todd Okeson, witness on the construction and maintenance of the solar facilities, and Mr. John Maione, applicant, appeared before the Board.

Mr. Savage gave a brief presentation of the application. Sheet 1 of 5 of submitted plans shows an overall key map of the site. The property is located in the industrial zone and the HC zone and the area of interest for this project is about 55 acres, Exhibit A1, Preliminary Major Site Plan, revision dated 11/30/10, Sheet 3 of 5, shows fewer panels than the originally submitted. Access to the site will be from Boulder Hills Blvd, via a gravel road. The proposed solar array will be routed underground to an existing substation, mostly within the right of way of Clark Road. The project will be surrounded by a fence for security reasons. There will be plantings underneath the panels to blend with the area. The wetlands buffer was discussed. Mr. Savage indicated that the applicant was seeking a variance for rear and side yard to maximize the ultimate amount of megawatts. A discussion followed about the different lot numbers and the lots that were encompassed in this project.

Mr. Pellow's report was reviewed. Item 1.10, variances needed, was discussed. Eliminating the number of panels by approximately 1% resulted in no variances needed. Exhibit A2, titled "Racking on rolling hills" a color picture showing the panels placed on undisturbed land was introduced.

For Item 3.03, wetlands, Mr. Pellow indicated that an LOI was issued by NJDEP for the TownCenter/Mountainview Manor application. Although this LOI had recently expired, it provided a sound basis for the wetlands/buffers existing on the property. He indicated that if the disturbances on-site were located a minimum of 150' away from the original wetlands locations, such provision could be waived. It had been discussed that the buffer was substantially well over the 150 feet. Concerning the Roadways issue, Mr. Pellow

indicated that Items 5.01, 5.02, 5.04, and 5.06 were all part of the Clark Road project and that prior to the applicant obtaining a CO, Clark Road would have to be completed. A discussion followed and Mr. Maione stated although that the original plan involved connecting Boulder Hills Blvd. to Clark Road building a solar farm would not justify finishing Clark Road. Mr. Smith suggested that to ensure the original purpose of this road was to use it as a connector as an alternative to using Route 23 and in discussions with the DOT all the activity on Route 23 from Quick Chek all the way to the end of Wantage Twp. subject to having a final design of what Clark Road is supposed to look like at the final approval. It was decided that the condition of final approval would be a set of plans to reflect roadway design of Clark and connecting with Boulder Hills Blvd.

Item 6.02, grading, was discussed. The applicant indicated that no grading would take place. The Board, however, was concerned that some type of grading would be needed and that it would have to be done under the supervision of Mr. Pellow's office. Maintenance of the site was discussed with regards to landscaping, soil erosion, cleaning the panels, and maintaining the area in general in all weather conditions. Although Mr. Pellow's report recommended that security lighting be added in the vicinity of the utility buildings, the applicant stated that lighting would be necessary only at the parking area by the gate. The applicant did not explain how that light would be powered. An EIS was not submitted. The applicant requested a waiver. The professional testified that the disturbance would be temporary during construction. He stated that the site had been previously disturbed and that was the main reason why an EIS was not submitted. He stated that the panels could be pulled back a few hundred feet and that would prevent them from being viewed from Route 23. As far as existing animals on the site, a large portion will be wooded and the animals could remain there. He stated that some deer might get over to the other side of the fence and utilize the area. The life of the panels is 25 years and some are made of materials that are recyclable. Mr. Smith suggested that if at some point Mr. Pellow determined that screening was necessary from the public view, vegetation should be planted. The applicant was in agreement.

It was discussed whether a Developer's Agreement was necessary. Mr. Kienz suggested that it could be noted that it would be determined by the Board Engineer and by the Board Attorney. Mr. Kienz asked how emergency personnel would move around the panels. The professional indicated that there would be a 40 ft. setback between the panels and the fence and 15 ft. between each row of panels. It was discussed that the panels were pervious. Therefore, stormwater was not an issue on this project. The subject of grading was revisited. Mr. Kienz suggested making it a condition that if any grading were to take place, the runoff would be kept on site. There was a discussion about seeding. The applicant confirmed that there were no freestanding signs proposed. Mr. Smith stated that "no trespassing" signs would be needed. The applicant confirmed this. Mr. Kienz suggested making the signs subject to Mr. Pellow's approval. Page 9 of Mr. Pellow's report referring to Construction Details included the following to be provided on the plans: chain link fence detail to be revised to show black vinyl mesh, details of all electrical equipment i.e. inverters, transformers, combiner boxes, and equipment foundations, details of all electrical buildings, and details of all underground electrical trenches. Approvals/reviews from the following agencies will be required: Wantage Township Building Department (Building/Electrical), Sussex County Soil Erosion and Sediment Control, Sussex County Planning Department (or letter of no interest).

Mr. Kehoe stated that there was some excess top soil stored on the property left over from the Town Center project that would be relocated. He wished to clarify that it would be relocated and that there would be no removal of top soil from the current location.

There was no one from the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board.

Mr. Maione asked if the Board could sign his revised map. It was discussed that Mr. Pellow would review it by the end of the week. It was discussed that Mr. Kienz would prepare a letter to Mr. John Maione confirming all the approvals granted so that he might

use it with his paperwork for the project. The Board also agreed to authorize either Mr. Pellow, Mr. Kienz, or Mr. Smith to speak to any authority on Mr. Maione's behalf in regards to any information needed in connection with this approval.

Mr. Grau made a motion seconded by Mr. Slate to approve this application subject to Mr. Pellow's report dated 11/24/10, the applicant's testimony, and the conditions discussed on the record.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Stella Salazar
Secretary