

AUGUST 16, 2016

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, August 16, 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: Victoria Gil, Paul Grau, Jon Morris, Patrick Stefanelli, Michael Cecchini, Ron Slate, Bill DeBoer, Michael Walther.

Absent: Ron Bassani, Joanne Kanapinski, Larry Bono. Also present, Angela Paternostro-Pfister Esq. and Engineer Harold Pellow

MINUTES:

Mr. Grau made a motion seconded by Mr. Slate to approve the June 21, 2016 minutes. Including corrections if necessary.

A voice vote was unanimously in favor.

Ms. Paternostro-Pfister believed there was a discrepancy in the minutes regarding the blocks and lots of Wantage Ridge and Wantage Village resolutions.

RESOLUTIONS

Mr. Ken Nelson prepared for the Board, a summary, of the terms of an agreement reached between the Township of Wantage, the declaratory judgement Plaintiff, and Fair Share Housing Center, a defendant in this proceeding.

The Land Use Board has reviewed the Housing Element and Fair Share Plan and has determined it is consistent with the goals and objective of the Township of Wantage's Master Plan.

Mr. Cecchini opened the meeting to the Board for any questions, there being none Mr. Cecchini opened the meeting to the public. Mr. Frank Kirchoff from AMF Developers, 23 Deckerpond Trail, Sussex NJ, felt Wantage did not show a good faith effort and fight to have properties that were omitted, put back in the sewer service area. Mr. DeBoer, Mrs. Gill and Mr. Cecchini all explained it is not the decision of the town to place properties in the sewer service areas. It is up to the County and the State to place properties in the sewer service areas. The Board agreed with Mr. Kirchoff, the Town benefits from properties in the sewer service area, they fought to maintain all properties.

Mrs. Gill made the motion, seconded by Mr. DeBoer to approve Mr. Ken Nelson's presentation in the revised August 1, 2016, Matter of the Township of Wantage Complaint for Declaratory Judgement Demonstrating Municipal Compliance with Constitutional Mount Laurel Obligation. Ayes: Gill, Grau, Morris, Slate, Stefanelli, DeBoer, Walther, Cecchini. Nays: None.

Mrs. Gill made the motion seconded by Mr. DeBoer to approve the resolution to adopt the Housing Element and Fair Share Plan and Amendment to Master Plan. Ayes: Gill, Grau, Morris, Slate, Stefanelli, DeBoer, Walther, Cecchini. Nays: None.

The Land Use Board hereby adopts the HEFSP and amends the Master Plan to include the HEFSP which has been approved by the court in accordance with the requirements of the Municipal Land Use Law and in accordance with the June 16, 2016 Order of the Court granting Substantive Certification and Judgment of Compliance and Repose.

APPLICATION

L-2016-06

Clove Brook Mitigation Site Fencing

Mudtown Road & Skytop

Block 139 Lot 2

The applicant wishes to construct an eight (8) foot deer exclusion fence on portions of the property.

Joseph Murphy from the firm Connell Foley represented James R. Ingram, 962 North Penn Dr., Westchester PA 19380. Ms. Paternostro-Pfister swore in Mr. Ingram.

Mr. Ingram is a self-employed Environmental Scientist. His company EREH, LLC specializes in wetlands mitigation. The DEP requires tree replacement when trees are disturbed along waterways. EREH, LLC is hired to purchase land and replant trees that are native to the area. Trees are planted in the same water management area in which trees were disturbed. Mr. Ingram came before the Board seeking permission to place an eight-foot fence to protect newly planted trees from deer. The DEP is doing away with PVC piping that has protected the trees in the past and now requires an eight-foot fence. Studies have shown deer do not jump an eight-foot fence. The trees will be young trees and seedlings. Due to the poor drainage in the area, it is difficult for larger trees to establish root growth. The trees will eventually grow tall enough to block the sight of the fence. Mr. Ingram explained removing the fence will cause damage to over an acre of established trees. The project is a two-phase project. Phase I trees will be planted this year. Phase II is for a future project. The property consists of 58 acres of hayfields and wooded areas and streams. After five years of monitoring, EREH will donate the land.

Exhibit A1 is an aerial view of the property including surrounding lots

Exhibit A2 is a picture of the Clove Brook mitigation site.

Exhibit A3 is a picture of the fence they propose to use.

Mr. Cecchini opened the meeting to the board for any comments. Mrs. Gill stated if the application is approved she would like to see shrubs planted in front of the fence along the road. Since there were no other comments from the Board, Mr. Cecchini opened the meeting to the public for comments or concerns.

Ms. Paternostro-Pfister swore in Mrs. Patricia Hoffman of 67 Skytop Road and Mr. Michael Bosche of 113 W. Shore Trail Sparta.

Mrs. Hoffman's property borders block 139, lot 2 and is separated by a rock wall. Mrs. Hoffman is concerned the rock wall will be damaged and would like a required distance stated in the resolution. Mr. Ingram said the fence will be placed as close to the wall as the Board allows, State statute protects the rock wall from any disturbance. Mr. Busche asked how far back from the road will the fence be placed. Mr. Ingram said it will be forty-five feet from the edge of the pavement.

Ms. Paternostro-Pfister swore in Sara Bloomer and Denise Loeffel of 74 Moore Road. Ms. Bloomer had questions regarding a drainage pipe connecting her mother's property at 95 Skytop Road and Block 139, Lot 2. Ms. Bloomer would like Mr. Ingram to clean the pipe and stream located on Mr. Ingram's property. The former property owners, as most farmers, lined the stream with rocks to make crossing easier for farm animals and tractors. Mr. Ingram stated he will not alter the stream; nature will take back the stream. Ms. Bloomer and Ms. Loeffel were also concerned cleaning the pipe could wash out Skytop Road. Mr. Ingram explained that by cleaning Mrs. Loeffel's side of the pipe it will force the water through the pipe and help bring back the stream to its natural flow. Ms. Bloomer also took issue with the chemicals used to eradicate the weeds. Mr. Ingram explained he is using far less chemicals than farmers use by spot spraying and all the chemicals are approved chemicals. The spot spraying must be done to control invasive weeds. The spraying will continue through the life of the monitoring.

Mrs. Gill made a motion seconded by Mr. Slate to approve Phase I and Phase II, an eight foot fence, with a five foot setback from the stone wall that is the property line of Mrs. Hoffman, a 45 foot setback with a shrub screen along Skytop and Mudtown Road. Ayes: Gill, Grau, Morris, Slate, Stefanelli, DeBoer, Walther, Cecchini. Nays: None.

INFORMAL

Susan Green is applying for a driveway permit on Quarry Road. Quarry Road does not have a posted speed limit, making the speed limit 50 miles per hour. The driveway does

not have the sight distance for 50 miles per hour. Reducing the speed to 30 mph on a dead end road would give the required sight distance needed. Mrs. Green wanted to know how long the process would take. Mr. Pellow replied it would only take a few weeks.

ADJOURNMENT

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

Respectfully submitted,

Jeanne M. McBride
Secretary