

September 17, 2019

A regular meeting of the Wantage Township Land Use Board was held on Tuesday, September 17, 2019 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

Ms.Gill invited all persons present to participate in the Pledge of Allegiance.

ROLL CALL

PRESENT: Ron Bassani, Larry Bono, Bill DeBoer, Bill Gaechter, Victoria Gill, Joann Kanapinski, Joseph Konopinski, Ron Slate, Michael Walther, Alternates: Chuck Meissner, Justin Dudzinski. Absent: Michael Cecchini. Attorney, Angela Paternostro-Pfister. Engineer, Harold Pellow. Secretary, Jeanne McBride

MINUTES

Mr. DeBoer and Mr. Meissner requested additional information be included in the July 16, 2019 minutes. The July 16, 2019 minutes were carried to the October 22, 2019 meeting

RESOLUTIONS

L-2019-01

Mr. Bono made the motion to approve, seconded by Mr. DeBoer resolution L-2019-01, Chuck Meissner Block 117, Lot 34, located on Route 565. Ayes: Bono, DeBoer, Gill, Kanapinski, Konopinski, Slate, Walther. Nays: None.

L- 2019-03

MJMA Mining, Gravel, and Sand LLC
Block 21 Lots 8,9,10
Lower Unionville Road & Route 284
Minor Subdivision, Preliminary Site Plan and C&D Variances

For clarification

Block 10 is not owned and operated by MJMA and should not be part of the application, Ms. Paternostro-Pfister sent an updated Resolution today, it was emailed to all Board members.

Ms. Paternostro-Pfister recommends preliminary site plan approval, as long as there is not an amendment to the soil importation application. Is contingent on the seconded half

of the application. If there is an issue with the bifurcation portion and creates a major change, the applicant will need to come back and re-notice.

Mr. Meissner argued if a site plan approves the importation of fill, you can't go back and say you can't import fill. He warned the Board to be very careful.

Ms. Paternostro explained the application has already been approved, we are here tonight to memorialize the Resolution. The Board cannot reconsider the application.

Mr. Meissner asked Ms. Paternostro-Pfister to explain bifurcation. She explained it is done regularly, most of the time it is done because the application is a difficult application. It usually consists of two applications. The board makes a decision on one side of an application, before going through with second part.

Mr. Meissner asked Mr. Pellow about the soil importation. Mr. Pellow told Mr. Meissner, soil importation was not discussed. Soil importation will be discussed at the next meeting.

Ms. Paternostro-Pfister ask for specifics in what should be included in the Resolution. She also warned the Board, discussion regarding what was voted on cannot be opened up regarding the application.

Mr. Meissner stated the application was not contingent, but slightly, contingent on the fact that they were in compliance with the agreed no more than 6 acres of disturbance, He stated there were 30 some acres of scalped acres with weeds growing on it. He said Mr. Pellow stated five time the bond would not cover it. Mr. Meissner believes that alone is enough to scrap this.

Ms. Gill ask the Board to make a motion to table the resolution, Mr. Meissner interrupted until it's corrected. Mr. DeBoer made the motion seconded by Mr. Walther. Ayes: DeBoer, Gill, Kanapinski, Konopinski, Slate, Walther, Meissner, Dudzinski. Nays: None. The Board agreed to carry the Resolution to the next meeting

APPLICATIONS

L-2019-06

Clove Cemetery Association

Block 39, Lot 3.01

Located on Route 23

The Applicant is applying for preliminary site plan and "D" variance to construct a cemetery in the HC-Highway Commercial Zone.

Mr. Gaechter and Mayor Bassani stepped down from the dais due to a "D" variance.

Megan Ward from the Law Firm Kelly & Ward, Newton NJ, represented Clove Cemetery. She introduced Bruce LeBar, President of the Clove Cemetery Association, Allen Campbell Professional Engineer, and Eric Snyder, Professional Planner.

Ms. Ward explained the existing cemetery has approximately sixty-five graves available. In 1998 while planning for the future the Cemetery Association acquired property to expand.

Angela Paternostro-Pfister swore in Allen Campbell, Professional Engineer, Branchville

Mr. Campbell introduced exhibit A1

Sept 17, 2019 overlay color sheet of pages 2 & 3 of the site plan. The lot is 8.11 acres in the Highway commercial Zone. Mr. Campbell described the location and the surrounding area. The entrance has a site distance of 1000 both north and south. Clove Brook is in the rear of the property, the wetlands have been evaluated. Clove Brook is currently in the 150 reparation zone. All disturbance is outside the flood zone. The proposed plan includes an entrance road on the south side of the property. The road is designed as a loop, the road is wide enough to have a car pass a parked vehicle. There is a slow rise from Route 23 to the center of the property. For more uniform grade, the back of the property will be filled in, which will provide a better location for cemetery plots. The steepest grade is at eight percent, the driveway has a grade not greater than four percent. Three rain gardens are proposed.

The Cemetery will require 9000 cubic yards of fill for grading. The gravesites will become part of the fill in the rear of the property. As graves are dug, that soil will be used as fill. There will not be stockpiles of soil sitting on the property.

The pavement will consist of four inches of aggregate. No buildings are intended, so no setbacks are included on the site plan. Although, no sign is proposed, after receiving approval from the Cemetery Board, a temporary sign pertaining to the future home of the cemetery will be posted, according to the Wantage sign ordinance.

Ms. Ward, Mr. Campbell and Mr. Pellow discussed Mr. Pellow's report.

There is a current LOI application pending with the DEP.

The Sussex County Planning report is pending.

Easements are pending.

Mr. Pellow asked Mr. Campbell to discuss the soil. The soil consists of loamy, sandy gravel, by removing the soil from the high ridge it is suitable for fill and grave sites if necessary.

Ms. Gill asked if there are any questions for Mr. Campbell,

Mr. Meissner inquired if there will be a fence around the graves, Mr. Campbell replied it is not proposed.

Mr. Meissner asked if the area in the transition area will be farmed or let go to its natural state. Mr. Campbell said the area around the woods would let go to its natural state. Mr. Meissner was referring to the area between the grave area and the transition area, Mr. Campbell stated the area will be grass.

Mr. Walther questioned the proximity to the brook. Mr. Campbell said the edge of the wetlands must be fifty feet before any disturbance. Discussion regarding areas that flood continued.

Mr. DeBoer asked if the DEP had concerns regarding endangered species, Mr. Campbell explained the application is still under review, it is a concern the DEP is studying.

Ms. Gill opened the application to the public for question or comments.

Kathy Gorman Fernwood Ct. asked how far from the Clove Brook is the cemetery and what will happen when the DEP changes the regulations to 300' in the riparian zone. Mr. Campbell said the cemetery is 75 feet, he will have to work with the DEP in getting the necessary approvals. Today the riparian is 150 feet, if that changes to 300-feet the site plan will change. The line does not prohibit, it regulates.

Angela Paternostro-Pfister swore in Eric Snyder, Newton as a Professional Planner.

Since a cemetery is not an approved use in the Highway Commercial Zone Mr. Snyder discussed the positive criteria and special reasons and the negative criteria.

- It is a link for families to go back 100's of years.
- Families find solace.
- It is a piece of the framework of any municipality.
- The existing cemetery has a need for more spaces.
- Because it is part of the existing cemetery, there is a need to be close to the existing cemetery.
- The Engineer worked on a safe and environmentally appropriate plan.
- It is an appropriate space and addresses the public welfare.

Negative criteria:

Cemeteries are not approved in any zone, because they are hard to regulate.
There is nothing in the Master plan implying any issues with cemeteries.
There is no substantial negative impact.

Bruce LeBar, President of the Clove Cemetery Association was sworn in by Ms. Paternostro Pfister.

Ms. Gill asked the number of graves in the existing cemetery, to which Mr. LeBar replied "give or take 4000." Mr. LeBar stated the new cemetery would not have a mausoleum.

The new cemetery will resemble the existing cemetery, with individual footings for each headstone. The association purchased the land in 1998. He also explained the State Cemetery Board decides the final plan.

Ms. Gill opened the application to the public.

Gail Lawlor of Wantage asked if the American Legion had an issue with the cemetery. The response was no.

There being no other public with questions, Ms. Gill opened the application to the Board.

Mr. Meissner verified the application was for preliminary site plan and a "D" variance.

Mr. DeBoer made the motion to approve the preliminary sit plan approval and "D" variance pending state approval. Mr. Slate seconded the motion.

Bono, DeBoer, Gill Kanapinski, Konopinski, Slate, Walther

Ms. Gill again opened the meeting to the public for comments, as there were none, she asked for a motion to adjourn.

ADJOURNMENT

On a motion duly made by Mr. DeBoer, seconded by Mr. Konopinski and carried, the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Jeanne M McBride, Secretary