

CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:39 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, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, Taylor, O'Leary.

Members Absent: Fette, Hahn.

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

MINUTES: March 19, 2009, March 26, 2009, April 16, 2009, April 23, 2009.

A motion to approve the minutes of the March 19, 2009 meeting with the noted corrections was made by Mr. Randazzo. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Luthman, Randazzo, Straub, Leuthe, O'Leary.

A motion to approve the minute of the March 26, 2009 meeting with the noted corrections was made by Mrs. Straub. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Luthman, Corcoran, Didyk, Straub, Leuthe, Taylor, O'Leary.

A motion to approve the minutes of the April 16, 2009 meeting with the noted corrections was made by Mr. Randazzo. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Randazzo, Didyk, Straub, Taylor, O'Leary.

A motion to approve the minutes of the April 23, 2009 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Leuthe, O'Leary.

HEARINGS:

1.) Gualano, Teresa MNR09-15 B:22 L:9

This application was deemed incomplete at the October 22, 2009 meeting.

2.) Barnside, Inc. VAR09-14 B:24 L:3.06

Mr. John Ursin, Esq. appeared on behalf of the applicant.

Mr. Duveneck read over his report dated October 14, 2009 and advised the Board he still had not received the requested information. He recommended to the Board the application be deemed incomplete.

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

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

Mr. John Ursin, Esq. was the attorney for the applicant. He said they were before the Board on August 27, 2009 seeking variances for structures built without permits. He gave a history of the property and the structures. They had submitted the map requested by the Board Engineer at the last meeting. Mr. Duveneck advised the Board the map was adequate. The revised map dated December 1, 2009 showed the wetlands mapped out. The applicant provided the dimensions of all of the buildings in question.

Mr. Hughes asked for a summary of all of the requested variances. Mr. Ursin said they are seeking two rear yard setback variances from the required 125 foot setback. One for building #9 where the setback is only 121.67 feet and one for building #10 where the setback is 20.71 feet. Ms. Leo noted the applicant will need a use variance if the buildings are not for agricultural use. Mr. Ursin said they all were for agricultural use.

Mr. Donald Oriolo Jr. of 680 Orangeberg Road, Rivervale, NJ was sworn in by Ms. Leo. He stated he was a shareholder in Handweg Drive Realty.

Mr. Oriolo said his parents bought the property in the 1980s which they had purchased from the Boy Scouts of America. He said he has plans on taking full ownership of the property and living there.

An architectural drawing of building #10 renovations was marked and entered as exhibit A-5. A simple drawing of the floor plan of building #10 was marked and entered as exhibit A-6. Mr. Oriolo described the use and floor plan of building #10 to the Board. He said the building will be used for tack storage and saddles, and other animal care items. Ms. Didyk asked why the tack storage was in a separate building from where the horses are kept. Mr. Oriolo said the horses are in building #9 which is not far from building #10. There are trails in between the two buildings and they wanted to use the existing foundation so they built building #10 for the storage. He said this is in keeping with the English style of riding where the horses are brought to the riders. Mr. Randazzo asked about the fireplace. Mr. Oriolo said the original idea was to have a fire burning for the riders when they came in from riding however they will no longer have plans of using the chimney and they will not install a fireplace.

Mr. Leuthe asked about building #2. Mr. Oriolo said it was constructed in the 1700s.

There was a discussion on the cupola on building #10. It was added to the drawings to make the building appear more like a barn. It was for decoration with a small opening for ventilation. Mr. Oriolo said if the Board had a problem with the cupola and chimney, then he would alter them.

Mr. Oriolo explained he owns two horses which he breeds as well as some chickens and sheep. Mr. Hughes asked if building #10 has been roughed for plumbing and electric to which Mr. Oriolo said no. Mr. Taylor asked what the second floor would be used for. Mr. Oriolo said there is a small loft however he will remove it if that is what the Board is requesting. Mr. Oriolo said the sliding door will be replaced and the windows will be removed. The Board agreed that upon any approval of building 10 the building inspector will assess the foundation.

Mr. Oriolo said building #9 is presently being used for hay storage however it will be used for the animals when he moves to the site.

Mr. Duveneck asked Mr. Oriolo how they will get light into building #10 if there is no electricity. Mr. Oriolo said they will have skylights. Mr. Duveneck said he has never seen a tack room without lights. Mr. Oriolo asked if he could install solar panels for the electricity. Mr. Ursin said they wanted to reserve the right to add some type of electricity to building #10.

Mr. Duveneck noted the building inspector has already noticed a problem with the foundation and if the applicant is granted approval of building #10, they will need to disturb the wetlands to strengthen the foundation.

The Board discussed building #4 which is a three car garage with a second floor. Mr. Duveneck said it has heat and new carpeting on the second floor and looks as if someone could live there. Mr. Oriolo pointed out to the Board that there is no toilet in the building. Mr. Oriolo explained that his father is in the entertainment business and had used the loft for a film shoot. He did not object to removing the carpet. There was a discussion on this area being used for storage.

Mr. O'Leary asked if the applicant was willing to remove the chimney from building #10. Mr. Oriolo said no he would only remove the shaft. Mr. O'Leary felt a fireplace in a building which was so far off the road is a safety issue. Mr. Luthman noted a conflict between what was on the drawings in exhibit A-5 and A-6. He said A-5 shows two windows that are not in the drawing on A-6. Mr. Oriolo said the windows are installed and they will have to stay. Mr. Luthman asked about the porch. Mr. Ursin said they are proposing to remove the porch and replaced it with a gable and post.

Ms. Didyk felt that building #9 was not suitable for horses since it had no ventilation in it. Mr. Oriolo said it has two large doors and it is presently being used for storage. The horses are in buildings #2 & #5 which are barns and are sometimes kept at the property of Gary Thomas down the road.

Mr. Randazzo asked about the existing slab which building #10 was built on. Mr. Oriolo said it was a Boy Scout jamboree area and the structure that was on it had collapsed. Mr. Luthman gave some history on the site. He said the Township was looking to purchase it when they bought the rookery and they had contacted the Boy Scouts of Brooklyn who did not realize they owned the property. The Boy Scouts would not sell it to the town at that time. Mr. Randazzo said historical arials.com shows photos of the site from 1970 and there is no sign of the slab.

Mr. Wade Wander of 28 Warner Road in Newton, NJ was sworn in by Ms. Leo. He gave his qualifications as a wetland professional which were accepted by the Board. He said he reviewed buildings #9 & #10. He said the wetlands were delineated in the immediate vicinity of both buildings. Building 9 is 50 feet from the wetlands but within the 150 feet buffer. The entire building is within the transition area. He said the 50 feet could have been the transition area when the building was built. He said there was no way to determine what it was. Building #10 has wetlands only 20 to 25 feet from that building. Based on the areal photo it appears there was a structure there prior to July 1 1989. Mr. Wander said that is the date the transition area regulations took affect. He felt building on top of the existing foundation may not be a D.E.P. regulation matter. He said with respect to building #9 they can make an application to D.E.P. after the fact to reduce the buffer zone to as little as 75 feet which would put the building outside of the reduction area or they could go through D.E.P. enforcement and have them make the determination if the two buildings are in violation. Mr. Ursin said the D.E.P. approvals could be a condition of approval by this Board. Mr. Wander felt the expansion to building #10 needs to be removed and the removal would not need a permit however he recommend the D.E.P. be notified. There was some discussion on the report Mr. Wander supplied to the Board.

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

Mr. Ursin said his client is in a bad position for building without permits. Mr. Hughes felt building #4 is a garage and not an agriculture structure. There was a lengthy discussion on building #4 and its use and the need for a variance. Mr. Ursin said the building is for agriculture use and the carpet and electric will be removed. Ms. Didyk felt building #4 was a garage also. Mr. Ursin said if that is the Boards consensus, then they are asking for a height variance. The Board felt building #3 required a side yard variance because of the expansion to it. The Board determined there were four variances needed. Building #10 requires a 20.71 foot rear yard set back variance, building 9 requires a 121.67 foot rear yard setback variance, building #3 requires a side yard setback and building #4 requires a height variance.

Some of the condition the Board wanted to see in an approval resolution were:

- No human occupancy of buildings #7, #10 and #4.
- All buildings must be or become compliant with the building codes.
- No plumbing in building #10.
- Remove carpet and heat from building #4.
- Deed restrict building #10 so it cannot be occupied as a residence.
- Remove fireplace from building #10.

A motion to approve a side yard setback variance of 13 feet when 50 is required for building #3 and no plumbing allowed to the building and all of the proper building permitting required was made by Mr. Randazzo. 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 a height variance for building #4 from 15 feet to 22 feet and with the conditions that the deed restrict living conditions, the removal of the heat and carpet so that it fits within the definition of a private garage was made by Mr. Corcoran. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, O'Leary. Mr. Taylor voted in the negative.

A motion to approve the rear yard setback of 121.67 feet where 125 feet are required and the D.E.P. enforcement board be notified within 30 days to determine if it is in a transition area and supply a copy of all applications to the Board was made by Mr. Hughes. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, Taylor, O'Leary.

A motion that the applicant must apply for an individual freshwater wetlands permit for disturbance in a transition area and a flood hazard area permit for disturbance in a riparian buffer and as conditions for building #10 that if D.E.P. grants these permits the building does not extend beyond the footprint of the previously existing building, that there be no cupola, no chimney and any heating of the structure, no gable and any electricity to this building will be limited to lighting for the structure was made by Mr. Luthman. He felt this would bring the structure into more of a tack room situation. It was seconded by Mr. Hughes and denied with a roll call vote. Ayes: Luthman, Corcoran, Straub, O'Leary. Those voting against the motion were: Hughes, Randazzo, Didyk, Leuthe, Taylor. Mr. Hughes said he voted in the negative because he felt no hardship had been demonstrated by the applicant.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. Mr. Rudy Solar of 152 Mt. Salem Road, Wantage, NJ came forward and said he owned Solar Tire on Route 15. He said he has been a private vehicle inspection facility for 22 years and he wanted to expand that part of his business to include motorcycles. He said the motorcycle inspection basically looks at the tires and emissions. In order to fill out the State application he would need the signature of the Zoning Board Secretary stating the town does not have a problem with him conducting this type of inspection. He said there will be no additional noise from the inspections. The Board had no objection to the Secretary signing the application from for the State.

OLD BUSINESS:

1.) Ridgeline Protection Ordinance

The Board discussed a few final areas of concern. The revisions will be made and the ordinance will be referred to the Township Committee for their approval and adoption.

2.) Residential Zone Ordinances Changes

The Board made some final revisions to the proposed ordinance. The Board Secretary will make the changes and then forward the document to the Township Committee for their approval and adoption.

3.) Sign Ordinance

The Board agreed to carry this to the January workshop meeting.

4.) 94 Associates Subdivision

The maps were not signed by the prior engineer. Mr. Duveneck will handle this matter.

NEW BUSINESS:

1.) Addresses on Houses

The Board received correspondence from the Tax Assessor asking for an ordinance requiring residents to install 911 house numbers.

RESOLUTIONS: None.

ZONING REPORT: None.

BILLS: List # 16

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

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

EXECUTIVE SESSION: None.

CORRESPONDENCE:

1.) From: Richard I. Clark, Esq.

To: Clerk, Superior Court of NJ

Re: AES Property Holdings v. Land Use Board of Lafayette Township – Copy of CIS filed

2.) From: Finelli Consulting Engineers, Inc.

Re: Proposal for 2010

- 3.) From: Laddey, Clark & Ryan, LLP
Re: Proposal for 2010
- 4.) From: Jeff Tareila Environmental Consultants
Re: Pond Park Bridge Repair – Notice to adjacent property owners of application to DEP
- 5.) From: NJDEP
Re: Barsumyan Property – Pre-Cancelation Letter for Wetlands Application
- 6.) Zoning Practice – Nonconformities
- 7.) NJ Planner – Copies to Board Members
- 8.) From: Maureen E. Kaman, Tax Assessor
Re: Addresses on Houses
- 9.) From: Maureen E. Kaman, Tax Assessor
Re: Peck Subdivision

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary