

FEBRUARY 22, 2011

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, February 22, 2011 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, DeBoer, Gaechter, Grau, Slate, Smith, Cillaroto, Vander Groef. Mmes. Gill, Kanapinski, and Kolicko, Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. Cecchini and Stefanelli.

APPROVAL OF MINUTES

Mr. DeBoer made a motion seconded by Mr. Slate to adopt the minutes of January 25, 2011, with corrections.

ROLL CALL VOTE:

THOSE IN FAVOR: DeBoer, Gaechter, Slate, Gill, Cillaroto, Vander Groef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-16-2008A 565 LAND DEVELOPMENT

The applicant requested an extension of time to the March 22, 2011 meeting to provide the applicant additional time to prepare and notice for the hearing. A voice vote was unanimously in favor. Mr. Kienz stated the letter from Mr. Gaus requesting the extension was fine provided the applicant granted the Board the necessary time.

Mr. Grau made a motion seconded by Mr. Bono to grant the request.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-13-2010 ROY DAVIS/SUSAN NIXON

The applicant is seeking a conditional use variance approval to construct a farm manager residence with a horse barn. The property is known as Block 135, Lot 8.01 and is located on Brown Road in the R-5 zone.

Engineer Kenneth Wentink and applicant Susan Nixon appeared before the Board.

After a brief discussion regarding the committee members sitting in on the hearing, it was decided that they could stay and participate.

Mr. Pellow's report was discussed. Under existing conditions, Mr. Pellow noted that the pipes adjacent to the subject property within 200 feet were shown on the map and that a letter was received from Wade Wander stating that the improvements shown on Mr. Wentink's map are more than 150 feet from any wetlands or streams on this property. Architectural plans were submitted for the Board's review. The plans depicted a new drive off the existing drive to access the barn. Mr. Wentink indicated that this would not be a new drive to the barn, so the profile and typical sections were not needed.

Mr. Pellow indicated that the Zoning Officer turned down the applicant's request for a zoning permit, as Section 13-5.9D states that a farm manager residence and seasonal employee's residence shall be provided if conditions in Section 13-24.11 are met for a conditional use. However, Section 13-24.11 of the Township ordinance refers to senior housing. The ordinance should refer to Section 13-24.9 – Farm Manager Residence and Seasonal Employee's Residence. The ordinance should be corrected.

Item 5 of the report stated that under Section 13-24.9, it states that for the additional residence to be used by the farm manager, there shall be an additional lot area of a minimum of 1 acre, and the requirements for a single-family dwelling in the R-1 zone shall be met with respect to the minimum size of the dwelling unit and the setback requirements. Mr. Pellow wondered if this R-1 zone should be revised to the RE-5 zone. Mr. Smith stated that he did not think 5 acres should be reserved for a farm manager residence. He felt that a 1-acre cut out would be more appropriate. The issue of a subdivision was discussed and the Board did not find it would be justified at this time. Mr. Smith asked the applicant if the operation ceased to exist, would her intention be to have it become a building lot. Ms. Nixon stated "Absolutely not." Mr. Kienz made a recommendation that if the operation ceased, the applicant would have to come back to the Board to subdivide if needed. A 'C' variance for the front yard of the barn was discussed.

Item 7 stated that such dwelling units shall be occupied as single-family residences as defined, except that no roomers or boarders may occupy such structures. Any person or head of household occupying such dwelling units shall be employed full time in the agricultural operation. Proof of such employment in the form of an affidavit by such person so occupying shall be filed with the Zoning Officer each year. The response memo from Mr. Wentink stated that the two spaces shown on the map were intended for the farm manager. It was stated that site plan should be obtained. The applicant to abide by COAH regulations at the time of building permit application. Road Trust Fund is not needed, as no new lot is being subdivided. The septic system grading and the well were discussed. County approval was needed.

Mr. Smith suggested placing ballisters between the barn door and the stairs to protect the access. He also mentioned fire safety should be followed with the apartment over the barn. Deed restrictions should be in place for the 1-acre constraints.

It was discussed that the applicant would have to get other approvals.

There was no one from the public wishing to come forward on this application.

Mr. Bono made a motion seconded by Mr. Grau to grant preliminary and final site plan approval, conditional use approval and “c” variance approval.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

Mr. Rich Klein appeared before the Board to obtain guidance regarding a pole barn height. He built a pole barn that is 22.10 ft. high and the Zoning Officer denied Certificate of Occupancy due to the barn being higher than allowed by the ordinance. The Board stated that he will have to come in for a “c” variance.

The Board agreed to go into executive session to discuss legal issues. A motion was made by Mr. Bono and seconded by Mr. Grau. The Board unanimously agreed. The Board returned from executive session after approximately 20 minutes.

GENERAL ISSUES

Mr. Smith announced that NJDEP will be presenting at a county meeting to be held on April 7, 2011 at 7:00 p.m. There will be another meeting on April 15th to discuss sewer service. The Board discussed attending the second meeting to express their concerns and the impact to the community.

Mr. Smith discussed the number of senior citizen housing approvals that have been granted on prior applications. He feels that, given the current market, these applicant might be coming back to the Board to change them.

Mr. Smith stated that it might be necessary to, in the near future, meet the third Tuesday of the month since there are a few items that the Board needs to work on.

ADJOURNMENT

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

Respectfully submitted,

Stella Salazar
Secretary