
CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:32pm and stated it was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

FLAG SALUTE:

ROLL CALL: Members Present: Hughes, Luthman, Randazzo,
Corcoran, Hahn, Didyk, Taylor, O'Leary.

Members Absent: O'Connor, Straub, Leuthe.

Also Present: Nevitt Duveneck, PE

MINUTES: July 8, 2008.

A motion to approve the minutes of the July 8, 2009 special meeting with the noted corrections was made by Mr. Randazzo. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Luthman, Randazzo, Taylor, Didyk, O'Leary.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. With no public being present, the meeting was closed to the public.

OLD BUSINESS:

1.) Ridgeline Protection Ordinance

Mr. Randazzo explained the line of sight for the ordinance. His recommendation was to use a line of sight 500 feet from the top of the ridge. Mr. O'Leary explained to Mr. Duveneck what the Board was trying to achieve. Mr. Duveneck asked if the ordinance allows for woodland management. There was a discussion on how to determine the line of sight. Mr. O'Leary explained the Board's objective was to try to keep structures below the line of sight and prevent clear cutting of the trees. He said the Board had discussed the possibility of allowing a walking trail no more than five feet in width. Mr. Duveneck said a map needs to be developed to go along with the ordinance. There was a discussion on the need for a map that coincides with the proposed ordinance. Mr. Hughes suggested the Board allot five hours of its engineering budget to the development of a ridgeline map which will identify the top of the ridges. Mr. Duveneck will work on a map and get it back to the Board as soon as possible. The Board agreed to carry the ridgeline ordinance to the February 26, 2009 meeting.

2.) Ordinance Revisions

Mr. O'Leary noted the Board has gone through the definitions and the Board now needs to set a process to move forward with the rest of the ordinance. The Board Secretary felt the Board should be able to get the work product from H2M that had already been paid for. Mr. Corcoran suggested a subcommittee be formed to work on the ordinance and then report back to the Board. Mr. Taylor felt the chart or tables for the setbacks, lot widths etc... was a good idea however then just one part of the ordinance could not be updated without the entire ordinance being sent up to the Township committee because the chart would not apply to the unfinished part of the ordinance. However he felt future changes would be much easier with the chart. The Board agreed this was the way they wanted to go. Mr. O'Leary asked if anyone wanted to be part of the subcommittee. Mr. Taylor volunteered for the subcommittee. Mr. Luthman suggested the residential section of the ordinance should be addressed first. Mr. O'Leary agreed. The Board agreed to finish up the definitions and then move onto the residential section.

3.) Updates to Coded Systems

Mr. O'Leary gave a list of ordinances that were not in Coded Systems to the Board Secretary. The Board Secretary will follow up with the Township Clerk to make sure they get posted promptly.

4.) Barsumyan Application

The Board Secretary noted she had found the original subdivision resolution which said the road needed to be realigned both horizontally and vertically. She will send a copy of the resolution to the applicant for their use. Mr. Duveneck felt the road was not fully

realigned as per the resolution required. Mr. Luthman recalled the roadway needed to be moved over to create a new roadbed and the existing road was to become a cul-de-sac.

NEW BUSINESS:

1.) Lafayette Holdings – Paving of Loading Area

The transcript was requested by the applicant because there was a question about the paving of the loading area. Mr. Duveneck felt the engineers could work it out if that is what the Board felt was appropriate. Mr. Taylor felt the engineers should handle the paving issues and it would not be necessary to have the applicant return to the Board. Mr. O’Leary asked the Board Secretary to have the Board Attorney write an amended resolution authorizing the Board Engineer work with the applicant’s engineer if paving is necessary.

2.) Signs

Mr. O’Leary noted some case law on inflatable decorations and signs and it may impact all ordinances. Mr. Taylor said he spoke to the Zoning Officer and he said the sign ordinance is very confusing and needs to be addressed. The Board agreed to carry this matter to the April workshop agenda.

3.) Public Zone – Need for Bulk Requirements

Mr. Duveneck noted the Public Zone has no bulk requirements. He said he noticed this while he was working with Waste Management and their request to pave their parking lot. He said the current zoning map shows the lot in the Public Zone however when the application was approved it showed it in the Light Industrial Zone. He said he had checked back in past zoning maps and it never shows as the Light Industrial Zone. He said he spoke to Ms. Reading and she agreed Waste Management should come back to the Board. Mr. Duveneck asked if the zoning map was correct. Mr. Luthman said he recalls the whole area was zoned Light Industrial when this property was owned by Hamm’s Sanitation. He said when the County was putting in the landfill the area was rezoned to Public. Mr. Hamm objected to the rezoning and the Board rezoned his property back to Light Industrial. The problem was it was never reflected on the zoning map. Mr. Duveneck said if the Board makes Waste Management come back to the Board he does not know what the Board would apply to their application since there are no bulk requirements. Mr. Duveneck said the zoning map needs to be corrected if the property was rezoned and if the property is zoned a public then there needs to be some bulk requirements put in place. Mr. Duveneck said he has visited the site and has done quite a bit of work to feel comfortable with the site. He explained the drainage at the site. The Board Secretary will look for the application for Hamm’s Sanitation and report back to the Board at the next workshop meeting. There was a lengthy discussion on what possibly could have happened during the rezoning of the area and why the zoning map may not be correct.

4.) Waste Management

This has already been discussed with the Public Zone issues.

5.) Peck Subdivision Report

Mr. O’Leary asked how the Board should move forward with this application since the Board’s new Engineer has not had an opportunity to review the application. The attorney has also sent a letter objecting to the bill from H2M since they sent a report that was incorrect and was inferior work. The applicant felt they should not have to pay for a new engineer to review the application again. Mr. Hughes suggested a letter be sent to H2M stating the applicant’s position and the Board will not pay for the inferior work product. Mr. Duveneck said he has spent time reviewing this application and he suggested they move forward by preparing a report based on the H2M report and any future material that comes in. Mr. Duveneck said there was a building that was not on the site plan and he feels it should be and a new map would need to be submitted. He said he has spoken to the applicants engineer already. The Board agreed Mr. Leuthe will meet with H2M to discuss the billing that is still unpaid. Mr. Hughes suggested the Board send a letter to H2M saying we will not pay for the incorrect report. Mr. Randazzo said they did send a corrected report and that will make it hard to say we are not going to pay them for their effort. The Board agreed to find out how much the H2M bill was for and how much

money is left in the escrow account. They also agreed Mr. Leuthe should set up a meeting with H2M to discuss bills.

RESOLUTIONS:

1.) Nouvelle SP05-12, MJR05-13 B:9 L:6,7,17,21.01

Mr. O’Leary said Mr. Philips, Esq. was planning on being at next weeks meeting so the Board agreed to carry this to the February 26, 2009 meeting. Mr. Duveneck said he looked over the resolution and application and he felt the landscape plan and lighting should be approved by the Board and not between the engineers. He said he spoke to Mr. Ken Dykstra and asked him to clean everything up on the plans however Nouvelle did not want to do that because they did not want to bring the plans back before the Board.

Mr. Corcoran said what he wanted to see in the resolution was not in the resolution. He said the applicant should demonstrate they cannot get the water onsite and that should be a condition. Mr. Hughes suggested Nouvelle Associates should conduct the water allocation on site and only after that could they proceed with brining water in from Sparta. He said this was discussed during the hearing.

Mr. O’Leary felt Mr. Philips was writing the resolution. Mr. Corcoran said it was the Board’s job to write the resolution and tell the applicant what the conditions will be.

There was a discussion on what should be in the resolution. Mr. Randazzo suggested a reference to the Sparta Township Water Utility in addition to Sparta Township in the resolution. Mr. Hughes wanted reference to the fact the water will be coming from the Highlands Water Region.

Mr. O’Leary suggested Board Members get any changes, comments or additions to the resolution to the Board Secretary by next Wednesday so she can incorporate them and the Board can vote on the resolution next week.

There was a lengthy discussion on the lack of architectural drawings in the application. The Board agreed they need the drawings to their approval and this needs to be included as a condition of the resolution.

TRC REPORT: None.

EXECUTIVE SESSION:

A motion to go into executive session to discuss personnel was made by Mr. Corcoran. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Hahn, Didyk, Taylor, O’Leary.

A motion to come out of executive session was made by Mr. Hahn. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Hahn, Didyk, Taylor, O’Leary.

CORRESPONDENCE:

- 1.) From: ANJEC
Re: 2009 Smart Growth Planning Grants for Municipalities
- 2.) From: NJLM
Re: Charitable Clothing Bins – Chapter 209
- 3.) From: Land Use Board
To: Chip O’Connor
Re: Items Identified by the Board for Zoning Officer to Address
- 4.) From: Mr. Allen Langjahr, Esq.
Re: Peck Subdivision and their objection to the distribution of escrow for the H2M report.
- 5.) From: Mark Hontz, Esq.
Re: Casagrande Application – Request to Suspend Application

- 6.) From: George Sweeny, Esq.
Re: Request to be Placed on February 26, 2009 Agenda.
- 7.) From: Ursula Leo, Esq.
Re: Thank You Note.
- 8.) Zoning Practice – Public Markets
- 9.) From: Frankford Township
Re: Invitation to Attend Meeting on Open Space and Recreation Plan – Copy to Board Members.
- 10.) From: Richard Keiling, Esq.
Re: Barsumyan Subdivision – Asking to Carry Application to March 25, 2009 Meeting.

ADJOURNMENT:

A motion to adjourn was made by Mr. Hahn. It was seconded by Mr. Hughes and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary