

September 27, 2011

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, September 27, 2011 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, DeBoer, Gaechter, Grau, Smith, VanderGroef. Mmes. Gill, Kanapinski, Attorney Glenn Kienz, Engineer Harold Pellow.

ABSENT: Mssrs. Bono, Slate, Stefanelli.

Mr. DeBoer had to step out on an emergency call.

APPROVAL OF MINUTES

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the minutes of July 26, 2011, with corrections.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

RESOLUTIONS

L-9-2009 ABD WANTAGE, INC.

Mr. Grau made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board's decision of July 26, 2011 granting one year extension of final major subdivision approval to ABD Wantage, Inc. for Block 54, Lots 8.01, 10, 10.08 and 14, located on Lowe Road, Smith Road and County Route 650 in the Residential Environs Zone, pursuant to N.J.S.A. 40:55D-52, subject to the following terms and conditions:

1. The extension granted herein shall be continued to July 28, 2012.
2. All terms and conditions of the Board's aforementioned final major subdivision 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: Cecchini, DeBoer, Gaechter, Grau, Gill, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-11-09 BICSAK BROTHERS REALTY, LLC

Mr. Cecchini made a motion seconded by Mr. Grau to adopt the resolution memorializing the Board's decision of July 26, 2011 granting site plan approval with ancillary "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. 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.
6. 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.
7. Certificate that taxes are paid to date of approval.
8. Sussex County Planning Board approval.
9. 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, DeBoer, Gaechter, Grau, Gill, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-11-03 EREH, LLC

Mr. Grau made a motion seconded by Mr. DeBoer to adopt the resolution memorializing the Board's decision of July 26, 2011 granting subdivision approval with ancillary variance relief to EREH, LLC for Block 130, Lots 8.11 and 8.12 located on Route 628 in the RE-5 zone pursuant to N.J.S.A. 40:55D-47 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 as indicated on the map provided to the Board at the time of the hearing except as modified by any terms and conditions of this action of the Board.
2. The plans shall be revised to show the actual buffer which will exist on the property.
3. The fence which runs along Lot 8.01 in Block 130 shall be removed in accordance with the specific recommendations of the Board Engineer.
4. The small barn and pump house shall be removed from the site.
5. This approval shall be perfected by deeds of minor subdivision unless determined otherwise by the Board Engineer and Board Attorney.
6. 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 the Subdivision Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
7. 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.
8. Certificate that taxes are paid to date of approval.
9. Sussex County Planning Board approval.
10. 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, DeBoer, Gaechter, Grau, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

L-11-08 GEOGENIX, LLC

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board's decision of September 27, 2011 granting site plan approval with ancillary "c" variance relief to Geogenix, LLC for Block 116, Lot 20.01, located on Route 639 in the HC 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 Applicant shall specifically abide by all of the terms and conditions contained in Mr. Pellow's report as discussed at the September 27, 2011 hearing.
3. No alterations to the site shall be made without the express approval of Mr. Pellow's office.
4. 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.
5. 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.
6. 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.
7. Certificate that taxes are paid to date of approval.
8. Sussex County Planning Board approval.
9. 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, Gill, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

APPLICATIONS

L-14-2006 STEVEN LANG

The applicant is requesting third one-year extension of final major subdivision approval. This application was originally approved February 27, 2007 and memorialized March 27, 2007 with the latest extension granted to March 27, 2011. The property is known as Block 9, Lot 152 and is located on Ramsey Road in the RE zone.

Attorney Michael Gaus appeared on behalf of the applicant. Mr. Gaus explained that the applicant had been in negotiations with the property owner and that he needed some more time to be ready.

The applicant had requested to carry this application to the October 25, 2011 meeting. Mr. Grau made a motion seconded by Mr. Cecchini to carry this application

The Board unanimously agreed.

L-9-2008 WHEN PIGS FLY

The applicant is requesting a two-year extension of final site plan approval granted 1/27/09 and memorialized 2/17/09. The property is known as Block 18, Lot 12.08 and is located on Route 565.

Mr. William Gennaro appeared before the Board. Mr. Gennaro stated that there had been delays in construction due to the weather.

Mr. Grau made a motion seconded by Ms. Gill to grant a one-year extension.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-16-2008A 565 LAND DEVELOPMENT

The applicant is proposing to amend a prior site plan approval. The property is known as Block 117, Lot 38.01 and is located on Route 565 in the HC and R-5 zones.

The applicant had requested to carry the hearing on this application to the October 25, 2011 meeting.

Attorney Michael Gaus appeared on behalf of the applicant. Mr. Gaus explained that the parties involved had to have sufficient time to read the transcripts of the prior hearings.

The Board unanimously agreed to grant the request.

L-11-06 CHRISTIAN LEONE PROPERTIES I, LLC

The applicant is proposing to create a 5-acre lot 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.

Mr. Gaechter stepped down on this application.

Attorney Michael Gaus and Engineer Ken Dykstra appeared before the Board on behalf of the applicant.

The professionals made a brief presentation of the application. Mr. Gaus explained that the applicant was proposing to split a 5-acre lot with the existing two houses from a 121-acre tract. He indicated that the existing two structures were proposed to be affordable housing units to be transferred from Lot 1 in Block 102 located on Route 284, the site of a prior application as a 3-lot subdivision in which a duplex was approved for affordable housing. The applicant wished to lift off the housing obligation from Lot 8 on Route 284 so it could be moved to Old Route 84. The applicant wished to also lift the wetlands declaration only simultaneously with a potential conveyance to the National Wildlife Refuge. He stated that if that did not happen, then the conservation easement would not get lifted. Mr. Gaus stated that the existing two units on Lot 4.01 would create the need for a Use variance.

Mr. Cecchini made a brief report of the condition of the site, following the site walk of September 8, 2011. Mr. Cecchini stated that the kitchens and the bathrooms had been renovated recently, that the units had been improved, that they were habitable, that on the outside they were a little deteriorated, that inside they were adequate and better than the outside. Mr. Smith stated that he had viewed the site one week before the site walk and that the only concern he had was that the lot was surrounded by wetlands and that he was concerned about the septic system. The applicant's professionals stated that there was an open area where the septic could be installed.

Mr. Dykstra stated that the units on the 5-acre lot were the original dwelling, a single family home with 2 bedrooms and a well built in 1995 and an apartment over a garage with 2 bedrooms and a well built in 1998. He stated that the units had been upgraded inside, with new furnaces and new softeners and that they were quite livable. As far the existing parking, there was a 3-car garage, where one of the bays was used for storage and the other two bays were used for parking for each unit and that one additional car for each unit could be parked in front of the garage. He stated that Mr. Pellow in his report had recommended a turning area for each unit. He added that there was one driveway access for both units and that there was a former driveway for the house which was at present grown over so it was not used as a driveway but it was basically a yard. Mr. Dykstra stated that there were existing conditions such as setbacks of 29.5 ft. off the right of way for the apartment and 26.5 ft. off the right of way for the house.

When asked by the Board, the professionals indicated that the units would be kept as rental units. Ms. Kanapinski asked what would be done with the balance of the tract. Mr. Gaus stated that a future residential subdivision from 3 to 6 lots, depending on the wetlands workout was planned.

Mr. Dykstra stated that as far as the use, the property was well suited as the units already existed and that no significant changes to the site, that there were no substantial alterations to the character of the zoning district, that the site was particularly suited for this type of development because the units were already there and it is a residential zone, that it promoted the general welfare, that the location was appropriate for residential development and that the affordable housing was considered to be an inherently beneficial use under the general case law in New Jersey even if it was not under the specific definition of the municipal land use law.

Mr. Pellow's report dated June 7, 2011 and revised July 25, 2011 was reviewed. For Item 1d, the report stated that the applicant wished to renovate the buildings on the property. Mr. Pellow stated that the Land Use Board needed to review the plans for both buildings. Item 3.03b stated that the wetlands and buffers were to be shown for the 5-acre lot. Item 4.11d referred to the septic system and the fact that the applicant would need approval from the Health Department that the septic is satisfactory for both buildings. A discussion followed regarding the condition of the septic system for these units. Additional comments were for Item 3, the existing driveway that will have to be redesigned to accommodate two dwellings and 20-foot backout areas for each dwelling, Item 6, the farm road to stay just a farm access at this time, Item 7, Lot 8, Block 1.02 would be available as a market lot if it does not get sold to the U.S. Government. Item 8, \$1,650.00 to be deposited to the Township Road Trust Fund for one new lot.

The application was opened to the public. Mr. Jeffrey Kuchta, a resident of more than 20 years stated that he knew that people living in those two units had septic problems. He stated that he had a new septic system put in two years ago and that he had a lot of problems finding a spot. He was concerned about where a septic system would be installed on that lot which was surrounded by wetlands. He felt that subdividing two buildings in one 5-acre lot was out of character for the area and he was concerned if this would change the zoning as he believed the lots in the area were 30+ acres. He also asked how many people would be allowed to occupy these buildings. He asked why not make two 5-acre lots and he also wondered if he would be able to subdivide his property. Mr. Kienz explained that this subdivision would not change the zoning of the area. Ms. Gill stated that there were some smaller lots on Route 84 which were not 30+ acres. The professionals indicated that it would make more sense to have one 5-acre lot as opposed to two 5-acre lots since the houses already existed and they shared a driveway. Mr. Kienz informed Mr. Kuchta that would be welcome to file an application for a subdivision if he so desired and that he would need to get an engineer and/or a surveyor.

There being no more members of the public wishing to come forward, Mr. Smith closed the meeting to the applicant and opened it to the Board.

It was decided that the applicant would need to get a septic design approval. Mr. Cecchini made a motion seconded by Mr. Grau to approve the use variance and to transfer the affordable housing units from Block 1.02, Lot 8 on Route 284 to Block 26,

Lot 4, to lift the conservation easement from Block 1.02, Lot 8 if they transfer to the Federal Government, to carry the subdivision to the January 2012 meeting, and to provide information to Harold Pellow's office on the septic to ensure that it is conforming to modern day standards, even if it requires additional land to be added to the subdivision as originally applied for.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

L-11-8 GEOGENIX, LLC

The applicant is proposing a 50.388 kw photovoltaic system on the Sussex Rural Electric property and to the rear of the property. The property is known as Block 116, Lot 20.01 and is located on Route 639 in the HC zone. Notice has been made for a public hearing.

Attorney Dominick Santini, Mr. Mark Henderson of Geogenix, and Mr. Tom Tate of Sussex Rural appeared before the Board.

A brief review of the application indicated that the applicant was applying for preliminary and final site plan as well as a c variance. It was discussed that no overhead poles would be installed as everything would be placed underground. Mr. Pellow's report dated July 19, 2011 and revised September 21, 2011 was reviewed. It was discussed that a total of 128 kw would be the end result, that the panels would be placed at a 35° angle and that they would be 18" high in the front and 9.5" high in the back. Locations of all existing features and within 200 ft. of the tract boundaries and the 15% slopes were to be shown on a revised map, as outlined on Items 3.01d and 3.01j. Item 3.03 requested the applicant's professionals to certify that no wetlands existed within 150 ft. of the proposed panel disturbance. The applicant's professionals stated that Mr. Ken Wentink had done a survey. However, no written report had been received as of that time. It was discussed that a letter from Mr. Wentink was needed. Plantings were needed to screen the inverter, as discussed in Item 4.

Mr. Kienz stated, for the record, that Sussex Rural was doing quite well in trying to restore power as soon as possible during emergencies. Mr. Henderson inquired clarification of what needed to be submitted and if they needed to come back before the Board. It was explained that they needed to revise the plans to include the items discussed in Mr. Pellow's report and that they did not need to appear again.

There were no members of the public wishing to come forward on this application. There were no comments from the Board.

Mr. Grau made a motion seconded by Ms. Gill to approve this application subject to the conditions on Mr. Pellow's report.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

GENERAL

The applicant for William Hensley Holdings, LLC had requested a waiver of attorney representation for her upcoming hearing on her application on the grounds that she was the only member of the company. The Board agreed that she could represent herself.

INFORMAL

Mr. Owen Valkema, owner of Holland American Bakery addressed the Board regarding solar panels that he would like to install in his backyard. The Board informed him that he would need to apply for minor site plan and "c" variance.

ADJOURNMENT

On a motion duly made seconded and carried, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Stella Salazar
Secretary