
CALL TO ORDER:

Mr. O’Leary called the meeting to order 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: Fette, Luthman, Randazzo, Corcoran,
Taylor, O’Leary.

Members Absent: Hughes, Didyk, Straub, Hahn, Leuthe.

Also Present: Richard Clark, Esq.
Nevitt Duveneck, PE

AUDIENCE:

Mr. O’Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS:

1.) Ridgeline Protection Ordinance

Mr. O’Leary said the Board was under the understanding the Planner was to be present however he was not at the meeting. Mr. Duveneck said he will contact him in the morning.

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

The Board discussed the maximum permitted disturbed land area in the residential zone. Mr. Clark explained what is done in other towns regarding this matter. There was a lengthy discussion on how to control the amount of land being disturbed. Mr. Fette said that any building permit that comes into his office will have to have a survey with it and he can check the amount of disturbed area at that time. The Board agreed on the number of acres.

Mr. Clark suggested the ordinance address the restricting of deeds with the permitted disturbed land area. Mr. O’Leary said it is handled as a condition of approval. Mr. Clark said that is fine but it could get missed. He felt putting it in the ordinance is a better idea.

Mr. Clark asked about the grandfathering clause that is in the ordinance. Mr. O’Leary said that provision is being removed. Mr. Clark said the Board can remove it however they will see a lot more applications. Mr. Duveneck said the Municipal Land Use Law allows grandfathering. Mr. Clark said it is not defined that way however there is case law that supports it. Mr. Duveneck said it does create a busy Board. Mr. Duveneck said one of the problems boards are facing is that developers are building on anything and everything. Mr. Clark said the Board could redefine an area or zone and that would solve the problem with the smaller lots not being able to fit any kind of accessory development. Mr. Duveneck said the biggest problem is an over built lot. He said he has seen this happen in other towns and it causes problems with the neighbors. He said if they are allowed to build things on a lot that is too small to handle it problems occur and neighbors will be coming to the Township Committee complaining. He felt having some say in the matter will be better. .

Mr. O’Leary suggested the grandfather clause be removed and the ordinance be sent to the Township Committee and see what they think of it.

A motion to send the residential revision to the Township Committee was made by Mr. Luthman. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Taylor, O’Leary.

3.) Definitions Revisions

Mr. O’Leary noted H2M is still holding some of the definition additions the Board had made. There was a discussion on the way the definitions should read and be referenced. The Board agreed to carry this matter.

4.) LAA Resolution Discussion

Mr. O'Leary noted Ms. Didyk was not present to vote on the resolution. The matter was carried to the July 23, 2009 meeting date.

Mr. Duveneck wanted to make Mr. Clark aware of the AES Property Holdings decision at last month's meeting because they were returning next week asking for final site plan approval. Mr. Clark said he will be ready for the hearing.

Mr. Luthman asked if the Township Committee has addressed the maintenance of the escrow accounts. Mr. Corcoran said it was brought to the Township Committee and it is being referred back to the Board. There was a discussion on returning the unused escrow money.

NEW BUSINESS:

1.) Signs

Mr. Fette had handed out a copy of the sign regulations from the Uniform Construction Code. He explained what was in the code. Mr. Luthman said there are signs that our ordinance does not address such as a flag that says "open". Mr. O'Leary referred to the recent Supreme Court case regarding the "inflatable rat". Mr. Clark said the Board cannot touch the political signs. Mr. Fette said the Board needs to address the newer technology type signs such as the LED signs. Mr. Randazzo said there are three issues the Board needs to consider is the size of the permitted signs, bring the ordinance up to date and make sure it is consistent with the constitutionality of everything else. There was a discussion on the display of wares outside of the business. There was a discussion on the signage at Olde Lafayette Village. Mr. Clark suggested all of the sign ordinance language should be in one place. Mr. O'Leary asked if the Board wanted to permit temporary signs. The Board agreed they did not want to require a permit for temporary signs. Mr. Clark suggested limiting the number and size of temporary signs. Mr. O'Leary asked the Board Members to start considering what they want to see in regards to sandwich board signs and signs painted on natural surfaces such as rocks. The Board will look at the Wantage Township sign ordinance and be prepared to continue the discussion at the August workshop meeting.

2.) Zoning Fees/CCO Inspections – Jeff to Discuss

Mr. Fette said he currently does a Continued Certificate of Occupancy on a change of tenancy. He said we do not do them for a home resale. He said he does them in other towns. Mr. Fette said on a change of ownership it allows the town to see what is going on inside the house. He said in the past he has found single family houses turned into two family houses without permits. He said a lot of the time there are egress problems. Mr. Luthman felt this was worthy of discussion. Mr. Fette said the Township Committee would have to approve this. He said it gives the town an opportunity to bring pools up to code. He said it gives the town a chance to keep up with open permits where inspections were never called for.

Mr. Fette handed out a proposed zoning fee schedule. He was proposing raising some of the zoning fees. He noted our current zoning fee is \$10.00 for everything. The Board agreed to have Mr. Fette draft a letter to the Township Committee and forward the proposed zoning fee schedule.

RESOLUTIONS: None.

ORDINANCES:

1.) Amendment to Chapter 12 – 21 Day Submission Requirement 12-5.1

The Township Committee referred this back to the Board. The Committee felt 21 days was excessive. There was a discussion on submission procedures. The Board wanted to see if they could come up with a better approach and agreed to carry it to the August workshop meeting.

TRC REPORT: None.

ZONING REPORT: None.

BILLS: List #10

The Board agreed to carry the bills to next weeks meeting because the bills committee members were not present.

EXECUTIVE SESSION:

CORRESPONDENCE:

- 1.) From: NJDOT
Re: Block 17, Lot 2.05 – May be required to obtain an access permit for proposed changes.
- 2.) From: SC Division of Planning
Re: Lafayette Asphalt – County application was disapproved for reason mentioned
- 3.) From: SC Soil Conservation
Re: Taggart Subdivision – Certified plan due to expire on 8/21/09
- 4.) From: Rick Hughes
To: Lucy Vandenberg – NJCOAH
Re: Spending Plan – Request for waiver
- 5.) Zoning Practice – Design Review

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary