

**MINUTES FOR THE SPECIAL MEETING OF THE MAYOR AND COMMITTEE OF  
THE TOWNSHIP OF WANTAGE, HELD AT THE WANTAGE TOWNSHIP MUNICIPAL  
BUILDING, 888 STATE HIGHWAY ROUTE 23, WANTAGE, N.J.,  
ON AUGUST 2, 2011**

Mayor DeBoer called the meeting to order, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor DeBoer, Committeeman Gaechter, and Committeeman Bassani. Also present: Township Attorney Michael Garofalo. The following members were absent: None.

Mayor DeBoer stated, "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws 1975, Chapter 231. It has been properly noticed and posted to the public, and certified by the Clerk."

Mayor DeBoer led the assembly in the salute to the American Flag.

**Draft Ordinance: Domestic Animals**

Mayor DeBoer invited Jim Smith, Chairman of the Wantage Township Land Use Board, to discuss with the governing body concerning this draft ordinance. Mr. Smith introduced Larry Bono and Justin Vander Groef as members of the Land Use Board who were also present this evening to participate in the discussions.

Mr. Smith offered an explanation of the Land Use Board's perception of need for an ordinance which will address concerns about large numbers of animals being kept on small residential tracts of land, or on land that is undersized for the number of animals being kept. Mr. Smith mentioned situations which have required the attention of the Zoning Officer have included a property lot upon which thousands of ducks were being kept, and several situations in which large numbers of dogs are being kept.

General discussion took place among the members of the governing body, Mr. Garofalo, former Tax Assessor Melissa Rockwell, Zoning Officer Kevin Kervatt, and the members of the Land Use Board regarding the zoning and assessment implications involved in this matter. Discussion included whether it was appropriate to give consideration to a town-wide ordinance amending zoning regulations, or if existing nuisance laws were an appropriate avenue of response.

Mayor DeBoer opened the meeting to the public at this time to accept any input or questions with respect to the draft ordinance being considered.

Douglas Ricker, 91 Beemer Road, expressed concerns with respect to a perceived negative impact of this proposed ordinance on farmers.

The members of the governing body stated that the proposed ordinance specifically excluded commercial farming from the scope of regulations. Ms. Rockwell stated that no local zoning ordinance can supersede state regulations governing the parameters of farmland assessed property.

Several members of the public expressed disagreement with the statement that the proposed ordinance excluded impact on farmers.

Mr. Gaechter pointed out, in response to concerns regarding density, that the proposed draft ordinance was actually less restrictive in terms of density for the keeping of horses than the current zoning ordinance, and repeated that the draft ordinance specifically excludes regulation of commercial farming.

At the Mayor's suggestion, Mr. Gaechter moved to end consideration of the current draft ordinance for regulating the keeping of Domestic Animals.

Mr. Bassani seconded the motion. Upon roll call,

Ayes: Gaechter, Bassani, DeBoer      Nays: None      Absent: None      Abstain: None

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Mr. Bassani stated, now that the previous draft ordinance was removed from further consideration, does anyone in the audience have any concerns regarding the keeping of domestic animals which the governing body should be made aware of.

Mr. William Gettler, Gemmer Road, offered comments of disagreement with wording in the previously proposed draft ordinance.

The members of the governing body pointed out to Mr. Gettler that this ordinance is no longer being given consideration and therefore there is no need to discuss the proposed wording of that draft ordinance.

Mr. Gettler expressed a belief that the wording of the previous ordinance represents a matter of wrong thinking by the governing body.

Mr. Bassani repeated that the previously proposed ordinance is no longer under consideration, and repeated his inquiry regarding whether any one in the audience had any complaints or concerns regarding domestic animals that they wished to present to the governing body.

Ms. Debra Gould, Gemmer Road, asked if the current zoning ordinance addressed density restrictions on various animals. Zoning Officer Kevin Kervatt responded that the answer is yes.

Rudy Solar, Mount Salem Road, stated his agreement with utilizing the Nuisance Law enforcement as the means by which to address concerns involving domestic animals.

Ms. Denise Loeffel, 74 Moore Road, spoke with respect to West Milford, NJ's experience in dealing with this issue through health regulations. Ms. Loeffel suggested the governing body needed to have a more formal motion to rescind the consideration of the previous draft ordinance. Mr. Doherty and Mr. Garofalo explained that the previous draft ordinance had never been introduced, so the action taken by the governing body removing it from further consideration was appropriate as acted upon.

Mr. Jeffry Davis, Gemmer Road, asked if a regulatory ordinance were adopted for domestic animals, would the nuisance laws still be on the books. Mr. Garofalo responded in the affirmative. Mr. Davis offered comments in support of a domestic animal ordinance, particularly with respect to controlling the number of dogs allowed.

General discussion took place among Mr. Garofalo, Mr. Kervatt and Mr. Davis regarding ordinances which deal with controlling the number of dogs allowed for ownership by a given household.

Mr. Smith agreed to take these comments received this evening back to the Land Use Board for further consideration.

**Draft Ordinance: Small Wind and Solar Energy Ordinance**

General discussion took place among the members of the governing body, the representatives from the Land Use Board, and Ms. Rockwell, regarding the potential impact of a significant loss of farmland to solar farms, if such a scenario becomes a reality in Wantage Township.

Mr. Gaechter suggested the Township not combine one ordinance to deal with both Wind and Solar energy regulations, as each topic is complex and deserving of separate treatment. Discussion turned to the issue of solar farms being granted on properties with state and county highway frontage, which leaves an undesirable public visual image for the various entryways into Wantage Township, and concerns regarding the impact of solar farm applications on farmland assessed and preserved property. Ms. Rockwell stated that this is a developing technology and both the methods for conducting assessments, and challenges to those methods, are as yet in development stages, so there is no current definitive guidance regarding how court cases will play out on this topic.

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Mr. Gaechter offered several suggested standards for use in revising the draft proposed ordinance being given consideration.

Mayor DeBoer opened the meeting to the public at this time for any questions or comments on this proposed draft ordinance.

Rudy Solar, Mount Salem Road, spoke as a member of the Open Space Advisory Committee and requested on behalf of that committee that OSAC be included as a review agent for input as this ordinance consideration process moves forward.

Mr. Smith agreed to do so.

Douglas Ricker, Beemer Road, inquired if local standards for farmland assessment and preservation can be more stringent than state requirements. Ms. Rockwell explained that the standards established by the State of New Jersey regarding eligibility for farmland assessment and farmland preservation are definitive and cannot be altered.

General discussion continued regarding this topic, after which Mr. Smith requested Mr. Gaechter help him follow up from this evening's meeting and present the input gathered to the Land Use Board's subcommittee, for further review and consideration.

**Draft Ordinance: Outdoor Wood Burning Stove Regulation**

Mr. Smith offered background on this topic, mentioning on going complaints of residents regarding smoke and odors from outdoor wood burning stoves.

General discussion took place among the members of the governing body and the representatives of the Land Use Board regarding the possibility of allowing use of outdoor wood burning stoves only during certain months of the year, versus other additional restrictions or regulations which may be adopted locally.

Mayor DeBoer opened the meeting to the public for any questions or comments regarding this topic.

Rudy Solar, Mount Salem Road, suggested making use of a Meteorologist to track a ten year trend of weather conditions as a standard by which to ascertain when the outdoor wood burning stoves would be allowed for use.

Joe Drossel, Pond School Road, asked if the previous proposed wording which would have required removal of existing wood burning stoves within 15 years was removed from consideration. The members of the governing body confirmed that any ordinance considered for introduction would not have that provision in it.

William Gettler, Gemmer Road, expressed opposition to the proposed draft ordinance on grounds that it regulates outdoor furnaces but not indoor furnaces.

Additional general discussion took place among the members of the public and the governing body, regarding the pros and cons of various options for regulation and restriction.

After general discussion, Mayor DeBoer requested Mr. Smith have the Land Use Board revise the proposed draft ordinance to concentrate solely on a regulatory ordinance which deals with times of the year that operation of outdoor wood burning furnaces would be permissible.

A resident of 4 Mudtown Road inquired regarding an outdoor wood burning stove which is present on property he just owned. The members of the governing body encouraged this resident to speak with Construction Official Patrick Stefanelli for guidance on this topic.

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**OPEN PUBLIC SESSION**

Mayor DeBoer opened the meeting to the public at this time, for any questions or comments involving the good and welfare of the community.

Mr. Douglas Ricker offered comments regarding the topics of wood burning stoves, domestic animals, and comments he made at the previous meeting. Mr. Ricker indicated it is difficult to deal with neighbor versus neighbor situations.

A resident of 74 Moore Road inquired regarding the process by which proposed ordinances are reviewed by the members of the governing body and then made available for review and comment by the general public. Mr. Doherty offered response to this inquiry.

Mr. Ricker spoke again in support of agriculture, and expressed a preference to have representatives of the farm community included on municipal boards.

There being no one else wishing to address the governing body at this time, Mayor DeBoer closed the meeting to the public.

Mr. Bassani moved to extend the moratorium on Wood Burning Stoves, as follows:

TOWNSHIP OF WANTAGE RESOLUTION EXTENDING A MORATORIUM OF THE  
ISSUANCE OF ZONING PERMITS FOR THE CONSTRUCTION AND OPERATION OF  
OUTDOOR WOODBURNING STOVES/FURNACES

WHEREAS, the Wantage Township Committee instituted a moratorium for the issuance of zoning permits for the construction of outdoor wood burning stoves and/or furnaces on August 12, 2010, for a period of one year, and

WHEREAS, after due consideration, the Wantage Township Committee believes it is necessary and appropriate to extend this moratorium, which will provide time necessary to adopt a regulatory ordinance governing the construction and operation of outdoor wood burning stoves/furnaces,

BE IT FURTHER RESOLVED by the Mayor and Committee of the Township of Wantage that the above-referenced moratorium is extended up until the date of November 10, 2011, or until a regulatory ordinance is adopted governing the construction and operation of outdoor wood burning stoves/furnaces, whichever occurs first.

BE IT FURTHER RESOLVED by the Mayor and Committee of the Township of Wantage that to the extent that any law, ordinance, rule or regulation are in conflict with the provisions of the resolution, this resolution shall control.

Mr. Gaechter seconded the motion. Upon roll call,

**Ayes:** Gaechter, Bassani, DeBoer      **Nays:** None      **Absent:** None      **Abstain:** None

**ADJOURNMENT**

There being no further items for the attention of the governing body, Mr. Bassani moved to adjourn the meeting. Mr. Gaechter seconded the motion. Upon Roll call,

**Ayes:** Gaechter, Bassani, DeBoer      **Nays:** None      **Absent:** None      **Abstain:** None

Mayor DeBoer declared this meeting adjourned.

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James R. Doherty, Administrator Clerk