

**October 25, 2011**

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, October 25, 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. Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, VanderGroef, Stefanelli, Smith. Ms. Kanapinski, Attorney Glenn Kienz, Engineer Harold Pellow.  
ABSENT: Ms. Gill.

Mr. Stefanelli arrived at 7:40 p.m. Mr. VanderGroef arrived at 8:00 p.m.

**APPROVAL OF MINUTES**

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the minutes of September 27.

ROLL CALL VOTE:

THOSE IN FAVOR: Cecchini, DeBoer, Gaechter, Grau, Smith, Kanapinski.

THOSE OPPOSED: None. MOTION CARRIED.

**MEETING SCHEDULING**

A special public meeting with the purpose of hearing the application of Owen & Stephanie Valkema was scheduled for Monday, November 7, 2011 at 10:00 a.m. at the Municipal Building.

The regular meeting scheduled for Tuesday, November 22, 2011 was rescheduled to Tuesday, November 29, 2011.

**ORDINANCES**

**SMALL WIND ENERGY SYSTEMS**

Mr. Cecchini made a motion seconded by Mr. Bono to recommend passing this ordinance to the Committee for its approval.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Stefanelli, Kanapinski.

THOSE OPPOSED: None. MOTION CARRIED.

**SOLAR ENERGY SYSTEMS**

Mr. Grau made a motion seconded by Mr. Bono to recommend passing this ordinance to the Committee, with corrections, for its approval.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Stefanelli, Kanapinski.

THOSE OPPOSED: None. MOTION CARRIED.

**OUTDOOR WOOD BURNING FURNACES**

Mr. Grau made a motion seconded by Mr. Bono to recommend passing this ordinance to the Committee, for its approval.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Stefanelli, Kanapinski.

THOSE OPPOSED: None. MOTION CARRIED.

Mr. Smith stated that he had given a “no” vote on this ordinance before. However, after it was revised he felt that there were enough safeguards that warranted a “yes” vote.

## **RESOLUTIONS**

### **L-9-2008 WHEN PIGS FLY**

Mr. Grau made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board’s decision of September 27, 2011 granting one year extension to When Pigs Fly, LLC for Block 18, Lots 12.08 and 5 located on Route 565 in the Industrial and Airport Hazard zones subject to the terms and conditions subject to all terms and conditions of the previous approval remaining in full force and effect.

ROLL CALL VOTE:

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

THOSE OPPOSED: None. MOTION CARRIED.

### **L-11-06 CHRISTIAN LEONE PROPERTIES I, LLC**

Mr. Grau made a motion seconded by Mr. Cecchini to adopt the resolution memorializing the Board’s decision of September 27, 2011 granting use variance and carrying the subdivision to the January 2012 meeting to Christian Leone Properties I, LLC for Block 26, Lot 4 and Block 1.02, Lot 8, located on Old Route 284 and New Jersey State Highway 284 in the RE-5 and R-E Residential Environs Zones, pursuant to N.J.S.A. 40:55D-70(d). In addition, the Board at this time determines that it will take no action on the subdivision but will instead carry it to its January 2012 regularly scheduled meeting. The approval of the use variance is subject to the following terms and conditions:

1. All terms and conditions of the previous approvals shall remain in full force and effect.
2. The Applicant shall adhere to all the specific recommendations contained in Mr. Pellow’s July 25, 2011 report as set forth therein.
3. The Applicant shall provide an additional \$1,650.00 to the Road Trust Fund for the creation of the one (1) new lot.
4. The Conservation Easement for Block 1.02, Lot 8 shall be eliminated if the land is transferred to the Trust.
5. 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.
6. 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.
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, Grau, Kanapinski, 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 November 29, 2011 meeting. Mr. Grau made a motion seconded by Mr. Cecchini to carry this application

The Board unanimously agreed.

### **L-11-07 WILLIAM HENSLEY, LLC**

The applicant is proposing to subdivide 4.01 acres from Lot 9, Block 32 to be annexed to Lot 4.08, Block 32. The property is located on Mount Salem Road in the R-5 zone.

Mr. Kienz noted that the applicant, Melissa Hensley, had requested a waiver of attorney representation since she was the only member of the LLC. The Board had approved her request at the September 27, 2011 meeting.

The applicant, Melissa Hensley, appeared before the Board. It was discussed that the remainder area for Lot 9, Block 32 would be 57.715 acres and the resultant area for Lot 4.08, Block 32 would be 9.591 acres.

Mr. Pellow's report dated July 15, 2011 was reviewed. Mr. Pellow noted in Item 1 that 250 ft. lot frontage was required and 52.9 existed as was previously approved by the Land Use Board under a major subdivision. Item 2 made reference to the entire 4.01 acres being located in wetlands and transition areas and would become a conservation easement to be annexed to the conservation easement on Lot 4.08, Block 32. A copy of the filed map for Lot 4.08 to be submitted to determine the wetlands and transition area limits and a copy of the approved map for Lot 9 to be submitted to verify the wetland limits and transition areas. It was discussed that the applicant wished to make the lot bigger to keep her goats. The resultant lot would be very irregular in shape, no Road Trust Funds would be required as no new lots would be created, and a deed was needed for the resultant Lot 4.08. Mr. Kienz commented that the Corporate Disclosure Statement on Page 2 of the application was sufficient.

There was no one from the public wishing to come forward on this application. There were no questions from the Board members.

Mr. Kienz asked the applicant if she had filed an application with the County. She stated she did not. Mr. Kienz informed her that she needed to file with the County before she would submit the deeds for review.

Mr. DeBoer made a motion seconded by Mr. Bono to approve this application subject to Mr. Pellow's report.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Kanapinski, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

### **L-11-10 OODSTDYK REALTY, LLC (ROYAL BUICK, GMC)**

The applicant is proposing to construct a 1,868 SF addition to the existing building to be used as an enclosed service drop-off area. The property is known as Block 2, Lot 52.02 and is located on Route 23 in the HC zone.

Attorney James D. Opher, Architect Mark Carelli, and owner of the company, Engle Oostdyk, appeared before the Board. Mr. Opher explained that the proposed 1,868 SF addition would be added to an existing 15,000 SF building. Mr. Opher discussed one of the items on Mr. Pellow's report, Item 4, a major revision to the façade of the building. He stated that there was major encouragement by General Motors to standardize the look of the building and incentives are being given for improvements. Mr. Carelli explained the details of new façade. Mr. Opher explained that for Item 10 of the report, painting was proposed of the existing stucco system to bring uniformity to the building. Mr. Opher explained the lack of prior resolutions of the original site plan. Mr. Pellow pointed out Item 9 on Page 2 of the report where the sign requirements needed to be shown as per the ordinance 13-17.14. Mr. Opher indicated that the requirements had been shown on the last page of the revised plans.

There were no members of the public wishing to come forward on this application. Mr. Smith asked what safety conditions would be in place during the construction time. The professionals indicated that during the construction time the service area would be relocated to the back of the building where another entrance existed. Mr. Smith stated the Board needed to know that and that a meeting would be necessary to explain the details.

Mr. Cecchini made a motion seconded by Mr. Bono to approve this application subject to Mr. Pellow's report and to a letter of no interest from the county.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Cecchini, DeBoer, Gaechter, Grau, Slate, Stefanelli, Kanapinski, 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.

Board members Cecchini, DeBoer, and Gaechter stepped down.

Attorney Michael Gaus appeared before the Board.

For this application, Addendum 1, Transcript of Proceedings, was made part of the minutes on the hearing testimony.

Mr. Gaus explained that there had been two prior hearings on this application, March and June of 2011. Mr. Zummo had testified at the initial hearing. Mr. Fletcher, the soil scientist, had done his direct testimony at the first hearing in March and then his cross-examination was done at the meeting in June. Mr. Gaus stated that at tonight's hearing they would have Mr. Wayne DeFeo, who would be qualified as an environmental consultant and expert in recycling and solid waste. They would have Ken Wentink, the engineer, for a very short testimony, and they would have Jill Hartmann, the professional planner, who would provide professional planning opinions on both the interpretation with respect to whether or not bringing in the compost is part of a permitted use under the Township's existing zoning, and in the alternative, planning testimony for the use variance.

Mr. Smith stated that he had one question for the witness regarding the unblended material, when it's brought on the site; if it happened to be stored there for a period of time, would that material go through a breakdown, further breakdown, of that material in the process while it's sitting there?

Mr. Gaus stated that they had submitted a report from Mr. DeFeo. The report was not part of the original package back in March. It was submitted in October. Exhibit A-1 was submitted previously, which was a color copy of Mr. Wentink's map that showed the area where this part of the operation would be going on and A-2 was Mr. Fletcher's report. Since that was not part of the checklist materials, Mr. Kienz wanted that actually listed as an exhibit. Mr. Gaus to mark Mr. DeFeo's report as Exhibit A-3. Mr. Gaus added that they had a court reporter with them tonight at Mr. Kienz' suggestion. It was discussed that the transcript would become an addendum to the minutes.

Attorney Keith Hyche representing Mr. Emil Conforth, asked Mr. DeFeo a few questions regarding his qualifications. Mr. DeFeo proceeded to present his report, followed by Mr. Ken Wentink, Ms. Jill Hartman, and Mr. Tom Zummo.

It was decided that the vote would take place at the November 29, 2011 meeting to allow the Board members who had missed some of the hearings to review the transcripts. The applicant agreed to grant an extension of time to December 31, 2011 and the application was carried to November 29, 2011.

Mr. Bono made a motion seconded by Mr. Grau to carry the application to the November 29, 2011 meeting, without prejudice, no further notice required.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, Grau, Slate, Stefanelli, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

### **GENERAL**

Mr. Smith stated that he wanted to establish a Route 23 Corridor committee and asked of the members if anyone was interested to please let him know.

### **ADJOURNMENT**

On a motion duly made seconded and carried, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Stella Salazar  
Secretary