
CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:32p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, section 4 & 13.

FLAG SALUTE

ROLL CALL:

Members Present: Hughes, Fette, Luthman, Randazzo, Corcoran, Hahn, Didyk, Straub, Taylor, O'Leary.

Members Absent: Leuthe.

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

HEARINGS:

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

Mr. O'Leary read a letter from the applicant's attorney Mr. Nicholas Nicosia asking for the Board to carry the application to the December meeting date.

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

Mr. O'Leary read a letter from the applicant's attorney Mr. John E. Ursin asking for the Board to carry the application to the December meeting date. Mr. O'Leary noted the Board had sent a letter to the applicant advising them they had not been deemed complete so there was no need to carry the matter.

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

Mr. O'Leary read a letter from the applicant's attorney asking the Board to carry the application to the December meeting date. Mr. O'Leary noted the Board had written a letter to the applicant advising them they would need to appear at the December meeting date or the matter would be dismissed and turned over to the Zoning Officer for enforcement.

AUDIENCE:

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

The Board agreed to move the resolution section of the agenda forward due to the fact that Mr. & Mrs. Peck were present with their attorney to hear the outcome of their vote and resolution.

RESOLUTIONS:

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

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

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

Mrs. Straub returned to the Board.

2.) Lafayette Amateur Athletics

Mr. O'Leary and Mr. Corcoran stepped down from the Board for this matter.

A motion to approve the resolution was made by Ms. Didyk. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Didyk, Hahn, Taylor, Straub.

Mr. O'Leary and Mr. Corcoran returned to the Board.

OLD BUSINESS:

1.) Ridgeline Protection Ordinance

Mr. David Banish appeared before the Board to discuss the revisions to the proposed ordinance. He said the definitions will be moved to the general definition area of the ordinance.

There was a discussion by Mr. Randazzo on the 640 foot elevation. He felt it should not be applied to the Beaver Run ridge because that ridge was different from the others. He said there are no trees on that ridge and the homeowners would have to plant trees. Mr. Banish felt having two sets of elevations would create a problem. He suggested using one set of elevations for all of the ridges and then having the homeowners come before the Board if they had a problem developing their property. There was a lengthy discussion on the elevation of the ridgeline. Ms. Leo felt all of the landowners would have to come before the Board with an application. Mr. Randazzo then suggested the elevation be raised to 680 feet from the top of the ridge.

There was a discussion on the cost and procedure of a building permit review by the Board Engineer. Mr. Duveneck will contact Mr. Banish with a cost of the review.

There was a discussion on additions to existing structures that are within the proposed ridgeline area. The Board discussed the floor area of future development.

The Board agreed to define the term "Area of Protection". They also asked Mr. Banish to define clear cutting.

Mr. Banish will make the corrections to the proposed ordinance and get a clean copy to the Board for its December meeting.

2.) Sign Ordinance

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

NEW BUSINESS:

Mr. Hughes discussed the Affordable Housing Overview Ordinance with the Board. He said the Board will need to consider this next year. He will get a draft ordinance to the Board.

Mr. Hughes advised the Board on how COAH calculated our projected obligation until the year 2018. He said an application had been sent to HUD for the Demarest Farms project and they plan on starting construction right away. The SCARC home is fully occupied with five residents.

Mr. Hughes discussed a letter the Township Committee sent to the Office of Smart Growth regarding the Tower Alpine property.

The Board discussed the need for a re-exam of the Master Plan in 2010. The Board will need to get quotes from David Banisch, Jessica Caldwell and Peter Steck.

The Board Secretary presented a list of old escrow accounts that need to be returned to the applicants. The Board agreed that all of the projects on the list are either completed or have been abandoned and the money should be returned to the applicant. The Board Secretary will advise the Finance Officer to start the process in returning the money.

The Board was handed a resolution for the Jiggetts application during the meeting. The Board took a five minute break, where no discussion or decisions were made, to read the resolution.

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

ZONING REPORT:

Mr. Fette advised the Board the RV on Route 15 was removed.

EXECUTIVE SESSION:

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

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

CORRESPONDENCE:

- 1.) From: John E. Ursin, Esq.
Re: Handweg Drive Realty Co., Inc. – Asking to carry
- 2.) To: Mr. John E. Ursin, Esq.
Re: Barnside Application – Advising not deemed complete, need to re-notice, pay unpaid property taxes.
- 3.) To: Mr. John E. Ursin, Esq.
Re: Handweg Drive Realty Co., Inc. – Advising Board will carry to Dec. meeting
- 4.) To: Keith A. Hyché, Esq.
Re: Jiggetts Application – Advising Board's decision
- 5.) From: Keith A. Hyché, Esq.
Re: Jiggetts Application – Asking to carry
- 6.) From: Renee Reiss – COAH
To: Mr. Robert Kasuba, Esq.
Re: COAH in receipt of motion
- 7.) From: Keith A. Hyché, Esq.
Re: Jiggetts Application
- 8.) From: Nevitt Duvéneck, PE
Re: Release of performance bond and escrow money
- 9.) From: Professional Environmental Associates, LLC
Re: Application for LOI for Block 12 Lot 2 – 19 Route 94
- 10.) From: John E. Ursin, Esq.
Re: Handweg Drive Realty Co., Inc. – Requesting to carry to Dec. meeting
- 11.) To: John E. Ursin, Esq.
Re: Handweg Drive Realty Co., Inc. – Requesting applicant grant extension to Board
- 12.) From: Nicholas Nicosia, Esq.
Re: Gualano Application – Asking to carry to Dec meeting
- 13.) From: Richard Hughes
To: Mary Rossettini – Advance Housing Inc
Re: 10 Unit development for special needs
- 14.) From Jennifer L. Moran
Re: Handweg Drive Realty Co., Inc. – Granting extension to December 31, 2009

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary