

MARCH 22, 2016

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, March 22, 2016 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.

SALUTE TO THE FLAG

Mr. Cecchini invited all persons present to participate in the Pledge of Allegiance to the United States Flag.

ROLL CALL

PRESENT: Ron Bassani, Larry Bono, Victoria Gill, Paul Grau, Joanne Kanapinski, Jon Morris, Patrick Stefanelli, Michael Cecchini, Bill DeBoer, Michael Walther. Also present was Attorney Angela Paternostro-Pfister, and Engineer Harold Pellow. Absent: Ronald Slate. Also present, Special Council Larry Wiener.

MINUTES:

Mr. Grau made a motion seconded by Mr. Bono to approve the February 16, 2016 minutes.

A voice vote was unanimously in favor.

COAH Presentation

Mr. Ken Nelson of the Nelson Consulting Group gave a presentation to the Wantage Land Use Board, a *Housing Element and Fair Share Plan "Addendum"*. Mr. Nelson explained the system administered by the NJ Council on Affordable Housing is now governed by the Superior Court in NJ. The affordable housing obligations now must apply to the court for 'Judicial' substantive certification. This intervention by the courts intends to protect a municipality from challenges to their municipal housing element and fair share plan and the zoning regulations of the community.

The purpose of this Addendum is to build on the township's 2008 HE/FSP and accompanying supplements. This Addendum is aimed at complying with New Jersey Supreme court decision of March 2015. It also affirms and readopts the 2008 Housing Element and Fair Share Plan, except for those portions that are no longer applicable and /or superseded by this Addendum.

There are three separate obligation numbers for each municipality.

- Prior Round Obligation – This figure represents the obligation of the municipality prior to the third round certification process.
- Present Need - This figure theoretically represents the units that exist in Wantage, that are occupied by low and moderate residents, which need to be rehabilitated.

- Prospective Need – This figure represents the portion of the regional need in the future for low and moderate income housing and the portion or share of that need allocated to Wantage.

As of December 30, 2015 Econsult Solutions report provides the numbers related to the Township’s obligation.

Prior round Obligation.....	35 Units
Present Need.....	5 Units
Prospective Need.....	19 Units
Total	59 Units

In 2008 several projects were aimed at addressing the Township’s obligation at that time. Some of those projects are no longer viable. As a partial substitute for those lost projects, there are three additional group homes.

The Township is requesting from the Court any waivers, which may be appropriate, be granted with respect to the requirements of this Addendum that are not necessary to guarantee compliance.

The specific Fair Share Plan as to how this goal will be accomplished is as follows:

Present Need 5 Units

Prior Need 35 Units

This part of the obligation is addressed with a combination of existing and proposed projects.

Wantage Town Center	8 Units
SCARC Group Home	3 Units
PKM portion of the McCoy’s Corner Center	27 Units

These three projects total 39 Units plus 11 bonus credits for a combined **49 Units/Credits**

Propsective Need 19 Units

The prospective need number can be achieved via proposed and existing projects.

Wantage Town Center 7 new rental units, This project is eligible for 7 bonus credits but only 5 can be applied to the Prospective Need obligation.

Four Remaining Group Homes	16 Units
ABD Development	2 Units
Wantage Ridge	21 proposed

Propsective Need Summary – These four projects total 46 units, plus 23 bonus credits for a total of **69 units**, which exceeds the Prospective Need obligation by 50. It is anticipated the excess credits may be applied to future obligations. It should be noted that the 23 units associated with the group homes and the second phase of the Wantage Town Center exceed the Prospective Need obligation, without the use of any bonus credits.

This Addendum has determined the various projects that comprise the Township's affordable housing strategy will actually exceed the calculated total obligation. The Township is also committed to welcoming additional appropriate affordable housing units, beyond its obligation, should the opportunity present itself in the form of additional special needs housing, redevelopment activity and/or 100% affordable projects.

Mrs. Gill made a motion to approve the resolution for the Wantage Land Use Board Housing Element and Fair Share Plan, that is consistent with the goals and objective of the Wantage Master Plan and if approved by the court, the Land Use Board will proceed to adopt it as part of the Master Plan. Mr. Grau seconded the motion.

APPLICATION
L-2015-12
RBND, LLC
Block 18 Lot 43

Mr. Bassani and Mr. Morris stepped down from the dais due to the potential of granting a D Variance.

Mr. Weiner swore in Mr. Wiebel and Mr. Snouffer, general manager of Franklin Sussex Auto Mall and Franklin Sussex Hyundai.

Exhibits:

A-1 a letter from Ronetco the designated developer.

A-2 a colorized version of the plat plan

A-3 a 10th amendment to the lease between the developer and the applicant

A-4 March 10, 2016 letter.

Mr. Wiebel came before the board to seek permission to lease the property on a month-to-month basis to Franklin Sussex Auto Mall and Franklin Sussex Hyundai, to store 200 – 300 new vehicles. All retail operations would take place at the dealership itself.

Mr. Snouffer explained it is no longer easy to order custom-made cars, and winter is a slow season, while spring is a busier time to sell cars. It is in the dealership's best interest to have an inventory of vehicles. Mr. Weible stated that even if Ronetco does not follow through, the amount of rent he is presently collecting does not cover the taxes he pays to both towns.

Mr. Van Der Heide the attorney representing Mr. Wiebel stated he would not object to a variance limited to one year.

Mr. Wiener agreed a Use variance could be granted in particular cases for special reasons.

Mr. Cecchini opened to the board for their thoughts on the application. Mr. DeBoer asked if the cars go does the Variance go? Mr. Wiener said yes because this is a temporary variance. Mr. Stefanelli disagreed; Mr. Wiener stated case law that supports a temporary variance. Mr. Stefanelli also stated he has concerns regarding the cars parked on gravel. Mr. Cecchini stated that businesses have been allowed to park on areas not paved if they came before the Board. The applicant and tenant have both agreed this is a temporary basis.

Mr. Cecchini opened the meeting to the public.

Mr. Wiener swore in Mr. Bassani of Roberts Way, Wantage NJ. Mr. Bassani's concern is with the long term effect of the language. Mr. Bassani would prefer to enter into a long-term agreement then to issue a D Variance. He suggested the Board coordinate with Sussex Borough so both Boards are on the same page. Mr. Cecchini stated the Attorney advised we put a strict time limit on the application. Mr. Wiener swore in Mr. Morris of Armstrong Road, Wantage NJ. Mr. Morris agreed with Mr. Bassani. He would prefer an agreement instead of a Use Variance and feels it opens the Township Committee to a web of problems by setting a precedent.

Mr. Wiener explained everything you ever grant will have the potential to be challenged. This is a unique circumstance and that will be stated in the Resolution.

Mr. Cecchini asked for a motion to draft a proposed Resolution to be approved at a later meeting.

Mr. Bono made the motion seconded by Mr. Grau. Mr. Bono stated he would like to make sure there is a time limit in the resolution. Mr. Cecchini reminded the Board it is a financial hardship for the applicant to utilize the property parking cars.

INFORMAL

Mr. Carol Bennett of 206 Route 284 appeared before the Board to seek permission to have her 26-year-old grandson and his wife to move into their two family home which is deeded senior housing. The grandson will be a caregiver to the Bennetts and their property. Mrs. Bennett's daughter stated it will be temporary situation. Her son will eventually want to purchase a home of his own, at that time they will have to sell the house. The deed the Bennett's were given when they purchased the property does not state 55 and over. The Board advised Mrs. Bennett she must change the deed to legally allow the grandson to move in. Mr. Wiener suggested they speak with an attorney for proper guidance.

COMMITTEE REPORTS

Mr. Cecchini updated the Board on the property Wantage Stone is mining, Block 11, Lot 5. Following up on a complaint, Mr. Cecchini and Mr. Pellow visited the property. In April, Wantage Stone is due to come in for their yearly review. The weather has been in their favor so they are ahead of schedule. They are preparing a new area to mine; the mining has not yet begun.

ADJOURNMENT

On a motion duly made by Mr. Bassani seconded by Mr. Morris and carried, the meeting was adjourned.

Respectfully submitted,

Jeanne M. McBride, Secretary