
CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:41p.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, Randazzo, Corcoran, Hahn, Straub, Leuthe, Taylor, O'Leary.

Members Absent: Fette, Luthman, Didyk.

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

HEARINGS:

1.) Gualano, Teresa MNR098-15 B:22 L:9

Mr. Hughes stepped down from the Board for this application.

Mr. Nicholas Nicosia, Esq. was the attorney representing Mrs. Gualano.

Mr. Duveneck went through his report. He expressed a concern with the feasibility of the proposed driveway and visibility onto Meadows Road. He felt the Board should have this information before making a decision. He recommended to the Board to deem the application incomplete.

A motion to deem the application incomplete was made by Mr. Randazzo. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Randazzo, Corcoran, Straub, Hahn, Leuthe, Taylor, O'Leary.

The applicant will return with the requested information.

Mr. Hughes returned to the Board.

2.) Barnside, Inc. VAR08-14 B:24 L:3.06

Mr. O'Leary read a letter from the applicant's attorney asking to be carried to the next meeting date. The Board agreed to carry the application.

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

Mr. O'Leary read a letter from the applicant's attorney asking to be carried to the November meeting date saying they were still in the process of getting a wetlands report as requested by the Board Engineer. Mr. Duveneck said he never requested the applicant supply a wetlands report. He asked that the applicant's engineer show a wetlands line on the map so the Board could see where the buildings were in relation to the wetlands.

Mr. Clark said the Board can dismiss the application or write a letter to the applicant stating that if they do not appear at the December meeting the application will be dismissed and the matter will be referred to the Zoning Officer for enforcement. The Board agreed to send the letter to the applicant. The Board Secretary will write the letter.

A motion to carry the application to the December 17, 2009 meeting and send a letter requiring the applicant to be present at the meeting and be fully prepared and any further delay will result in the matter being referred to the Zoning Officer for enforcement was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Straub, Hahn, Leuthe, Taylor, O'Leary.

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

Mr. O'Leary read a letter from the applicant's attorney asking to be carried to next month's meeting date.

Mr. Clark advised the Board they can dismiss the application. The Board felt the use the applicant was seeking was not a home occupation. Mr. O'Leary felt it did not comply with the definition of a home occupation. He felt the application should be dismissed.

Mr. Randazzo felt the Board should render a decision since they were in agreement it did not fit the definition of a home occupation.

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

A motion on the interpretation of the Jiggetts operation as a home occupation and to deem the application as not falling within the definition of a home occupation was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Straub, Hahn, Leuthe, O'Leary.

A motion to send a letter to the applicant notifying her of the requirement to submit a complete application for a use variance by November 12, 2009 and if not the matter will be sent to the Zoning Officer for enforcement was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Straub, Hahn, Leuthe, Taylor, O'Leary.

AUDIENCE:

Mr. John Ryan of 18 Dennis Road said he received legal notice regarding the Barnside application and wanted to know when they will be heard before the Board. Mr. Clark said the applicant should not have noticed for the meeting since they have not been deemed complete. He told Mr. Ryan he will get another formal notice once the application has been deemed complete.

The Board Secretary will write a letter to Barnside, Inc. advising them their application is incomplete and their notice is ineffective and they will have to re-notice once they have been deemed complete.

RESOLUTIONS:

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

Mrs. Straub stepped down from the Board for this resolution.

Mr. Alan Langjahr, Esq. was present. Mr. Clark explained that at the last meeting the Board Members had directed him to write a favorable resolution in anticipation that a fifth Board Member would have listened to the recording of the meeting. The fifth Board Member who listened to the recording was not present so the Board could not vote on the resolution. The matter will be carried to next month's meeting.

OLD BUSINESS:

Mr. Hughes expressed a concern on the amount of hours the planner has spent on the Ridgeline Ordinance. He wanted to make sure the Board was staying within the allotted budget. The Board Secretary will ask for an update on the billing hours. Mr. Randazzo said he made it clear to the Planner that he could not exceed the budget.

Sign Ordinance

Mr. O'Leary went over some issues he had with the proposed sign ordinance. Mr. Clark said he will revise the ordinance and get it back to the Board.

NEW BUSINESS: None.

ZONING REPORT: None.

BILLS: List #14

Mr. Leuthe went over the bills for the Board. It was his recommendation to pay the bills.

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

EXECUTIVE SESSION:

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

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

CORRESPONDENCE:

- 1.) From: SC Soil Conservation
Re: SCMUA Solid Waste Complex – Needs to recertify plan.
- 2.) From: John E. Ursin, Esq.
Re: Handweg Drive Realty Co., Inc. – Request to carry application
- 3.) From: John E. Ursin, Esq.
Re: Barnside, Inc. – Request to carry application

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