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**CALL TO ORDER:**

Mrs. Straub called the meeting to order at 7:30 p.m. 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:** Luthman, Randazzo, Corcoran, Hahn,  
Leuthe, Taylor, Straub, O’Leary(7:35pm),  
Hughes(7:56pm).

**Members Excused:** Fette.

**Members Absent:** Didyk.

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

**COMPLETENESS/ HEARINGS:**

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

Mrs. Straub announced the Barnside application is still incomplete and the application will not be heard at this meeting and is being carried to the August 26, 2010 meeting date.

Mr. O’Leary joined the Board however he stepped down for the D’Agostino application. Mr. Hahn also stepped down for the D’Agostino application.

2.) D’Agostino, Kimberly   MNR09-16    B:25 L:11.02

This application was granted waivers on 3/25/10.

Mr. Maske stated he was the attorney for the applicant and also present was Mr. Jack O’Krepky, engineer for the applicant and Mrs. Kimberly D’Agostino. Mr. Maske acknowledged he had received the Board Engineer’s report dated 7/19/10 consisting of 4 pages.

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

Mr. Duveneck went through his report. He noted the existing property is of an irregular shape and the subdivision does not straighten it out in any way. If approved, both pieces of property will be owned and used by the present owner. Mrs. D’Agostino said it was her intent to keep both lots in the family. She is the third generation of her family to have lived on the property.

Ms. Leo noted a “c” variance is needed for lot 11.02 because it does not meet the front yard setback of 75 feet. She noted the existing house in pre-existing, non-conforming at a 64.1 setback. Mr. Duveneck noted that if the application is approved, a revised map with a surveyor certification will need to be supplied to the Board. Mr. Maske agreed to this.

Mr. Duveneck noted the proposed access easement is needed because of the environmental constraints on the property. He expressed a concern with the site distance with the proposed driveway which will be exiting onto a rural roadway with a speed limit of 50 mile per hour. Mr. Duveneck noted the constraints on the land such as the wetlands however he also noted there is a buildable area on the proposed lot. He said the applicant will have to provide stormwater management analysis on the newly created lot at the time of development however it is not needed at this time.

Mr. Duveneck noted the existing house is currently being expanded and the existing garage that was attached to the house was moved to the rear of the property. Mrs. D’Agostino explained that all of that work had been permitted by the construction department. Mr. Duveneck said it will need to be shown on a revised map. Mr.

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O’Krepky said he will add it to the revision. Mrs. D’Agostino said she advised the construction office that the property was before the Land Use Board at the time she applied for the permits.

Mr. Duveneck advised he will be looking for stormwater management, any water that will be crossing the proposed driveway and any water damming behind the driveway in the future driveway application for the proposed driveway. Mr. O’Krepky said the drainage is an issue of the County Soil Conservation department and will be part of the site plan when the house is built.

Mr. O’Krepky said no other variance is needed other than the “c” variance for the front yard setback for the existing house. Mr. Maske said his client will comply with the Board Engineer’s report.

Mr. O’Krepky asked for an extension for the filing of the deeds since the applicant will need to get County approval also. Ms. Leo noted the applicant had 190 days to file the deeds. Mr. Maske said they could have everything done before the 190 day deadline.

Mr. Leuthe asked about the garage that had been moved and how far it was from the rear yard setback of proposed lot 11.02. Mr. O’Krepky said the garage has a different setback than a house and it was about 10 or 15 feet from the property line.

Mr. Leuthe asked how long the driveway was to which Mr. O’Krepky said 702 feet long and 10 feet wide. Mr. Leuthe asked about the proposed sag in the driveway as depicted on the map. Mr. O’Krepky said it was to keep water from going into the road.

Mr. Taylor asked if the deed would state the property is to remain in the family. Mr. Maske said no however the applicant has no immediate intentions of selling it.

Mr. Luthman asked if the garage that is showing on the current map as being attached to the house is the one that was moved to the rear of the property. Mrs. D’Agostino said yes and explained the addition she was building to the Board. Mr. Luthman expressed a concern with the side yard setbacks and the addition. Mr. O’Krepky noted that with the new addition they are still within the side yard setbacks. Mr. Luthman asked if a lot of trees need to be taken down with the addition. Mr. Duveneck said he saw no evidence of tree removal when he visited the site.

Mr. Luthman asked about the pond on the property and why it was not on the map. Mr. Duveneck said it was on the map and he referenced it in his report. Mrs. D’Agostino said it is a spring fed pond that never dries up even in the dry seasons.

Mr. Luthman expressed a concern about a letter from the Lafayette Township Tax Assessor noting that if the subdivision is approved, proposed lot 11.02 may no longer qualify for farmland assessment. Mr. Maske said his client is aware of that and willing to take her chances with that matter.

Mr. Luthman noted the Board cannot take into consideration that the newly subdivided property will remain in the family of the current property owner. Mr. O’Krepky said the applicant made that statement to present her intentions of applying for a subdivision. Mr. Maske agreed with Mr. Luthman’s statement.

There was a discussion on the shape of the lots. Mr. Maske said the irregular property line shapes will only be seen on paper and will not be seen by someone passing by the property.

Mr. Luthman expressed a concern with the impact of the proposed building site on the existing house to the right of the property and asked if there would be any buffering. Mr. O’Krepky said the building site is 700 feet away and felt there would be no impact to the existing house. There was a discussion on whether the proposed house will be seen by the neighboring house. Mr. O’Krepky said there are dense woods surrounding it to which Mr. Duveneck agreed.

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Mr. Luthman asked about the depth of the existing well. Mrs. D'Agostino said there is no well for the current home. She said the water to the house has always been supplied by the spring house and they have never run out of water. The water is pumped up to the house. Mr. Hughes noted that if the subdivision is approved, the spring house will be located on the newly created lot and said that water rights would have to be granted. Mr. Duveneck suggested that language be put into the deed so there is no confusion later on. Mr. Maske suggested it be added to the resolution as a condition. Ms. Leo felt an easement would be better because it goes with the land.

Mr. Hughes had a concern with the length of the driveway and how it would affect stormwater management regulations. Mr. Duveneck said the proposed driveway is over 10,000 feet of impervious surface and it falls within the stormwater regulations and it was addressed in his report.

Mr. Hughes suggested the wetland and conservation easements be placed in the deeds. There was a discussion on the easements and where they were located on the property. Mr. Maske said the conservation provisions are in the deeds already submitted to the Board Engineer. Mr. Hughes asked if the access easement is just for the newly created lot to which Mrs. D'Agostino said yes. She said the existing home will continue to use the existing driveway. Mr. Hughes asked if the new driveway will serve the relocated garage to which Mrs. D'Agostino said no. The relocated garage will only be for animals and tractors and does not require a driveway.

Mr. Taylor noted the driveway easement goes right up to the property line and expressed a concern that the tree and stone wall may be removed to accommodate the new driveway. Mr. O'Krepky said the proposed driveway is large enough to maneuver in and removing the mature trees and stone wall would be very expensive. Mr. Taylor asked if a condition could be put on any type of approval that no trees or stone wall be removed for the construction of the driveway to which Mr. Maske agreed.

Mr. Maske summarized the application by saying his client was seeking approval of a subdivision for a 28 acre parcel on Pelletown Road which contains a dwelling. She is proposing a 2 lot subdivision, one being 7 acres and the remainder lot to be 21 acres in size. Mr. Maske said the application meets all ordinance requirements except for the need for a "c" variance for the front yard setback for the existing home which is too close to the road by 11 feet. The application has provision for the construction of a building on the new lot with a 700 foot driveway and an easement for that driveway. The stone wall will not be removed and the driveway construction must adhere to as shown on the map. The applicant will comply with the Board Engineer's report and the conservation easements will be part of the revised maps and deeds.

Ms. Leo said she looked over the two deeds and there are substantial easements between the two lots.

Mrs. Straub opened the meeting to the public. With nobody from the public coming forward, the meeting was closed to the public.

Mr. Hughes noted that since he was late to the meeting and missed some of the testimony, he would not be voting on this application.

A motion to approve the application with the "c" variance for the existing structure on lot 11.02 with a 64.1 foot setback and with the noted conditions was made by Mr. Randazzo. It was seconded by Mr. Corcoran and denied with a roll call vote. Ayes: Randazzo, Corcoran, Straub. Those voting against the subdivision were Mr. Luthman, Mr. Leuthe and Mr. Taylor. Mr. Luthman explained that he voted in the negative because of the constraints on the property, the spring house supplying the existing house would no longer be on the same property as the house, the length of the driveway and because the construction of the new house could only be in one feasible place.

Mr. Maske asked if the Board would reconsider its decision if the applicant relocated the proposed house. Mr. Luthman felt the applicant was not aware of the possible stormwater management issues on the property. He said he had an issue with the spring

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house and if the map had shown its location as well as the other structure that was not indicated on the map then the Board could have recognized the problems earlier.

Mr. O’Krepky said if the applicant were to go to court to fight the decision it would be time consuming and costly and a more economical way to handle the problem is to propose a well for the newly created lot prior to the approval of the resolution. Mr. Maske said the stormwater regulations need to be complied with and that will be the burden of the applicant. Mr. O’Krepky added that the swamp located on the property is a good drainage point and felt the property could handle the stormwater.

Mr. Maske asked the Board to withdraw the disapproval and could not understand why a 28 acre parcel could not be subdivided. Mr. O’Krepky proposed a well on lot 11.02 and asked the Board to take a revote.

The Board took a 2 minute recess so the applicant could discuss the matter with her attorney.

Mr. Maske returned to the Board and said his client will propose a well on lot 11.02.

A motion to approve the application with the previously noted conditions and with the added condition of a proposed well on lot 11.02 was made by Mr. Randazzo. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Luthman, Randazzo, Corcoran, Straub. Those voting in the negative were: Leuthe, Taylor.

Mr. O’Leary and Mr. Hahn returned to the Board.

Mr. O’Leary opened the meeting to the public. With no public present, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Wind Energy Ordinance

Mrs. Straub said the ordinance should be called the renewable energy ordinance since it now covers solar power also. The Board agreed to carry this matter to the August workshop meeting.

**NEW BUSINESS:** None.

Mr. Hughes advised the Board that a special meeting was being held by the Township Committee with a representative from the D.E.P. on August 2, 2010 at 6:00p.m. in the municipal building to discuss current environmental constraints and the draining of Father John’s Pond. He advised the board members they could attend and ask questions and convey the board’s feeling about ridgeline protection, water supply and the rural character of Lafayette.

**RESOLUTIONS:** None.

**ORDINANCE:** None.

**ZONING REPORT:** None

**BILLS:** None.

**EXECUTIVE SESSION:** None.

**CORRESPONDENCE:**

- 1.) From: Stephanie Pizzulo, Secretary  
To: Barnside, Inc.  
Re: Application for Property Located at 12 Dennis Road
- 2.) From: Maureen Kaman, Tax Assessor  
Re: Property Conveyed from Oswald to Pritchard - Block 14 Lots 2.03 & 2.04

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Ms. Leo said she spoke to the attorney for Casagrande and they are moving forward with their application and will be submitting it soon.

**ADJOURNMENT:**

A motion to adjourn at 9:30 p.m. 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