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**CALL TO ORDER**

Mr. O'Leary called the meeting to order at 7:41 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:** Fette, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary, Hughes (7:42pm).

**Members Excused:** Luthman.

**Members Absent:** None.

**EXECUTIVE SESSION:**

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

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

**MINUTES:**

A motion to approve the minutes of the March 15, 2012 meeting with the noted correction was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, Van Sickle, Hughes, O'Leary.

A motion to approve the minutes of the April 26, 2012 meeting was made by Mr. Randazzo. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Randazzo, Corcoran, Didyk, Taylor, Van Sickle, Hughes, O'Leary.

**COMPLETNESS / HEARINGS / CONCEPT:**

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

Mr. O'Leary gave a brief history of the application. Mr. Brian Tipton, Esq. also gave a history of the application and presented a new plan with the concessions of the applicant. Mr. Howard Bach, PE was still under oath and went over the plan with the Board. The Plan with a date of 4/11/12 was marked and entered as exhibit A. He explained the changes and reduction made to the house to the Board. Mr. Tipton went over the three concessions that the applicant had made and read the 14 conditions of the stipulation to the Board.

Mr. Duveneck asked if the footprint shown on the plan includes the decks to which Mr. Bach said no. Mr. Michael Oriolo who was still under oath said he is still proposing the decks on the rear of the house. There will be no decks on the front of the house only a patio.

Mr. Duveneck asked if there would be a gutter-line so that water will not cross the road and go onto the neighbor's property. Mr. Bach said he saw no problem with that issue. Mr. Tipton said that is one reason why they moved the driveway.

Mr. Duveneck asked if the applicant was going to remove the large mature trees in the site line to which Mr. Bach said only one mature tree needs to come down. Mr. Fette asked for the total number of trees that need to come down to which Mr. Bach said he did not have an exact number. Mr. Tipton said they will take the minimal number of trees down and work with the Township Engineer to make sure there is site distance.

Mr. Fette asked if the area of disturbance would be fenced to which Mr. Bach said he will install a construction fence. Mr. Fette asked that it be a condition of any approval. He requested the orange construction type fencing during construction. Mr. Fette asked if there was any proposed construction on the existing barn. Mr. Oriolo said it was not part of this application.

Mrs. Straub suggested a silt fence be in place instead of the construction fence since Soil Conservation will want that. Mr. Tipton said they will install both types of fencing.

Mr. O'Leary opened the meeting to the public. Mr. Gerald Bouchal of Dennis Road asked if there is a reaffirmation of the easement on the property by CenturyLink. He asked if the driveway will be paved to which Mr. Bach said yes. Mr. Bach advised Mr. Bouchal that the easement will not be paved except where the new driveway crosses the easement. Mr. Bouchal asked if the applicant will need to blast. Mr. Bach said he did not anticipate any blasting.

Ms. Leo went over the five requested variances with the Board.

A motion to approve the application with the five noted variances and the noted conditions and authorizing the Board Attorney to enter into a stipulation of settlement with the applicant was made by Mr. Randazzo. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, O'Leary. Mr. Leuthe voted no.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. Mr. Nicholas Corrado of 61 Bunn Road, Hamburg, NJ addressed the Board. He expressed a concern with the way the Zoning Officer calculates the allowable square footage of a sign for a shopping center. Ms. Leo advised Mr. Corrado that the Land Use Board has no jurisdiction over the duties of the Zoning Officer. Mr. O'Leary advised Mr. Corrado that the Board will be discussing the sign ordinance and if he wanted to address an issue with the ordinance he could do so at that time.

Mr. Corrado then went on to complain about the outdoor dining ordinance. He said the ordinance requires manufacture specs on the table and chairs and establishments with older tables and chairs will not be able to provide that. He complained that food establishments do not put their tables and chairs in storage during the winter months. Mr. O'Leary advised Mr. Corrado that requirement has been removed from the ordinance. He complained that only food establishments can have outdoor seating. He complained that Olde Lafayette Village was given an outdoor dining application approval. Mr. O'Leary was unsure of what Mr. Corrado was asking of the Board. He advised Mr. Corrado that the Land Use Board cannot address an enforcement issue. He said that would need to be taken to the Township Committee.

Mr. Corrado passed out pictures of signs on various buildings in Olde Lafayette Village. He complained that Olde Lafayette Village has too many signs. Mr. O'Leary said there is a provision in the ordinance that deals with existing signs. He complained that Exxon has signs posted that were similar to the ones Quick Chek was asked to remove. Mr. Randazzo asked Mr. Corrado if he was asking the Board to revise the ordinance. Mr. Corrado said no, he could live with whatever the Board had in place. Mr. O'Leary again advised Mr. Corrado that what he was complaining about was an enforcement issue that needed to be taken to the Township Committee. Mr. Corrado complained about the size of the signs in the window of Marty Shoes in Olde Lafayette Village. He complained that one of his tenants received a summons the same day that the Zoning Officer noticed the illegal sign. Mr. Corrado complained that some of the dining establishments did not have outdoor dining applications.

Mr. Corcoran advised Mr. Corrado to address the Township Committee with his concerns. He repeated Mr. O'Leary in advising Mr. Corrado that the Board has no jurisdiction over his concerns.

With nobody else coming forward, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Lighting Ordinance

Mr. Randazzo asked if there was a need for a residential lighting ordinance. He felt it would be an unenforceable ordinance. Mr. Taylor felt the ordinance is needed to avoid a neighbor from shining light onto someone else's property. Mr. Corcoran felt it was an unenforceable ordinance. Mr. O'Leary will email his comments of the commercial lighting ordinance to the Board Members. The Board agreed to carry this to the June meeting.

**NEW BUSINESS:**

1.) Sign Ordinance

Mr. O'Leary advised the Board that during the Business Owners meeting that the Township conducted the business owners requested the ordinance allow the neon-type "open" signs. Mr. O'Leary said he was ok with the sign if it did not flash. Mr. Fette suggested the size be no more than 2' X 2'. Mr. Fette clarified for the Board that Mr. Corrado was misinterpreting the sign ordinance when he is trying to calculate the 5% coverage. His tenant requested two signs and a banner. When

the application was denied, Mr. Fette explained the ordinance to the business owner who then understood the ordinance and was content with what he was allowed in signage. Mr. Fette said the sign ordinance is very workable.

Mr. Taylor asked if the Board wanted to limit the light output of the sign. Mr. Fette felt if the size is limited, then the light output is limited.

The Board agreed to limit the neon-type internally lit "open" sign to one per business, 3.5 square feet in size and it cannot flash. Ms. Leo will draft an ordinance to be presented to the Board for their review. Mr. Hughes suggested the "open" sign should not be added into the 20% sign coverage.

The Board agreed to reduce the fee for a temporary sign to \$35.00.

Mr. Hughes noted there is no definition of a multi tenant sign. He felt this type of sign should be allowed in the ordinance. There was a discussion on the allowable size. Ms. Leo will draft an ordinance change on this matter and present it to the Board for their review.

**RESOLUTIONS:**

1.) Bubalo, Petar MJR07-2 B: 10 L: 9 Requesting Extension of Approval

A motion to approval the resolution for a one year extension was made by Mr. Randazzo. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, O'Leary.

**ORDINANCES:** None.

**ZONING REPORT:** None.

**BILLS:** None.

Mr. Leuthe went over the bills with the Board. There was a discussion on the outstanding bills for Finelli Consulting. The Board Secretary will send a letter to Mr. Gene Weber asking for clarification on a bill for the proposed reserve septic ordinance.

A motion to pay the bills was made by Mr. Leuthe. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, Straub.

**CORRESPONDENCE:**

- 1.) From: Land Use Board  
To: Township Committee  
Re: Outdoor Dining Ordinance
- 2.) From: Township Committee  
Re: Ordinance 2012-12 "Outdoor Dining"
- 3.) From: County of Sussex  
Re: Recording of Deeds for O'Connor

**ADJOURNMENT:**

With no further business to discuss, a motion to adjourn was made by Mr. Randazzo. It was seconded by Ms. Van Sickle and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary