

**CALL TO ORDER**

Mr. O' Leary called the meeting to order at 7:30 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:** Cutler, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O'Leary, Luthman (7:32pm), Hughes (7:35pm).

**Members Excused:** None.

**Members Absent:** None.

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

**MINUTES:** August 28, 2014

A motion to approve the minutes of the August 28, 2014 meeting was made by Mr. Allison. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**COMPLETENESS / HEARINGS / CONCEPT:**

1.) Fusco, Edward B:18 L:12.02 VAR14-1 (Deemed Incomplete 8/28/14)

Mr. O'Leary gave a brief history of the application and noted that the escrow account was deficient and therefore the application could not be heard.

2.) Sheep Thrills B:8 L:2 MNRSP14-2 (Deemed complete 3/27/14)

Ms. Didyk stepped down from the Board for this application.

Ms. Debra Nicholson, Esq. was representing the applicant. She said they did not have any additional testimony. Mr. Duveneck went over his report and said that everything has been addressed on his report.

Mr. O'Leary asked about the maximum number of employees at any one time to which Ms. Nicholson said it will be two. Mr. O'Leary said it was not included in the resolution. It will be added to the resolution. Mr. O'Leary also noted that the issue of no food preparation was not part of the resolution. Ms. Leo will add that to the resolution also.

Mr. Luthman expressed a concern with the four parking spaces to the left of the building. He felt the town would lose green space and there could be a safety issue with it. Ms. Nicholson said if the parking spaces were eliminated it would increase the variance that is needed.

Ms. Van Sickle asked if there will be an area for a dumpster. Ms. Nicholson said the available retail space is so small that the amount of trash generated would fit in cans and would not need a dumpster. Ms. Van Sickle asked what would happen if a different business moved into the space. Ms. Nicholson felt no matter what type of business moved in they would never need a dumpster. Mr. Duveneck said if a different type of business moved in it would have to come before the Board for any approvals and the issue could be addressed at that time.

Ms. Van Sickle asked where the well was located. Mr. Jason Dunn, PP said the well is located in the parking area.

Ms. Van Sickle felt a fence should be added to the residential side of the building. Ms. Nicholson felt a fence would be counterproductive to the access of the parking area. Ms. Van Sickle felt headlights will be shining into the neighbor's house at night. Ms. Van Sickle asked if the two trees that are going to be cut down will be replaced elsewhere on the property. Ms. Didyk said she saved those trees by clearing and cutting down the weeds around them. She said they were asked to create more parking spaces so the trees will have to be cut down.

Mr. O'Leary opened the meeting to the public. Mr. Bill Macko asked if the ADA parking area can be moved back further. Mr. Duveneck said it could not because of the grade. Mr. Macko

asked if the applicant is allowed to cut trees down on public property. Mr. Duvneck said that has to be worked out with the Township Committee. Ms. Didyk said she assumed that everything up to the existing fence was her property so that is why she cleaned up around the trees. Mr. Macko felt the trees should be saved and the ADA parking space should be moved back. Mr. Dunn explained that the ADA parking space could not be moved back further. Mr. Hughes said the Township Committee agreed to the expanding of the parking lot and the removal of the trees.

Mr. Macko asked if the Township will just plow up to the Township line in the parking lot to which Ms. Nicholson said her client is responsible for maintaining her property. Mr. Macko expressed a concern of someone falling in the parking lot if it were not properly maintained. Ms. Nicholson said if someone fell in the parking lot both parties would be named in a suit.

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

Ms. Nicholson said she was in agreement with the proposed resolution.

A motion to approve the minor site plan and proposed resolution of the minor site plan with the noted additions was made by Mr. Leuthe. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Van Sickle, Aikens, O'Leary.

A motion to approve the resolution for the requested variances with the noted changes was made by Mr. Leuthe. It was seconded by Mr. Luthman and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Van Sickle, Aikens, O'Leary.

3.) 56 Sunset Inn Road, LLC B: 9 L:18.03 PSP14-4 ( Deemed Complete 10/23/14)

Mr. Hughes and Mr. Corcoran stepped down for this application because it involves a use variance.

Ms. Debra Nicholson, Esq. said she was representing the applicant. She said she did not understand the Gateway Overlay Zone. There was a lengthy discussion on the intent of the overlay zone.

Mr. Duvneck went over his report. He felt an environmental impact statement would be necessary because the application is a use variance.

Mr. O'Leary felt Mr. Banisch should be involved in this application. The Board agreed.

There was a lengthy discussion on the need for a full E.I.S. Mr. Allison felt a full E.I.S. is necessary. Mr. Taylor asked for information on the archeological information on the site. Mr. O'Leary was in favor of granting a temporary waiver from the E.I.S. requirement until Mr. Banisch submits his report. Mr. Leuthe agreed.

A motion to deem the application complete with the noted waivers in the Board Engineer's report and a temporary waiver from the E.I.S. with the understanding if it is required the applicant will need to supply it was made by Mr. Cutler. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Cutler, Luthman, Taylor, Leuthe, Van Sickle, Aikens, Allison, O'Leary.

Ms. Didyk returned to the Board.

**AUDIENCE:**

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

**OLD BUSINESS:**

1.) Sidewalks and Parking Lot

The Board carried this matter.

2.) TRC – Capital Telecom

Mr. O'Leary reported that he met with two representatives of Capital Telecom and Mr. Banisch to discuss a possible cell tower application. He said the company is a developer with a

relationship with Verizon Wireless and they were looking at a site on Van Sickle Road. He said Capital Telecom was unaware of the Verizon Wireless application that was denied by the Board. Mr. O'Leary said

**NEW BUSINESS:****1.) Building Height**

Mr. O'Leary said the Township Committee did pass the revisions that were proposed by the Land Use Board. He said one member did have an issue with the building height. There was a discussion on the building height in the Ridgeline View-shed Protection Area. The Board wants the planner to look at the 30 foot height restriction in the ridgeline area. The Board agreed to carry this matter.

Mr. O'Leary advised the Board that Mr. Banisch is looking at a new group home in the Township as a possible COAH unit.

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**ZONING REPORT:**

Mr. Cutler reported on the Oriolo matter. Mr. Oriolo has 90 days to get a permit from the D.E.P.

Mr. Cutler said he received a letter from an engineer regarding the installation of a generator at the Quick Chek site. He determined they will need a site plan. The generator would be in the front and side setbacks.

Mr. Cutler received a complaint about a refrigerated tractor trailer on private property on Route 15. He sent a letter to the property owners to remove the trailer.

**BILLS:** List #11

Mr. Leuthe went over the bills with the Board.

A motion to approve the bills was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Cutler, Luthman, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**CORRESPONDENCE:**

1.) From: Mr. Avery Mulder

Re: Wetlands Application for 90 Beaver Run Road

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Ms. Van Sickle. It was seconded by Mrs. Aikens and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary