

MAY 22, 2012

A regular meeting of the Wantage Township Land Use Board was held on Tuesday May 22, 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. Bono, Cecchini, Bassani, Gaechter, Slate, Smith, Stefanelli, VanderGroef. Mmes. Gill, Kanapinski. Attorney Glenn Kienz, Engineer Harold Pellow.
ABSENT: Mr. Grau.

MINUTES

Mr. Bono made a motion seconded by Mr. Slate to adopt the minutes of April 24, 2012.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Stefanelli, Gill, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-11-09 BICSAK BROTHERS REALTY, LLC

Mr. Slate made a motion seconded by Mr. Cecchini to readopt the resolution memorializing the Board's decision of July 26, 2011 granting site plan approval with "c" variance relief to Bicsak Brothers Realty, LLC for Block 10, Lot 1.01 located on Route 23 and Blair Road in the PCD Zone, pursuant to N.J.S.A. 40:55D-46, N.J.S.A. 40:55D-50 and N.J.S.A. 40:55D-70(c), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. The plans shall be revised to show outdoor activity area.
3. Pre-construction Meeting at least seventy-two (72) hours before any construction, a pre-construction meeting shall be held with municipal representatives, the Developer and its engineers and contractors. The meeting shall be held only after the Engineer's opinion of probable cost has been submitted to the municipality for computation of engineering and inspection fees posted, the form of which is to be approved by the Municipal Engineer.
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, Gaechter, Slate, Stefanelli, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-31-2006 CHRISTIAN LEONE PROPERTIES III, LLC

The applicant is requesting an extension of preliminary major subdivision approval. The original approval was granted June 19, 2007. An extension to July 17, 2012 was granted on June 29, 2010 and memorialized on August 24, 2010. The property is known as Block 117, Lot 32.01 and is located on Route 565.

The Board discussed granting a one-year extension to July 17, 2013.

Mr. Slate made a motion seconded by Mr. Cecchini to grant the approval.

ROLL CALL VOTE:

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

ABSTAINED: Bassani.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-03 CHRISTIAN LEONE PROPERTIES II, LLC

The applicant is requesting minor subdivision approval for Block 26, Lot 5.01 located on Old Route 84.

Attorney Michael Gaus and Engineer Mark Gimigliano of Dykstra Walker Design Group appeared before the Board on behalf of the applicant.

Mr. Smith indicated that the Board had a site walk on the property and that a subcommittee meeting had taken place in late March or early April.

Mr. Gaus and Mr. Gimigliano made a brief presentation of the application, now being amended to allow the remaining lot, Lot 5.01, to have road frontage on Old Route 84. Mr. Gimigliano introduced Exhibit A1, a colored version entitled "Minor Subdivision Plans" outlining the proposed lot lines and driveways.

Mr. Pellow's report dated January 30, 2012 last revised May 16, 2012 was reviewed. Item 2b indicated that variances for lot frontage for Lot 5.01 and for the dwelling to be constructed outside the 20,000 sq.ft. of contiguous, non-constrained land for Lot 5.06 would be needed. Mr. Gimigliano stated that the location was the most suitable for the new home and that it was an area that was already cleared and fewer trees would need to be removed. Also it would be the most suitable in order to accommodate the septic system so that it would not be too close to the house and/or near the driveway. It was discussed that the following items would be needed: County Planning Board review, a DEP General Permit to construct the access drive through Lots 5.06 and 5.01 due to wetlands and wetland transition areas, a deed for the road dedication of Old Route 84 and the wetlands to be conveyed as conservation easements and run with the land, the drive to be paved 20 feet wide up to the point where it branches off into the house on Lot 5.06. A driveway permit will be needed at the time of building permit application. The applicant has proposed separate drives, which will have to be approved by the NJDEP. The applicant asked to reserve the right to go back to a common driveway should the DEP not approve the separate driveways. It was discussed that a drainage easement would be needed so that the Township can construct a storm drain in the future to outlet onto Lot 5.06, 30 feet above the intersection of the proposed drive with Old Route 84; the applicant agreed to do this. The drive into the proposed house on Lot 5.01 being almost one-half mile in length should be paved where the grade exceeds 6%; otherwise, severe erosion will take place. Additional cross drains may be needed under the drive, which will be determined at the time of construction. A joint maintenance agreement will be needed for the common driveway. Mr. Gaus and Mr. Gimigliano discussed the possibility of not having to pave the areas of the driveway where the grade exceeds 6% since paving would require more storm water management which means the basins get bigger and possibly they could kick in more DEP regulations. The Board did not agree with this request, as the applicant was not being asked to pave the entire driveway only some areas

to stabilize the drive and some areas for emergency vehicles to pull over to allow for a tanker truck to pull out while the other one was coming in and an area near the house for emergency vehicles and commercial vehicles turn around.

Mr. Pellow indicated in his report that a Letter of Interpretation had been obtained. A discussion followed regarding the standard language of a conservation easement. The Board authorized Mr. Kienz to review the easement with Mr. Gaus in order to find the appropriate language.

Item 14 of the report stated that the sight distance from the driveway up and down Old Route 84 was satisfactory, Item 15 stated that the application met the definition of a major development and that all the stormwater aspects associated with a major development had been satisfactorily addressed. Item 16 referred to a maintenance manual prepared in accordance with N.J.A.C. 7:8-5.8, and per the guidelines of the NJDEP Best Management Practices Manual which must be submitted for review and approval. The applicant to deposit \$1,800.00 in the Township Road Trust Fund prior to any deeds being signed. The tire dump will have to be removed. It was discussed they would have 30 days to remove it. The applicant requested more time, the Board did not agree. Mr. Bassani inquired about the railroad bed. It was discussed that the applicant owned it and that it had been abandoned. Ms. Kanapinski asked why the two driveways were being proposed. Mr. Smith indicated that it would avoid problems with maintenance.

The meeting was opened to the public. Mr. Eric Hansen was concerned with the driveways crossing the wetlands. Mr. Smith indicated that the DEP had to make that decision and that the Board had no jurisdiction over it. Mr. Hansen also indicated that he thought only one driveway, one dwelling would be allowed. Mr. Smith and Mr. Kienz indicated to him that the applicant was proposing one driveway per dwelling on two separate pieces of property, pending DEP approval.

There were no other members of the public wishing to come forward on this application. The meeting was closed to the public and opened to the Board.

Mr. Cecchini made a motion seconded by Mr. Bono to approve this application subject to DEP approval of the two driveways, the long driveway to be approved by Mr. Pellow, and subject to Mr. Pellow's report last revised May 16, 2012. A discussion followed regarding the applicant having driveway permits prior to perfecting the subdivision. It was decided that it would be figured out administratively.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Stefanelli, Gill, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-12-12 ANNE KUPERUS (ROYAL PONTIAC/GMC)

Mr. Kienz wished to disclose that in the past he had done some work for the Kuperus family. It was decided that there would be no conflict with Mr. Kienz staying for this hearing.

The applicant is proposing to annex 2.007 acres from Lot 54.01 and all of Lot 54.03 containing 1.003 acres to Lot 52.02, resulting in a lot area of 5.847 acres. Existing Lot 54.02 to be annexed to Lot 54.01, resulting in a lot area of 11.048 acres. The property is known as Block 2, Lots 52.02, 54.01, 54.02, and 54.03 and is located on Route 23.

Surveyor Eric Smart and Mr. Myles Kuperus appeared before the Board. Mr. Smart stated that there were no variances being requested and that there were no new lots being proposed.

Mr. Pellow's report dated May 11, 2012 and revised May 17, 2012 was reviewed. Under existing conditions, Mr. Pellow stated that the information had been supplied on a revised map. Item 4 stated that a drainage easement would be needed from Lot 54.01 to

discharge run off from Lot 52.02. Mr. Pellow stated that the inverts had been added to the drainage structures. It was discussed that the reasons for the lot line adjustments were to sell Lot 52.02 to its existing tenant, Royal Pontiac/GMC and that the proposed use for resultant Lot 54.01 would be to continue farming. Mr. Pellow stated that no new lots were being created and that resultant Lots 54.01 and 52.02 met area and dimensional requirements for the HC zone. The report addressed the unfenced dumpsters at the rear of the building on Lot 52.02. It was discussed they would be removed once the construction for Royal Pontiac ends.

Mr. Cecchini stated that this was good planning. Ms. Gill wondered if a problem was being created with only 150 ft. of road frontage for Lot 54.01. It was discussed that it met the requirements for the HC zone. Mr. Smart added that it would now have better sight distance.

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

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, Slate, Stefanelli, Gill, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

INFORMAL

Mr. Dean Frey appeared before the Board to inquire about what was needed for a proposed business on Block 116, Lot 1.03. The Board indicated that he needed to come in with a minor site plan application.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Stella Salazar
Secretary