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**CALL TO ORDER:**

Mr. O'Leary called the meeting to order at 7:39pm 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, Randazzo, Corcoran,  
Hahn, Leuthe, O'Leary.

**Members Absent:** O'Connor, Luthman, Didyk, Straub,  
Taylor.

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

**HEARINGS:**

1.) AES Property Holdings   FSP09-8       B:17 L:2.05

Mr. George Sweeney, Esq. asked that the application be carried to the May meeting date. He said everything requested by the board engineer has been submitted however it was not submitted with enough time for the engineer to review it. Mr. Sweeney discussed with the board the resolution that had been memorialized on February 26, 2009 granting a one year extension. Ms. Leo stated she has spoken to Mr. Sweeney prior to this meeting about any possible conflict due to the fact Mr. Garafalo from Laddey, Clark and Ryan had represented the prior owner of the property and it was determined there was no conflict of interest. Mr. Sweeney said even if there was any conflict he was willing to waive any conflict.

Mr. Sweeney noted in the preamble of the latest resolution, it talked about the December 22, 2005 meeting and that it was determined the application was fully conforming and had been granted preliminary approval. He said there was a second resolution memorialized in May 2006. He said the second resolution talks about the applicant making the decision as to whether or not the COAH gets built. He said the May 2006 resolution also needs to be extended. He said the new applicant does not want to build the COAH units. He said the plans that were submitted to the engineer only show the commercial space. He said he just wanted to clarify this for the record.

Mr. O'Leary said the lot was only going to be subdivided to accommodate the two septic systems. Mr. Hughes said the subdivision was not approved and would only be approved if the COAH was being built. Mr. Hughes said the new application for final would have to meet the current ordinance. Mr. Sweeney said it was not a new application being presented. Ms. Leo said the board will get all of the resolutions out to everyone before the next meeting so there is no confusion.

Mr. Duveneck suggested the board act on the completeness issue and recommended it be deemed incomplete. A motion to deem the application incomplete was made Mr. Randazzo. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Hahn, Leuthe, O'Leary.

2.) Barsumyan           MNR08-16    B:17 L:2.05

Mr. O'Leary read a letter from Mr. Joseph Golden, PE asking to carry the application to the May meeting because he was still working on the road realignment issue. Mr. Duveneck said he is still waiting for the requested information. Ms. Leo said she will contact the applicant's attorney and advise him they must appear next month or the matter will be dismissed.

3.) Peck, Harold       MNR09-1, VAR09-2 B:14 L:11.01

Mr. Duveneck said he was still waiting for some missing information. He said he did speak to the applicant's engineer regarding the missing items. He made a recommendation to deem the application incomplete. A motion to deem the application incomplete was made by Mr. Hughes. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Leuthe, O'Leary. Mr. Hahn voted in the negative.

4.) Handweg Drive Realty   VAR08-14    B:14 L:7

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Ms. Leo said she contacted the applicant's attorney and he responded by saying he did not have any new information for her. A motion to deem the application incomplete based on a report from H2M was made by Mr. Randazzo. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Hahn, Leuthe, O'Leary.

5.) Casagrande MNR09-3, SP09-4, FSP09-5, VAR09-6, VAR09-7 B:15 L:6.01  
Mr. O'Connor, zoning officer, was to report back to the board after speaking with the applicant. To date the Board Secretary does not have a report from Mr. O'Connor. The board agreed that Ms. Leo should write a letter to the applicant's attorney advising them of the areas they are in violation of the ordinance.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With nobody present, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Ridgeline Protection Ordinance

Mr. Duveneck said he forwarded the ordinance to the planner and asked for him to have something ready for the next workshop meeting. Mr. Duveneck discussed with the Board the no build zone. He said there are vacant lots within the no build zone where there is enough room to build a house and still abide by the proposed ordinance. He said he asked the assessor for the block and lot numbers to see exactly which lots are not built on. He was still waiting for the list. Mr. Duveneck discussed his ridgeline map with the board and explained the various shaded areas.

Mr. O'Leary asked about the professional contracts. Ms. Leo said Mr. Clark from her office spoke to the township attorney and they made some changes to her contract. The township attorney will send a copy of the changes to the board secretary for signatures and distribution.

Mr. Duveneck said there was one minor date change that needed to be made. He said his fee schedule needs to be referenced and attached as an addendum. Those changes will be made and then distributed for signatures.

Mr. O'Leary said there is legislation about to be passed making wind and solar towers inherently beneficial. Mr. Duveneck said they are the same as cell towers when it comes to being beneficial.

Mr. Hughes said the township attorney asked Nouvelle Associates for \$2750.00 for a hydro-geologist review of the wastewater management plan amendment. The applicant has agreed to support the review and pay the escrow amount.

Mr. Hughes reported the SCARC home on Warbasse Junction Road is ready to be occupied.

Mr. Hughes said the cul-de-sac ordinance has been passed which prevents parking in the bulb area during the school year.

Mr. Hughes said Nouvelle objected to the Township's COAH plan and Nouvelle is proposing 350 units.

**NEW BUSINESS:**

Mr. O'Leary said the Open Space Committee objected to the draining of the Father John's pond. He said the road foreman had noticed the developer had brought in equipment to start the draining process. Mr. O'Leary said the Open Space Committee had never received anything from the D.E.P. Mr. Randazzo said the developer may not have a permit yet and this is just the exploratory work to see if a permit will be issued.

Mr. Corcoran said the Land Use Board has to send a recommendation to the Township Committee to change the error in the zoning of the Waste Management property which is

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in the public zone and should be in the light industrial zone. There was a lengthy discussion on which lots were in the public zone that did not belong there.

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**BILLS:** List # 4, #5, #6

A motion to pay all of bills list 4, to pay just the Haubrich bill of \$1703.37 of bills list 5, and all of bills list 6 as presented was made by Mr. Leuthe. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Hahn, Leuthe, O'Leary.

**EXECUTIVE SESSION:**

A motion to go into executive session to discuss pending litigation was made by Mr. Corcoran. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Hahn, Leuthe, O'Leary.

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

**CORRESPONDENCE:**

1.) Zoning Practice – Solar Access

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Land Use Board Secretary