

## **JUNE 26, 2012**

A regular meeting of the Wantage Township Land Use Board was held on Tuesday June 26, 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, Grau, Smith, VanderGroef, Valkema. Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. Slate, Stefanelli. Mmes. Gill, Kanapinski.

### **MINUTES**

Mr. Gaechter made a motion seconded by Mr. Cecchini to adopt the minutes of May 22, 2012.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Bassani, Gaechter, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

### **RESOLUTIONS**

#### **L-31-2006 CHRISTIAN LEONE PROPERTIES III, LLC**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of May 22, 2012 granting extension of preliminary major subdivision approval to Christian Leone Properties III, LLC for Block 117, Lot 32.01, located on Sussex County Route 565, in the Highway Commercial Zone, pursuant to the authority of N.J.S.A. 40:55D-49, subject to the following terms and conditions:

1. The extension granted shall be continued until July 17, 2013.
2. All terms and conditions of the Board's previous Major Subdivision Resolution of approval unless amended herein, shall remain in full force and effect.
3. 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, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

#### **L-12-03 CHRISTIAN LEONE PROPERTIES II, LLC**

Mr. Cecchini made a motion seconded by Mr. Bono to adopt the resolution memorializing the Board's decision of May 22, 2012 granting minor subdivision approval to Christian Leone Properties II, LLC for Block 26, Lot 5.01 located on Old Route 84, in the RE-5 Zone pursuant to N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-70c, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved as revised at the hearing. Said plans having been incorporated in the revised Land Use Board Application L-12-03 and specifically entitled "Minor Subdivision Plans for Block 26, Lot 5.01, Old Route 84, Township of Wantage, Sussex County, New Jersey" dated 12/30/11 with a latest revision dated of 5/02/12.
2. The Applicant shall obtain a NJDEP General Permit to construct the access drive through Lots 5.06 and 5.01.
3. Applicant shall provide a Deed for the road dedication of Old Route 84 and the wetlands shall be conveyed as a Conservation Easement running with the land. These documents are subject to the review and approval of

- the Board Engineer and Board Attorney. In the event the Conservation Easement needs to be adjusted at a future date, the Applicant shall be permitted to contact the Township at which time the Board Attorney and Board Engineer shall determine whether any additional revisions to the language are in fact necessary.
4. The driveway shall be paved 20 feet wide up to a point where it branches off to the house on Lot 5.06 based upon a driveway permit. In the event the proposed separate drives are not permitted by the NJDEP, the Applicant shall be permitted to combine them into one (1) drive based upon plans which have first been reviewed and approved by the Board Engineer. This shall be completed before any Deeds are filed.
  5. The driveway servicing the house on Lot 5.01 shall be designed where the grades exceed 6 percent (6%) and shall be paved to avoid any severe erosion taking place along with room for emergency turn around. Additional cross-drains may be required under the drive which shall be determined at the time of construction with all of these items being subject to final review and approval by the Board Engineer. This shall be designed and installed before any Deeds are filed.
  6. A Joint Maintenance Agreement shall be provided for the common driveway subject to the review and approval of the Board Attorney.
  7. Applicant shall prepare a Maintenance Manual in accordance with N.J.A.C. 7:8-5.8 pursuant to the Guidelines of NJDEP Best Management Practice Manual which shall be submitted for the review and approval of the Board Engineer and Board Attorney.
  8. Applicant shall provide a Drainage Easement so that the Township can construct a storm drain in the future to outlet onto Lot 5.06 30 feet above the intersection of proposed driveway Old Route 84 subject to the review and approval of the Board Engineer and Board Attorney.
  9. 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.
  10. 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.
  11. The Applicant shall perfect this subdivision by a filed Deed with appropriate Deeds for other conveyances and conservation areas. However, these documents shall not be filed until all improvements as directed by the Board in this Resolution and its Board Engineer and Board Attorney have deemed the subdivision perfected and completed. The documents recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record all documents within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
  12. Applicant shall deposit \$1,800.00 in the Township Road Trust Fund prior to any Deeds being signed.
  13. The dump located in the middle of the site shall be completely removed and restored in accordance with any and all specific recommendations of the Township Engineer and Construction Official. Said dump is to have been removed no later June 22, 2012.
  14. 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.
  15. Certificate that taxes are paid to date of approval.
  16. Sussex County Planning Board approval.

17. 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, Bassani, Gaechter, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

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

Mr. Bono made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board's decision of May 22, 2012 granting minor subdivision approval to Anne Kuperus for Block 2, Lots 52.02, 54.01, 54.02 and 54.03, located on New Jersey State Highway Route 23 in the HC Zone, pursuant to N.J.S.A. 40:55D-47, subject to the following terms and conditions:

1. The subdivision shall be implemented in accordance with the plans submitted and approved.
2. The Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Subdivision Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
3. 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.
4. Certificate that taxes are paid to date of approval.
5. Sussex County Planning Board approval.
6. 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, Bassani, Gaechter, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

#### **APPLICATIONS**

##### **L-9-2009 ABD WANTAGE, INC.**

The applicant had requested second extension of final major subdivision approval. The application was originally approved and memorialized on July 28, 2009. A one-year extension to July 28, 2012 was granted on July 26, 2011. The property is known as Block 54, Lots 8.01, 10, 10.08 and 14 and is located on Libertyville Road.

Attorney Kevin Hahn of the firm Courter, Kobert & Cohen appeared on behalf of the applicant.

Mr. Hahn explained that ABD was required to secure a number of additional conditions before commencing with construction. He stated that ABD has begun work on securing these outside agency approvals, although it had not pursued them on an expedited basis, given the poor economic conditions. Also, due to the current state of the real estate market, ABD has not proceeded with construction and consequently, the site improvements have not yet been installed.

Mr. Grau made a motion seconded by Mr. Gaechter to grant the extension until July 28, 2013.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, Gaechter, Grau, VanderGroef, Valkema, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

## **L-12-13 DEAN FREY EQUIPMENT SALES, LLC**

The applicant had requested waiver of site plan approval. The property is known as Block 116, Lot 1.03 and is located on Route 565 in the HC zone.

Board member Cecchini stepped down on this application.

Attorney William Kehoe, Engineer Kenneth Wentink, and the applicant, Mr. Dean Frey, appeared before the Board.

It was discussed that the proposed use was permitted by the ordinance, HC zone and motor vehicle and farming. The applicant explained that he intended to conduct sales of used construction equipment. He stated that he did not propose to make any changes to the site as he intended to use the existing buildings, existing parking area, and the existing driveway. Mr. Frey stated that the buildings would be used for storage in the winter, minor repairs, and that he would have an office in the office area. The hours of operation would be 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 noon on Saturdays. Mr. Frey stated that he did not have any employees. However, the parking area is suitable for five employees. Customers will park above the septic area.

Mr. Pellow's report was reviewed. It was discussed that the existing septic system was designed for five employees and it was satisfactory. The existing sign had been removed and would be replaced with a sign of the same size, with a name change only.

At the concept hearing last month, it was the consensus of the Board that the storage area did not need to be resurfaced. However, it was discussed that the entrance would need to be paved. It was decided that the first 50 ft. from the edge of the pavement should be paved by September 1, 2012 and the balance up to the flat area by September 2013. The applicant was also allowed an unpaved area display for one (1) piece of equipment near the bend in the driveway. A revised plan would be needed.

Mr. Bassani made a motion seconded by Mr. Grau to approve this application subject to Mr. Pellow's report and to all the items discussed. The applicant wished to waive receipt of the resolution to start operating.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Bassani, Gaechter, Grau, VanderGroef, Valkema, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

## **INFORMAL**

### **HIGH POINT REGIONAL HIGH SCHOOL**

Power Partners MasTec, LLC, represented by Hierung, Dupignac, Stanzione, Dunn & Beck presented a proposed solar improvement at HPRHS under the Sussex County Renewable Energy Program. Attorney Michael R. Beck of Hierung, Dupignac, Stanzione, Dunn & Beck and Engineer Joshua Hanrahan of Hammer Land Engineering appeared before the Board to explain the project. Power Partners proposed to install a 267.96 KW solar energy facility consisting of photovoltaic arrays to be located on the rooftop of the high school. Also proposed was one (1) inverter to be located on a concrete pad located on the ground adjacent to the loading dock area in the rear of the school. The proposed inverter is housed in a self-contained weatherproof cabinet that is mounted to a concrete slab which is fenced and protected by bollards. The inverter is remotely monitored.

### **KEN MULLINS**

Mr. Mullins approached the Board regarding opening a retail business at 1214 Route 23, Block 151, Lot 13. The Board's general consensus was that it was permitted use and that Mr. Mullins did not need to file an application with the Land Use Board.

## **GENERAL BUSINESS**

Ms. Kathy Gorman appeared before the Board in reference to a “Welcome to Lake Neepaulin” sign located on Old Clove Road. She expressed her unhappiness with the sign and if it conformed to the ordinance. The Board decided that the Zoning Officer should look into it.

**ADJOURNMENT**

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

Respectfully submitted,

Stella Salazar  
Secretary