

# Land Use Board Minutes

**October 5,  
2010 - 7:30pm**

- 1) **Call to Order:** In accordance with the open Public Meeting Act, with regard to notices, the regularly scheduled meeting of the Land Use Board Meeting is hereby called to order.
- 2) **Statement of Certification: The Land Use Board Secretary Advises:** Adequate notice of the meeting has been provided to the public and press January 12, 2010 by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant to the provisions of the "Open Public Meeting Act"
- 3) **Roll Call**

**Members:**

*Present:* Daniel Hall, John Haig, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Jeanette Tempe, Tom Watts, Wendy Brick, Robert Adams  
*Absent:* Guy Harby, Pattie Brown

**Professionals:**

*Present* Glenn Kienz, Ken Nelson, Peter Turek (for John Ruschke)  
*Absent:*

**4) Approval of Minutes:**

**Motion to approve the minutes of July 12, 2010 made by Phipps      Second by Krasnomowitz**  
- July 12, 2010

**Eligible to Vote:**

- |                  |             |
|------------------|-------------|
| i) Hall          | <i>Ayes</i> |
| ii) Krasnomowitz | <i>Ayes</i> |
| iii) Phipps      | <i>Ayes</i> |
| iv) Tempe        | <i>Ayes</i> |
| v) Watts         | <i>Ayes</i> |
| vi) Brick        | <i>Ayes</i> |
| vii) Adams       | <i>Ayes</i> |

**Motion to approve the minutes of September 13, 2010 made by Phipps      Second by Brick**  
- September 13, 2010

**Eligible to Vote:**

- |                   |             |
|-------------------|-------------|
| i) Hall           | <i>Ayes</i> |
| ii) Haig          | <i>Ayes</i> |
| iii) Krasnomowitz | <i>Ayes</i> |
| iv) Phipps        | <i>Ayes</i> |
| v) Tempe          | <i>Ayes</i> |
| vi) Watts         | <i>Ayes</i> |
| vii) Brick        | <i>Ayes</i> |
| viii) Adams       | <i>Ayes</i> |

**5) Bills/Vouchers:**

- Weiner Lesniak
  - o Escrow 164 T-Mobile - \$187
  - o General - \$34
- Nelson Consulting
  - o Escrow 167 Amazing Stoneworks - \$495
  - o Escrow 166 Patel - \$297

**Motion to approve bills and vouchers by: Phipps      Second Watts**

**Rolls Call**

*Present:* Daniel Hall, John Haig, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Jeanette Tempe, Tom Watts, Wendy Brick, Robert Adams  
*Absent:* Guy Harby, Pattie Brown

**6) Correspondence:**

- The New Jersey Planner September - October 2010
- NJAPZ Constitution & By-Laws Proposed Amendments 2010
- Legal Notice re: Application to Hardyston
- Memorandum re: Update to County Farmland Planning Incentive Grant
- Letter dated 10/4/10 re: Airgas
- Letter to dated 9/7/10 re: T-Mobile Application and Section 106 Review

No comments

7) **Resolutions:** None

8) **Old Business/New Business**

- **Application LZ 10-004 Kirit Patel**
  - o Letter dated September 23, 2010 from the Applicants Attorney, Cynthia Collins re: request to carry application for one more month.
  - o Report submitted by John Ruschke – please review and add this to your files.

**Motion to carry application to the November 8<sup>th</sup> meeting with no further notice needed made by Mayor Marino**  
**Second by Tempe with all in favor**

- **Application LU 10-005 Amazing Stoneworks**
  - o Packets include: application, maps, professional reports and all relevant correspondence

Attorney Keinz states that this application may be a use variance based on the recent submission from the applicants' attorney. He then asks the planner Ken Nelson to review his findings.

Nelson gives a brief history of the prior property uses and what the current zone (light industrial) covers. His main question is what category this application fits under within the light industrial use. He feels that this application falls more under the retail category than industrial.

Applicant attorney Zimmermann states that his clients strongly feel this application does not fall under the use of retail. It is mainly a dealer showroom. It is not something the public is invited to see. Most of it will be appointment based only. The materials will not be stored onsite. The jewelry component will also be wholesale only.

Kienz asks Nelson in his professional opinion, given what attorney Zimmermann just stated, what use would this fall under.

Nelson after hearing what the Attorney Zimmermann has stated it really is a unique use and he does not know what it falls under. He would categorize this as a technical "d" variance.

Nelson states that he does have some site plan concerns. He recommends that before the next meeting that John Ruschke and himself meet with the applicant to review them.

Chairman Adams references the letter from James Zimmermann October 1, 2010 section 2 item A. He asks Nelson if this could fall under light industrial use.

Nelson, no it does not.

Phipps asks if the jewelry will be manufactured on site.

Applicant states that she designs the jewelry and has its produced overseas and she then will ship it from the location proposed.

Discussion about what the best way to move forward without holding the applicant up takes place.

Kienz states that he can draft a resolution for the next meeting so if the board acts favorable it can be voted on that night. He also feels the applicant should include lot 27 and 26.

Board discusses having a special meeting on Monday October 25<sup>th</sup> at 7:30

Application will be carried to October 25<sup>th</sup> and new notice needs to be sent.

9) **Planners Report:**

10) **Public Portion:**

**Motion to open to the public made by Haig**  
No Public

**Second by Adams with all in favor**

**Motion to close to the public made by Haig**

**Second by Tempe with all in favor**

11) **Chairman's Agenda:**

12) **Adjourn:**

**Motion to adjourn made by Haig**

**Second by Tempe with all in favor**

Respectfully submitted by:



Mary Toscano  
Secretary, Land Use Board

Approved: 10/25/10