

MARCH 27, 2012

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, March 27, 2012 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, Gaechter, Grau, Smith, Stefanelli, VanderGroef. Mmes. Gill, Kanapinski. Attorney Glenn Kienz, Engineer Harold Pellow.
ABSENT: Mssrs. Bono, Bassani, Slate

MINUTES

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the minutes of February 28, 2012, with corrections.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Stefanelli, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-12-01 MATTHEW WOLFF

Mr. Grau made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board's decision made on February 28, 2012 granting "c" variance approval to Matthew Wolff for Block 21, Lot 12.02, located at 107 Lower Unionville Road in the R-5 Zone, pursuant to N.J.S.A. 40:55D-70(c), subject to the following terms and conditions:

1. The installation of the outdoor wood-burning furnace shall be implemented in accordance with the plan submitted by the Applicant and approved herein.
2. In all respects other than the location of the outdoor wood-burning furnace as permitted herein, the installation and operation of the wood-burning furnace shall be in strict compliance with the requirements of Township Ordinance #2011-16.
3. 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 Township Land Use Board and supply a copy of any of said approvals received.
4. 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.
5. Certificate that taxes are paid to date of approval.
6. Sussex County Planning Board approval, if necessary.
7. 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: Gaechter, Grau, Stefanelli, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-02 THOMAS AND THERESA PASTORE

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision made on February 28, 2012 granting waiver of site plan to Thomas and Theresa Pastore for Block 7, Lot 17.02, located 97 Route 23 in the HC Highway Commercial Zone, pursuant to N.J.S.A. 40:55D-46.1 and N.J.S.A. 40:55D-51, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved and as testified by the Applicants at the time of the hearing.
2. This approval is granted strictly in accordance with the Site Layout Plan for Used Car Sales prepared by Dykstra Walker Design Group, dated 10/10/11, and as agreed by the Applicants at the time of the hearing.
3. The approval is subject to the Applicants' compliance with the January 25, 2012 report of the Board Engineer. With respect, in particular, to Item No. 10 of said Report regarding the installation of directional signage for on-site circulation, the Applicants shall install said signage in movable bases to accommodate snow plowing and other property maintenance activities.
4. Prior to the issuance of any construction permit, the Applicants shall file with the Board and Construction Official an affidavit verifying that the Applicants are in receipt of all necessary agency approvals, if any, 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, if necessary.
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: Cecchini, Gaechter, Grau, Stefanelli, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-05 LIEN TIMES, LLC

Mr. Gaechter made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision made on February 28, 2012 granting "c" variance approval to Lien Times LLC for Block 159, Lot 1.06, located at 6 Card Road in the R-5 Zone, pursuant to N.J.S.A. 40:55D- 70(c), subject to the following terms and conditions:

1. This approval is granted strictly in accordance with the plat prepared by Arthur J. Schappell, Jr., P.L.S., dated 1/29/2012.
2. Applicant shall remove the "porch roof" on the western side of the pole barn structure to minimize the encroachment into the rear yard at that point.
3. Upon the sale of the Subject Property, the Deed shall recite that the Subject Property, and specifically the pole barn structure, may be used for residential purposes only and not for commercial use.
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, if necessary.

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: Gaechter, Grau, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-12-06 BEEMERVILLE CEMETERY ASSOCIATION

The applicant is proposing to annex two parcels of land from Lot 12, Block 160 to Lot 11, Block 160. The parcels are being conveyed by Space Farms. The property is known as Block 160, Lots 11 and 12 and is located on Lusscroft Road in the R-5 zone.

Attorney Christopher Quinn appeared before the Board on behalf of the applicant.

A brief discussion followed regarding the need for a corporation or partnership from Mr. Space for the grantor of the donation to the cemetery association. Mr. Quinn stated that Mr. Fred Space was present at the meeting and that if needed; he could provide testimony regarding the 10% ownership of Space Realty Company.

Mr. Quinn referenced Mr. Pellow's report dated February 2, 2012 and revised March 20, 2012. He stated that his client was in agreement with Mr. Pellow's observations.

Mr. Smith opened the meeting to the public. There was no one from the public expressing interest in this application. The Board members did not have any comments.

Mr. Grau made a motion seconded by Ms. Gill to approve this application.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-09 HOPE CHURCH

The applicant is seeking final major site plan approval for Hope Church. The property is known as Block 2, Lot 51.01 and is located on Route 565.

Attorney James Opfer, Engineer Jeffrey Doolittle, and Mr. Charles Blessing, trustee of the church, appeared before the Board.

Mr. Pellow's report dated March 16, 2012 and revised March 23, 2012 was referenced. It was discussed that Soil Conservation Service certification was needed. Mr. Doolittle stated that the applicant had received conditional approval from the county engineer. It was discussed that the major issue of the report was to establish the bond amount. Mr. Opfer indicated that the applicant was prepared to post the bond. The tax payment schedule as arranged with the Township, was discussed.

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

Mr. Pellow stated that the church was an asset for Wantage Township.

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: Cecchini, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Opfer made a request to have the receipt of the resolution waived. The Board indicated they were in agreement with that request; however, it was noted that the applicant would need to post the bond prior to proceeding.

L-12-10 MICHAEL & RENEE HENDERSON

The applicant is proposing to adjust the common lot line between Lots 10.07 and 10.08 so that they both will conform to areas to allow them to qualify for farm assessment. The property is known as Block 138, Lots 10.07 and 10.08.

Surveyor Eric Smart and applicant Michael Henderson appeared before the Board.

Mr. Pellow's report dated March 20, 2012 was reviewed. Mr. Smart that the applicant agreed with everything that was on Mr. Pellow's report. Mr. Pellow referenced the driveway that needed to be shown on the map. Mr. Smart stated that it had been shown. Mr. Pellow stated that no variances were needed for this application.

There was no one from the public wishing to come forward on this application. There were no questions or comments from the Board members.

Mr. Cecchini made a motion seconded by Mr. Grau to approve this application.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-11-2006 CHRISTIAN LEONE PROPERTIES I, LLC

The applicant is proposing to create a 5-acre lot to be known as Lot 4.01, leaving a remainder of 116.02 acres. The property is known as Block 26, Lot 4 and is located on Old Route 84 in the RE-5 zone.

Board member Gaechter stepped down.

Attorney Janet Lucas and Engineer Mark Gimigliano appeared before the Board on behalf of the applicant.

Mr. Pellow's report dated January 26, 2012 and revised February 21, 2012 was reviewed. It was discussed that the drives for the 2-bedroom and for the 4-bedroom had been approved as one driveway, with 2 cars outside the garage and 2 turn around.

Jeffrey Kuchta of 383 Route 284 brought in some pictures of the property that were marked as Exhibits P-1, P-2, and P-3. Mr. Kuchta expressed concern about the affordable housing turning from a new building to an older building with many problems. Mr. Smith explained that these units would not become affordable housing units until the development of the property on Route 565. He added that if that development never took place then these houses would remain rentable units. He stated that the developer would need to prove that the septic was in good operating condition and that water was appropriate and that the units would have to conform to the affordable housing requirements. Mr. Kuchta wondered why these units did not have 5 acres each. Mr. Kienz explained that Mt. Laurel did not state that each unit had to be on 5 acres; Mt. Laurel said that affordable housing could be in the form of a duplex. He stated that the Board had worked with what was there and that the Board had complied with the mandates of the law; However, he said, Mr. Kuchta's earlier comments were correct and that if these units ever became affordable housing they would have to be brought up to code in accordance with affordable housing guidelines. Mr. Kuchta wondered who would be in charge of monitoring any upgrades that were made following approvals that were granted. Mr. Cecchini stated that the Building Department would monitor the improvements. Mr. Kuchta mentioned the two houses on lot lot issue; Ms. Gill explained that it was not uncommon for the area to see a house and a garage with an

apartment above the garage which was like an accessory structure to the house. Mr. Cecchini further elaborated and explained that this application made it possible to transfer the affordable housing units from the property on Route 284 to the existing houses on Old Route 84, allowing the property on Rt. 284 to go to the wildlife, therefore avoiding two more housing units. He added that this arrangement made more sense for the Township's planning.

There was no one else from the public present on this application. The hearing was closed to the public and opened to the Board. There were not comments from the Board.

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

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

A discussion followed regarding a row of 8 trees to be planted next to the house that does not have siding in order to screen it.

Mr. Cecchini made a motion seconded by Mr. Grau to approve this application subject to the trees being planted.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-03 CHRISTIAN LEONE PROPERTIES II, LLC

The applicant is proposing to create an 8.195-acre lot, leaving a remainder containing 46.775 acres. The property is known as Block 26, Lot 5.01 and is located on Old Route 84 in the RE-5 zone.

Attorney Janet Lucas and Engineer Mark Gimigliano appeared before the Board on behalf of the applicant.

This application was carried to the May 22, 2012 meeting. No further notice is required. A subcommittee meeting was scheduled for Thursday, April 5, 2012 at 9:00 a.m.

Mr. Cecchini made a motion seconded by Mr. Grau to carry this application as indicated above.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-08 TRI-STATE PUMP & SEPTIC SUPPLY, LLC

The applicant is proposing to amend the site plan that was approved for Application L-38-2005, a funeral home for Paul Ferguson. The applicant is seeking amended preliminary site plan and final site plan approval. The property is known as Block 14, Lot 15.01 and is located on Route 23 in the HC zone.

Attorney Megan Ward from Kelly & Ward, Engineer Allen Campbell from Robert L. Campbell Associates, and Debbie Mayers appeared before the Board.

Ms. Ward made a brief presentation of the application. The applicant was proposing to construct an 8,546 sq.ft. building that will consist of approximately 5,000 sq.ft. of mixed retail office space in the front and the rear of the building will have approximately 3600 sq.ft. of indoor product storage and parking for the service vehicles. Other approvals such as D.E.P, D.O.T. and septic were already obtained for the prior application. Mr. Campbell introduced Exhibit A1, Colored Sheet 2 of the site plan that was submitted with

the application. Exhibit A2, Colored Sheet 2 of the site plan of Ferguson Funeral Home. The existing entrance is being maintained that was previously approved by the D.O.T. The south entrance was revised and the permit was received yesterday. The site as laid out, has a parking lot in front of the building coming into the right and then has a parallel road to the building on the south side with parking next to the building. The plans show the configuration of parking and cross turns in the rear of the building which facilitates access to the property. Mr. Campbell then described the building, noting that the first floor contained the retail and sales area with offices on the second floor.

Ms. Ward reviewed some of the issues on Mr. Pellow's report. On Page 2, Item 2.08b with regards to the zone district boundaries, the applicant's engineer will make that revision. Item 5.05, the earthwork summary, the professionals stated that the material to be excavated would stay on site. Item 6.09, fire protection plans and details, Ms. Ward stated that Mr. Campbell had submitted additional materials on March 13, 2012, that included a letter from the architect, Charles Schaffer dated March 12, 2012 indicating that based on the construction type and the building use a fire suppression system will not be required for this building. Mr. Stefanelli indicated that he would have to do a complete plan review and that it would be determined with the architect. Ms. Ward added that Ms. Mayers would testify regarding Item 4, the zoning, and she would give some additional information regarding what is proposed which is primarily a mixed use retail office. Regarding Item 5, parking, 23 spaces are proposed and 26 are required. Mr. Campbell stated that there would be 6ft. sidewalks and access handicap ramp. A discussion followed regarding parking spaces. One 30 sq.ft., 5 ft. high freestanding sign is proposed. The sign is proposed to be 25 ft. from the lot line. An 8 sq.ft. façade sign is proposed.

Mr. Campbell introduced Exhibit A3- revised copy as per items on Mr. Pellow's report, including parking and lighting. Mr. Campbell went on to explain the delivery truck turn around/

Ms. Mayers testified that there would be approximately 5 full time employees, the hours of operation would be 8-5 M-F, 8-12 Sat and closed on Sundays. It was discussed that some of the trucks making deliveries would carry 1,000 gallon septic tanks and some of those trucks would be longer than 70 ft. Seminars were discussed. Ms. Mayers indicated that they provide seminars to the public, to health department officials, engineers, contractors so they get an understanding about the different products that they sell and service. She explained that because no one promotes these products, they do it and they give credit to health officials for attending their classes so they learn what to look for when they go out to inspect them. She added that an average of 30 to 40 people usually attend a seminar. She stated that they rent a hotel center now so that they can accommodate more people. She stated that on days when they have seminars they will not schedule any deliveries in or out as they will be busy getting organized for the seminar, so there will be no truck traffic whatsoever. With regards to Mr. Schaffer's plan there will be a showroom/sales room in the front, conference room behind it, inventory and parking for service vehicles behind that and office and records storage on the second floor. To the right side of the second floor there is proposed tenant retail or office space.

With regards to the exterior of the building, earth tones are proposed to complement Sussex Bank next door.

In continuing the review of Mr. Pellow's report, Mr. Pellow referred to Page 3, Pedestrian Circulation, the sidewalks to be 6 ft. wide in the front and side of the building, as vehicles overhang the walk by 2 ft. and 4 ft. of clear walkway is needed. Lighting was reviewed. Permits were reviewed. The Wetland Transition Area Reduction Waiver was extended to February 9, 2016 based on the Ferguson site. The DOT Access Permit was issued in 2006 and the entrance was constructed. The applicant to coordinate with William Hayden of the DOT as the gore striping in the turn lane of Route 23 will have to be removed. The Soil Erosion Permit has been recertified through December 9, 2013. The Septic Permit expires July 19, 2012. The applicant should submit a drainage maintenance plan for review and approval. The landscape plan is satisfactory, the Land Use Board to review the type of materials and colors. COAH regulations may have to be complied with.

There was no one from the public present on this application. The application was closed to the public and opened to the Board. Mr. Cecchini wished to review the amount of parking spaces.

A discussion followed regarding temporary signage to advertise the seminars. One sandwich sign was suggested.

It was discussed that the applicant would withdraw the final site plan application and work out some type of arrangement with the fees, whether they get refunded now or they get credited towards the final approval.

Mr. Cecchini made a motion seconded by Mr. Grau to grant amended preliminary major site plan approval subject to Mr. Pellow's report.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

DISCUSSION

L-1-2003A LGR ENTERPRISES, LLC

Mr. Louis Salierno of LGR Enterprises appeared before the Board to discuss his prior approvals expiration. The property is known as Block 135, Lot 6.01 and is located on Sherman Ridge Road. Mr. Salierno explained that due to the difficult economic situation of the last few years, he is worried that his approvals are going to expire in July 2012. A discussion followed regarding granting the applicant additional time in the hope that the economy will get better and development will resume. A five-year extension was proposed.

Mr. Grau made a motion seconded by Mr. Cecchini to grant a 5-year extension.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

JOSEPH KOPEC - appeared before the Board to discuss a property that he had been looking at for an auto-rental and dealership. The Board suggested that he find a more suitable property so he will keep looking.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Stella Salazar
Secretary