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**CALL TO ORDER:**

Mr. O'Leary called the meeting to order at 7:36 p.m. 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, Fette, Luthman, Randazzo,  
Corcoran, Straub, Leuthe, Taylor,  
O'Leary, Didyk (1939).

**Members Absent:** Hahn.

**Also Present:** Richard Clark, Esq.  
William Gleba, PE

**HEARINGS:**

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

Mr. O'Leary advised the public the Peck application was being carried to the September meeting date.

2.) Lafayette Asphalt SP09-10, FSP09-11   B: 1.02 L: 1

Ms. Megan Ward, Esq. said she was the attorney for the applicant. She noted the applicant had submitted a revised plan, a spill containment report and correspondence as requested by the Board.

Mr. Anthony Lentini, owner of Lafayette Asphalt, Mr. Brian Savage and Mr. Joseph Musil of the Terex Company were sworn in by Mr. Clark.

A color rendering of the revised site plan with a date of 8-27-09 was marked and entered as exhibit A-5. Mr. Jason Dunn, PE explained the revisions to the Board. He noted the light poles will be 15 feet in height with shoebox type fixtures on them. A shoebox type fixture will be mounted on the plant. There will be no lights on the storage bins. He said there is a need for the lights because they will have some night operations. He said they will have six employees.

Mr. Musil explained the truck traffic and plant process to the Board. He said there will be a shut off in the tanks so there is no overflow of material.

Mr. Savage explained the proposed spill containment to the Board. He said the plan for the containment will be certified when the plant is built. Mr. Luthman expressed a concern with wording in the spill containment report. Mr. Savage explained the spill cleanup response. Mr. Gleba said he will report back to the Board on how much spill material can leave the property before a cleanup contractor needs to be brought in. Mr. Luthman asked who is responsible for the cleanup of any spill to which Ms. Ward said the owner. Mr. Savage said the plan submitted is an outline and full plans will be submitted when the plant is built.

Mr. Luthman asked who hooks the truck up to the facility. Mr. Savage said if the truck driver is a plant employee then he will do it otherwise it will be an employee of the facility.

Mr. Fette asked about the thickness of the concrete. Mr. Dykstra said it will be 8 inches thick. Mr. Fette asked if there will be a secondary containment if cracks develop. Mr. Fette felt a secondary containment system is needed. Mr. Fette asked who will maintain the containment system. Mr. Savage said it is checked every three years and they will use a sealant if cracks should develop.

Mr. Fette noted asphalt is somewhat flammable. Mr. Musil said he agreed however it is hard to get it to start burning.

Mr. Gleba said the spill containment plan needs to be distributed to the local 911 coordinator.

Mr. Randazzo asked about the storage of any solvents. Mr. Musil said the plant does not use solvents. Mr. Randazzo asked if solvents are used for the cleaning of the trucks. Mr. Musil said they can use an environmentally friendly solvent. Mr. Lentini said he does not use petroleum solvents. He only uses biodegradable, non-aromatic cleaners. He said he will post a sign stating no use of petroleum solvents.

Mr. Hughes asked how many deliveries of material they expect to receive a week to which Mr. Lentini said two.

Mr. Hughes asked how the alarm system is tested. Mr. Savage said it is self-testing. Mr. Hughes requested the testing results be sent to the emergency management coordinator annually.

Ms. Didyk expressed a concern with the night hours of operation. She requested the Zoning Officer get notification of any proposed night hours. Mr. Lentini said he does not get year long contracts.

Mr. Taylor asked how many truck trips they expect per hour to which Mr. Lentini said the maximum would be 10. Mr. Lentini said they stop making asphalt at 3:00pm.

There was a discussion on the spill containment system. The Board requested an as-built of the system.

Mr. O'Leary expressed a concern about recycling and asked what they do with the used asphalt. Mr. Lentini said they reuse it.

Mr. O'Leary asked how much experience the spill administrator has. Mr. Savage said the administrator would just follow the manual outlining what to do in the event of a spill.

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

Mr. Gleba asked the applicant to add "Do Not Exit" signs where appropriate to which the applicant agreed.

The Board requested the applicant give the Zoning Officer 48 hour notice of any night hours of operation.

Mr. Clark asked that the plans be revised and received within 30 days of approval of the resolution.

A motion to approve the variance for relief from the 200 foot buffer requirement to 179 feet, 162 feet and 135 feet as shown on the plan was made by Mr. Hughes. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, O'Leary.

A motion to approve preliminary and final site plan per the conditions enumerated by the Board was made by Mr. Hughes. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, O'Leary.

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

Mr. John Ursin, Esq. was the attorney for the applicant.

Mr. Don Oriolo, property owner was sworn in by Mr. Clark. Mr. Oriolo said his family purchased the property in 1985 and at the time he was given bad advice about the need for building permits. He said he was told that he did not need a building permit for an agricultural building. He said he was fined \$4000.00 by the Zoning Official and then he paid another \$4000.00 fine for the building permit issue. He said he was here to correct the mistake. He said he was before the Board for approval of the 5 buildings he built since he owned the property. Mr. Oriolo said he has 43 acres with 12 buildings on it. He

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went over all of the structures on the property. He said two of the buildings require a setback relief and one requires a height variance relief.

A compilation of 10 photos of the various buildings on the property was marked and submitted as exhibit A-1. Mr. Oriolo explained the photos to the Board as follows:

Building #1 – Single family farmhouse in which he resides.

Building #2 – Old barn used as a stable and storage.

Building #3 – Accessory barn which was partially in place when he bought the property.

Building #4 – Three bay utility structure used for storage which he built around 2005.

Mr. Oriolo said he did get an electrical permit and the town did come out to inspect the electrical in 2005.

Building #5 – Two stall pre-built horse barn which he had delivered to the site in 2007.

Building #6 – Mr. Oriolo did not have a picture of it.

Building #7 – House on existing foundation which is used for storage. Mr. Oriolo said he did obtain a permit for that in 1987.

A Polaroid picture of structure #5 was marked and entered as exhibit A-2.

A Polaroid picture of building #6 was marked and entered as exhibit A-3

A Polaroid picture of building # 8 was marked and entered as exhibit A-4.

Building #8 – 8X10 run-in shed for two horses and was existing when he bought the property.

Building #9 – 40X50 pole barn used for storage that he built in 1991.

Building #10 – Tack room for riding. Mr. Oriolo said there was a previous building constructed on this site. He said he demolished the old building and built the new structure in its place. He said it is 70 to 80% complete. He said he intends to use it as a place to go after riding or to get in out of the rain when riding. He said he will also keep his tack in there. Mr. Oriolo said there is no electric or water to the building. He said the building is in the wetlands buffer and if it is allowed to remain in place then Wade Wander will file for D.E.P. approval.

Building #11 – Metal shed which he built used to store lawn equipment.

Building #12 – Chicken coop which he does not use.

Mr. Oriolo said he owns two horses but can have as many as 10 on the property at one time. He said he has a pasture area and he grows hay. He said he does not board horses but he does allow his neighbor to use the pasture for his horses.

Building #13 – Old chicken coop which he wants to demolish.

Mr. Oriolo said there is also an old out house on the property which he wanted to keep for decoration.

Mr. Oriolo said he did increase the size of the foundation on building #10. He did not have a picture of the old structure which he demolished.

Mr. Fette said that building #4 will require architectural drawings, an as-built and permits. He noted that building #5 is a pre-fabricated horse barn with no footings and requested that a condition of any approval would be that building #7 never be used as a dwelling. He said building #9 will require permits and as-built drawings. Mr. Fette said that building #10 which appears to be a log home will have a problem because even if the applicant is able to get D.E.P. approval, the slab it is sitting on will not be able to support the structure. He said the applicant has only two options. One is to remove the structure and the other would be to raise it up and put the proper foundation down to the frost line. He said if the applicant cannot get the exemption from the D.E.P., then the structure will

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have to come down. Mr. Oriolo said he will have no problem addressing this matter. Mr. Fette said the applicant needs to bring the buildings into compliance.

Mr. Oriolo said the property is farmland assessed for horse pastures.

Mr. Hughes noted farmland assessment papers submitted to the tax assessor were submitted by Mr. Oriolo's son. He said some of the buildings were on the map submitted to the assessor. He asked Mr. Oriolo how he purchased the property without a survey to which Mr. Oriolo said he did not know.

Mr. Luthman asked if the wetlands delineation will be done for the entire property to which Mr. Oriolo said it will only be for the area of concern.

Photos taken by the Board Engineer of the structures on the property were marked and entered as exhibit B-1. Mr. Clark noted that rebuilding on an existing slab which is non-conforming is not permitted. He noted that the ordinance does allow agricultural uses in all zones and there is no limit on the number of farm structures however he did have a concern with buildings #10 and #4.

Mr. Oriolo said they will remove the front, back and side porches of building #10 and it will have no plumbing or electric to it so it cannot become a dwelling.

Ms. Didyk said she had difficulty with building #10 since it is not a farm type structure.

Mr. Oriolo said building #10 will be for storage and will not be a dwelling. He will use it to sit in after riding. He will bring the structure back to the original footprint. He said the structure may be unusual but it is not inconsistent with the use.

Mr. Luthman noted the applicant had been taken to court by the Zoning Official one year ago, he filed his land use applicant last fall and it took some time for him to come before the Board. He said he did not feel building #10 was built just for riders to get out of the rain. He felt the applicant wanted to use it as an art studio.

Mr. Ursin summarized what the applicant was seeking from the Board. He said that four structures were added to the property since the applicant has owned it. He said building #3 requires a side yard setback variance. He said building #9 and #10 also require setback variances. He said building #4 is above the height limitation of 15 feet and it will require a height variance.

Mr. Hughes asked for the sizes of the buildings as well as a list from the tax assessor as to what her records show was in place over the years. He said he does not see a hardship in this matter. He asked for the applicant to carry the matter until next month and provide the information requested to the Board. Mr. Hughes also asked for the Board Engineer to report on the wetlands and what his professional opinion is on the matter.

Mr. O'Leary requested the applicant provide the height and dimensions of the buildings as well as a description of the foundations they are sitting on.

Mr. Randazzo requested an aerial photo of the property from 1985.

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

The applicant and Board agreed to carry the matter to the September meeting date without further notice.

4.) Casagrande MNR09-3, SP09-4, FSP09-5, VAR09-6, VAR09-7 B:15 L:6.01

Mr. O'Leary noted the application was incomplete.

5.) Jiggetts, Danita VAR09-12 B:22 L:20.06

Mr. O'Leary noted the applicant has asked to be carried to the September 24, 2009 meeting date.

**AUDIENCE:**

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

**MINUTES:** January 15, 2009, January 22, 2009, February 19, 2009.

A motion to approve the minutes of the January 15, 2009 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Didyk, Leuthe, Straub, O'Leary.

A motion to approve the minutes of the January 22, 2009 meeting with the noted corrections was made by Mrs. Straub. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, Taylor, O'Leary.

A motion to approve the minutes of the February 19, 2009 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Didyk, Taylor, O'Leary.

**OLD BUSINESS:**

Mr. Hughes reported to the Board that COAH has approved Lafayette's spending plan and that allows us to distribute \$125,000 to Advance Housing for their project.

**NEW BUSINESS:** None.

**RESOLUTIONS:**

1.) Lentini Redi-Mix AFSP09-9 B:1.02 L:1

A motion to memorialize the resolution with the noted corrections was made by Mr. Luthman. It was seconded and passed with a roll call vote. Ayes: Straub, Luthman, Didyk, Fette, Corcoran, Randazzo, Leuthe, O'Leary.

2.) AES Property Holdings FSP098 B:17 L:2.05

A motion to memorialize the resolution was made by Mr. Corcoran. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Straub, Luthman, Didyk, Corcoran, Randazzo, Leuthe, Fette, O'Leary.

**ORDINANCES:** None.

**ZONING REPORT:**

Mr. Fette advised the Board he will be at the next Township Committee to discuss his proposed CCO inspections and application fee increases.

**BILLS:** List #12 & 13

Mr. Leuthe went over the bills with the Board.

A motion to pay the bills as presented was made by Mr. Leuthe. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, O'Leary.

**EXECUTIVE SESSION:** None.

**CORRESPONDENCE:**

1.) Zoning Practice – Water Rights.

2.) From: Mr. Keith A. Hyché, Esq.

Re: Jiggetts Application – Asking to be carried.

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Land Use Board Secretary