

June 28, 2011

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, June 28, 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, Cecchini, DeBoer, Gaechter, Grau, Smith, Vander Groef. Mmes. Kanapinski, and Kolicko.

ABSENT: Mssrs. Stefanelli, Slate, Cillaroto. Ms. Gill.

EXECUTIVE SESSION

A motion was made by Mr. Cecchini and seconded by Mr. Bono to go into Executive Session to discuss personnel matters.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Kanapinski, VanderGroef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

After approximately 10 minutes the Board agreed unanimously to come out of Executive Session and to return to the regular meeting.

APPOINTMENT OF PLANNER

Ms. Kanapinski made a motion seconded by Mr. Bono to nominate Ms. Jessica Caldwell of Harold Pellow Associates as the Municipal Planner to complete the term ending December 31, 2011.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Gaechter, Grau, Kanapinski, Vander Groef, Smith.

ABSTAINED: DeBoer, Kolicko.

THOSE OPPOSED: None. MOTION CARRIED.

It was discussed that Mr. Kienz would prepare a contract to be executed by Ms. Caldwell and the Board.

APPROVAL OF MINUTES

Mr. Grau made a motion seconded by Mr. DeBoer to adopt the minutes of May 24, 2011.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Kanapinski, Vander Groef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-13-2009 BICSAK BROTHERS REALTY, LLC

Soil removal approval was granted in 2009. The property is known as Block 5, Lot 11 and is located on Route 23.

Attorney Tom Collins and Engineer Allen Campbell appeared before the Board on behalf of the applicant.

Mr. Collins stated that the applicant had received approval to remove rock present on the front of the property and that the wished to clarify how the operation was being done by screening and having a couple of trailers for operations, as well as a scale for weighing the material before it exits the site. They also wished to clarify that it was pods 2 and 6, not pods 2 and 5 and also that there would be no crushing within 500 ft of the Route 23 right of way.

Mr. Kienz stated that the previous resolution was being taken into account and that a number things were being clarified. Mr. Campbell introduced Exhibit A1, entitled "Site Update Restoration POD 3 & 5 Removal POD 2 & 6", with revision dated June 27, 2011. Mr. Campbell stated that approximately 15 acres were left for removal in the next 3 years and he noted that numerous berms had been planted in preparation for the next stage. The applicant is seeking approval for an additional scale, the relocation of one of the trailers, and an additional trailer for the new scale.

Ms. Kanapinski asked how long would the project take. Mr. Campbell stated that it was estimated 1 _ years to 3 years and that their goal was to have the property developed in 3 years. Mr. Smith stated that the thing was that there was a specific time to finish and not an open ended project.

There were no members of the public present to speak on this application.

Mr. Cecchini made a motion seconded by Mr. DeBoer to grant the requests on this application.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Kanapinski, VanderGroef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-14-2006 STEVEN LANG

The applicant is requesting third one-year extension of final major subdivision approval. This application was originally approved February 27, 2007 and memorialized March 27, 2007 with the latest extension granted to March 27, 2011. The property is known as Block 9, Lot 152 and is located on Ramsey Road in the RE zone.

Attorney Michael Gaus appeared on behalf of the applicant. Mr. Gaus explained that the applicant had been in negotiations with the property owner and that he needed some more time to be ready.

The applicant had requested to carry this application to the July 26, 2011 meeting. The Board unanimously agreed.

L-28-2006 RUBIN HILL PROPERTIES, LLC

The applicant is requesting a one-year extension of final major subdivision approval in order to obtain county approval of the entrance onto County Route 650. The property is known as Block 132, Lot 3.20 and is located on Libertyville Road.

Mr. Joseph Retz, Jr., applicant, appeared before the Board.

Mr. Grau made a motion seconded by Mr. Bono to grant a 6-month extension until December 31, 2011.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Kanapinski, Vander Groef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-1-2010 80 LEWISBURG ROAD

The applicant is requesting a six-month extension of minor subdivision approval. The approval was originally granted on March 23, 2010 and memorialized on April 27, 2010 with an extension granted to June 1, 2011. The property is known as Block 18, Lots 25 & 15 and is located on Lewisburg Road.

Attorney Michael Gaus appeared before the Board on behalf of the applicant.

Mr. Grau made a motion seconded by Mr. Bono to grant a 6-month extension.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Kanapinski, Vander Groef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-9-2010 GARY AND DEBRA OLSYN

The applicant is requesting a one-year extension of minor subdivision approval granted and memorialized on November 30, 2010. The property is known as Block 23, Lot 12.01 and is located on Sally Harden Road.

Engineer Kenneth Wentink appeared before the Board, on behalf of the applicant.

Mr. Grau made a motion seconded by Mr. Cecchini to grant a 6-month extension.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Kanapinski, Vander Groef, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-11-04 RICHARD KLEIN/QUARRYVILLE CONSTRUCTION

The applicant is requesting "c" variance approval for height for a pole barn, as built. The property is known as Block 133, Lot 17.10 and is located on Matthew Drive in the R-5 zone.

Mr. Vander Groef stepped down.

Mr. Richard Klein, builder, and Mr. John Desmond, property owner, appeared before the Board. Mr. Klein explained that the pole barn had been built with a height in excess of 2 ft 10 in and that the applicant he was requesting a 4 ft. variance to avoid a misunderstanding. He stated that this had been absolutely unintended and that a mistake was made when figuring out the measurements of the pole barn. He added that the building complied with all other requirements. Mr. Klein provided Exhibit A1, a picture of the barn that showed the dimensions.

The meeting was opened to the public. Mr. David Zollinger wished to make a statement to reflect that the property was not farmland. He provided 2 photographs of the barn, marked as Z1 and Z2.

There were no other members of the public wishing to come forward on this application. The meeting was closed to the public and open to the Board. Ms. Kanapinski asked what was the barn going to be used for and what size was the barn. Mr. Desmond stated he would store collector's cars and that the barn measured 30 x 50. Ms. Kolicko asked if that was the only structure on the survey and if the setbacks were right.

Mr. Kienz stated to the Board that when considering a variance circumstances are considered, that accessory structures are allowed and that garages are allowed and that from the testimony it appeared that the added height had simply been a mistake.

It was discussed that Mr. Desmond had planted 8 trees along the property line. It was discussed that the wrong trees were planted and the Board suggested that Mr. Desmond plant seven-eight 6 ft. blue spruce trees subject to Mr. Pellow's approval.

Mr. DeBoer made a motion seconded by Mr. Bono to approve this application and to recommend temporary CO, subject to the trees being planted.

ROLL CALL VOTE:

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

ABSTAINED: Kolicko.

THOSE OPPOSED: None. MOTION CARRIED.

L-11-05 MOHAWK ASSOCIATES

The applicant is proposing a 6-megawatt solar farm. The property is known as Block 16, Lots 5.01, 5.02, and 5.04 and is located at the intersection of Roy Road and County Route 565 in the HC zone. The applicant is requesting D variance, C variance, and preliminary site plan approval. Notice has been made for a public hearing.

Mr. DeBoer and Mr. Gaechter stepped down, as the application involved a D variance.

Attorney Tom Collins, Engineer Ken Dykstra, and applicant, Scott Lewis, appeared before the Board.

The following exhibits were introduced by the professionals. Exhibit A1 entitled "Farmland Preservation Exhibit", a colored map of the surrounding areas showing farmland preserved sites. Exhibit A2 entitled "Site Plan Exhibit", a map of the project showing wetlands setbacks along Route 565 and setbacks on the front towards Roy Road, Exhibit A3 entitled "Solar Panel and Inverter/Transformer Details" a handout information on racking system, dimensions and details of components, Exhibit A4 entitled "Site Cross-Section" showing elevations, and A5 entitled "Solar Facility Seed Mixes" a report on grass seeds.

Mr. Dykstra made a brief presentation of the application. He stated that the project would be surrounded by an 8 ft. chain link fence, that the highest panel would be no more than 10 ft., that some trees would have to be removed and that besides panels there will be an access driveway and a gate and parking area for the maintenance person.

Mr. Pellow's report was reviewed. Several variances were needed. Side yard setback variances are needed for Lots 5.01, 5.02, 5.03 and 5.04 as the solar panels span across these lots. A height variance for the fence will be needed. For Item 2 of the report, Mr. Pellow stated that the application should be a preliminary site plan as an as-built drawing would be needed. Mr. Collins stated the applicant would be in agreement. However, they requested having preliminary and final approval in order to take advantage of state incentives with a deadline of the end of the year, subject to as-built when the project is completed.

Item 3 refers to Lots 38.02 and 38.03, Block 17 which are included in this application as the solar facility will be connected to the power grid via an overhead power line constructed by the utility company. The JCP&L power lines cross Lots 38.02 and 38.03. Therefore a use variance may be needed over these two lots. Mr. Collins explained that the applicant hopes the lines will become the property of the utility company since they would go over wetland areas. The applicant however, has made it a part of the application.

For Item 7, a discussion followed regarding the impact of this project as viewed from Route 565 and Roy Road. Item 8, the length of the project, Mr. Dykstra stated it would be completed in 3 months. Item 9, the number of inverters, it was discussed that there would be six not five. Item 10, suggested underground lines for the overhead pole line along Roy Road, across Roy Road and over Lots 38.02 and 38.03 to tie into the main transmission line of JCP&L since there are so many poles and lines in this area. Mr. Dykstra stated that almost all of them would be underground except the last stretch. Item

11, the proposed access drive to be paved the first 50 ft. Driveway permit and soil erosion permit will be needed. Seed mixtures to be installed under the panels were discussed. It was discussed that there should be an agreement that after the panels are unusable, if the owner walks away and the Township ends up removing the abandoned panels, then a lien would be placed on the property. For Item 18, it was discussed that the solar facility would supply heat for approximately 900 homes. An emergency management strategy should be developed with the local fire department. The plan should identify emergency disconnect switches for the safety of first responders. Mr. Bono suggested that a walk-through could be done when the project is completed.

Mr. Collins and Mr. Dykstra stated that traffic would be minimal, grass maintenance would take place once per month, the panels would be read remotely, there would be no noise, no water being used, and no septics. Both professionals stated that the positive benefits outweigh the negative impact. They discussed that solar panels are a beneficial use, they serve the public, they are endorsed by the state, that the benefits do include green energy, there will be no detriment to the public good, no detriments to zone plan and the zoning ordinance. Mr. Dykstra stated that the plan was in accordance with the master plan, that the project would protect natural resources and that there would be no use of water.

Mr. Smith stated that landscaping should be reviewed to be satisfied and a 5-year maintenance plan was suggested.

Ms. Kolicko asked if when tree lines are removed, a certain amount of habitat for migrating animals or small animals can be located someplace else on the site to mitigate the trees that were removed. She asked if homes in Wantage benefit from the solar energy and if the property would be taxed different and if Wantage would gain ratables or lose ratables. Mr. Cecchini stated that in terms of trees being removed, Mr. Lewis had a lot of that area in farmland preservation. Ms. Kanapinski asked about the size of the panels. Mr. Collins stated they were roughly 3 ft. x 5 ft.

Mr. Kienz stated that the proposed location of the meter should be shown on the plan and suggested showing more inverters in case they were needed. Mr. Dykstra suggested showing 8, instead of the proposed 6. Mr. Cecchini commented that inverters were taxed so that was good for the Township. Ms. Kolicko asked Mr. Vander Groef if the aisles were wide enough for emergency vehicles.

It was discussed granting use variance, c variances, and preliminary site plan approval. The final site plan application will be carried to the July 26th meeting and the Board authorizes Mr. Kienz to prepare a favorable resolution for July 26th.

Mr. Cecchini made a motion seconded by Mr. Vander Groef to approve this application for preliminary site plan, use variance, and c variances as discussed above.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Grau, Kanapinski, Vander Groef, Kolicko, and Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-16-2008A 565 LAND DEVELOPMENT

The applicant is proposing to amend prior site plan approval. The property is known as Block 117, Lot 38.01 and is located on Route 565 in the HC and R-5 zones. Continued public hearing.

Mr. DeBoer, Mr. Gaechter, and Mr. Cecchini stepped down.

Attorney Michael Gaus appeared before the Board. He stated that he had brought in Mr. Fletcher to answer questions regarding his testimony last month, Engineer Ken Wentink. He added that he also had Mr. Wayne DeFeo, a recycling expert, ready and available to testify tonight. However, they did not have his report in advance so it would not be fair

to the Board to have him testify tonight. Ms. Jill Hartman, Planner, will testify after Mr. DeFeo. These last two witnesses will be ready to testify in September so a request to carry to September will be made.

Attorney Keith Hyche representing adjacent property owner Mr. Emil Conforth asked Mr. Fletcher several questions regarding Class B compost. Mr. Fletcher stated that he was not an expert on the matter but that as far as he knew, they were separated by kinds of materials. Mr. Fletcher stressed the fact that compost had to be certified by NJDEP and that the DEP had to certify the facility that sells compost.

It was discussed that Mr. Wentink's testimony would be heard at the September meeting. The application was carried to the September 27, 2011 meeting. No further public notice required.

ADJOURNMENT

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

Respectfully submitted,

Stella Salazar
Secretary