

CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:39pm and stated the meeting was open to the public in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

FLAG SALUTE

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

Members Absent: Hughes, O'Connor, Luthman, Leuthe.

Also Present: Nevitt Duveneck, PE
Ursula Leo, Esq.

MINUTES: July 24, 2008, July 31, 2008, August 21, 2008, August 28, 2008, September 18, 2008, September 25, 2008.

A motion to approve the minutes of the July 24, 2008 meeting minutes with the noted corrections was made by Mrs. Straub. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Randazzo, Corcoran, Hahn, Didyk, Taylor, Straub, O'Leary.

A motion to approve the minutes of the July 31, 2009 meeting minutes with the noted corrections was made by Mr. Randazzo. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Randazzo, Corcoran, Hahn, Taylor, Straub, O'Leary.

A motion to approve the minutes of the August 21, 2008 meeting minutes with the noted corrections was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Randazzo, Didyk, Taylor, Corcoran, O'Leary.

A motion to approve the minutes of the August 28, 2008 meeting with the noted corrections was made by Mr. Randazzo. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Randazzo, Corcoran, Hahn, Didyk, Taylor, Straub, O'Leary.

A motion to approve the minutes of the September 18, 2008 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Randazzo, Corcoran, Hahn, Didyk, Straub, O'Leary.

A motion to approve the minutes of the September 25, 2008 meeting with the noted corrections was made by Mr. Randazzo. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Randazzo, Corcoran, Hahn, Didyk, Straub, O'Leary.

AUDIENCE:

Ms. Danita Jiggetts of 95 Meadows Road said she will be coming before the board next month looking for a dog kennel licenses. She said she has 4 yorkies, three miniature schnauzers and three Shih Tzu that are above and beyond the four that are already licensed. She said she is over the limit by 10 dogs for a total of 14 dogs. She said she breeds the ten unlicensed dogs. Ms. Jiggetts noted the ordinance requires an outdoor kennel structure. She said she is not looking to board dogs. She said these dogs are her pets. She said she has a room off of her dining room which is dedicated to the dogs. The room is 130 square foot with hardwood floors. She said she has puppy playpens which are a 9 foot square area. All of the dogs are updated on their shots. She said they are outside in a 12X12 concrete dog run for their outside time. The dogs are not outside all day and they are not outside at night. She said she does not want an outdoor kennel for her dogs. She said she does not use stud dogs.

Ms. Jiggetts had pictures of her facilities which she wanted to show to the board. She noted there are three other kennels within Lafayette. She said one is Schering Plough and the other two are private residents. She is asking for the same thing. Ms. Jiggetts said the board members are welcome to come to her house and see the setup.

Mr. O'Leary said the board does not have any paperwork to look at and was not prepared to address this issue. Mr. Corcoran asked if a kennel is a permitted use in the residential

zone. Ms. Jiggetts said her attorney found an ordinance for a home occupation. Mr. Corcoran felt a home occupation and a kennel are two different things. Mr. O'Leary said the issue is the number of dogs Ms. Jiggetts owns.

Mr. Randazzo asked if the board had jurisdiction over an ordinance in Chapter 5. Ms. Leo said the board can hear this type of application because it is not a permitted use in the zone. Mr. Corcoran advised Ms. Jiggetts she will need to submit an application to the board.

Ms. Leo explained to Ms. Jiggetts the need for a variance and that the board has jurisdiction over the kennel use. She said the board has no jurisdiction over the kennel licenses. Ms. Jiggetts said she wanted the kennel license however she did not want to construct the outdoor kennel structure. Mr. O'Leary noted the language in Chapter 5 use the word "shall" and this board has no control over what the Chapter 5 ordinance says.

With nobody else coming forward, the meeting was closed to the public.

OLD BUSINESS:

1.) Ridgeline Protection Ordinance

Mr. Randazzo said he had marked up a copy of the map drawn by Finelli Consulting Engineer's. He explained to the board what he was proposing. He proposed a setback along an actual ridgeline. He said the board created a definition of a ridgeline. He measured a 500 foot setback from a line that was drawn from peak to peak. This would be the setback. He also proposed a second line that would be a restricted area with special required design elements for construction in that area.

Mr. Randazzo noted there would be one property that would fall within the setback and be unbuildable. Ms. Leo said if the property is undevelopable it is inverse condemnation and if the board takes away all potential development and use on the land the township would have to compensate the landowner to the best and highest use on that property. Mr. Randazzo felt this would be a problem for that one piece of property. Mr. Duveneck suggested the lot be taken out of the ridgeline zone. Mr. Randazzo said for the most part the ridgeline protection zone would only take part of the remaining lots in the proposed zone.

Ms. Didyk asked if it would be possible to find out which lots in the proposed zone are not developed as of yet. She was concerned with the lots on Val Court since none of that subdivision has been developed yet. Mr. Taylor asked what would happen if the owners wanted to build a barn on the ridge. Ms. Leo said it is hard to deny a barn with the "Right to Farm Act".

There was a discussion on the clear cutting of trees and the creating of pedestrian trails verses the creation of vehicle access. Ms. Leo suggested the ordinance list the applicability of development and not leave it as a broad term for misinterpretation. There was a discussion on the proposed definition of ridgeline. The board agreed that farming and a pedestrian path would be the only allowable activity in the restricted area and the rest of the proposed ridgeline area will have suggested design elements associated with it.

Mr. Duveneck suggested the planner give feedback to the board on the proposed ordinance. The board agreed to have the planner give his input and to carry this matter to the May workshop meeting.

The board agreed to come up with a definition of development that is exclusive to this proposed ordinance. Ms. Leo and Mr. Duveneck will work on the wording of the definition. Mr. Duveneck will get a map with the developed areas shaded.

The board discussed design elements for the protection area. The agreed it cannot be a subjective. Ms. Leo read from a Colorado ordinance she found online. The board wanted to be able to control colors and architecture. They will defer this to the planner for his suggestions. This matter was carried to the May workshop.

2.) Ordinance Revisions Page 1332-1339 – Residential and Affordable Housing Zones

Mr. O'Leary suggested all of the words in the ordinance that are defined should be in bold print so the reader knows it is a defined term. He felt this would allow the board to remove a lot of the descriptive language in the ordinance. The board agreed the ordinance should read properly by not turning the defined terms around to read the way the definition is listed.

There was a discussion on the need for a site plan for greenhouses. Mr. Duveneck said farmland preservation allows greenhouses without site plan approval. He said some of them are huge and they can create a problem. Ms. Didyk suggested the control be placed on the size of a greenhouse once it exceeds a certain size. The board agreed to try to control the greenhouses according to size. They proposed a maximum greenhouse size of 500 feet before a site plan is needed. Mr. Duveneck had a concern with stormwater run off from some of the larger greenhouses and suggested the stormwater management plan be looked at to make sure there are no site plan problems.

There was a discussion on home schoolings and what constitutes home schooling. Ms. Leo felt it could be controlled with a definition of schools.

There was a discussion on the distance of an animal shelter from a property line. The board agreed to leave the setback at 50 feet.

The board discussed roadside stands. Ms. Leo will get the regulations from the County Agricultural Department. The board agreed to remove the time limit from which the stand is allowed to be in place.

The board discussed the definition of building height. The board asked that the construction official look at the definition and give some feedback. Mr. Duveneck suggested the board look at the height restriction of 35 feet. Mrs. Straub said the issue in the past has always been one of safety with the fire department.

The board carried the remainder of this section of the ordinance to the next workshop meeting.

3.) Rezoning of the Public Zone

Mr. Duveneck asked Mr. Corcoran if there had been discussions at the Township Committee meeting on the rezoning of the public zone where the Waste Management property is located. Mr. Corcoran said they have not discussed it at the township committee. He said he will advise the clerk to put it on the next agenda.

4.) Coded Systems

Mr. O'Leary reported that ordinance 14-1.9 had not been added to coded systems. He said the resolution recommending it to the Township Committee was dated 6-12-07 and it talked about making escrow and application fees part of completeness. The Board Secretary will follow up with the Township Clerk.

5.) Board Procedures for Completeness

Mr. Duveneck suggested the board make the decision on completeness. He said he will make a recommendation to the board and they will decide and vote on completeness. He also suggested that completeness be done at one meeting and then the applicant will notice for a later date. The Board agreed with this procedure.

Mr. Duveneck also suggested the deadline for submission be moved to 21 days prior to a meeting date. The board agreed to change the requirement. Ms. Leo will write a resolution for the board to vote on.

NEW BUSINESS:

1.) Signs

The Board agreed to carry this matter to the May workshop meeting.

2.) Recycling Ordinance

Mr. O'Leary noted the recycling coordinator by statute is putting together a recycling ordinance which is also being considered by the Township Committee and it was referred

to the board for comment. He said there is a section in the proposed ordinance for development and the requirement for a plan for recycling. He suggested to send a letter to the Township Committee to accept the model ordinance with the two noted corrections. The board secretary will send the letter. Mr. O'Leary suggested it be added to the checklist where it applies.

RESOLUTIONS: None.

ORDINANCES: None.

TRC REPORT: None.

BILLS: List #4

Since Mr. Leuthe was not present, the Board agreed to carry the bills to next week's meeting.

EXECUTIVE SESSION:

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

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

CORRESPONDENCE:

- 1.) From: Mark Hontz, Esq.
Re: Casagrande USA, Inc.
- 2.) From: NJPO Planner – Copies to Board Members
- 3.) From: David C. Smith, P.E. – Applies Water Management Group
Re: Notice of Intent to Apply for Treatment Works Approval
- 4.) From: Richard R. Keiling, Esq.
Re: Barsumyan Application – Asking to be carried to the May 27, 2009 meeting date.
- 5.) From: Robert L. Campbell, PE
Re: NVE Satellite Warehouse – Wants to meet with Board Engineer.

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary