

# Land Use Board Minutes | **October 25, 2010 - 7:30pm**

- 1) **Call to Order:** In accordance with the open Public Meeting Act, with regard to notices, the special 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 October 15, 2010 by delivering to the press and posting at the Municipal Building a copy pursuant to the provisions of the "Open Public Meeting Act"

### 3) Roll Call

#### Members:

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

*Absent:* Pattie Brown

#### Professionals:

*Present* Glenn Kienz, Ken Nelson, John Ruschke

*Absent:*

### 4) Approval of Minutes:

- October 5, 2010

**Motion to approve** the minutes of October 5, 2010 **made by:** Phipps **Second by:** Tempe

#### Eligible to Vote:

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

### 5) Bills/Vouchers:

- Hatch Mott MacDonald
  - o Escrow 166 Patel- \$800.00
- Weiner Lesniak
  - o General - \$680
  - o Escrow 164 T-Mobile - \$374
  - o Escrow 166 Kirit Patel - \$459
  - o Escrow 167 Amazing Stoneworks - \$221

**Motion to approve** the Bills/Vouchers **made by** Phipps **Second by** Tempe

#### Rolls Call

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

*Absent:* Pattie Brown

### 6) Correspondence:

- Notice of Hearing – Hardyston Township Planning Board

### 7) Resolutions:

### 8) Old Business/New Business

- *Application LZ 10-004 Kirit Patel*
  - o *Email dated October 20, 2010 from the Applicants Attorney, Cynthia Collins re: request to carry application for one more month possible more*

**Motion to carry** to the December 13, 2010 meeting with no additional notice necessary **made by** Harby **second by** Phipps with all in favor

- *Application LU 10-005 Amazing Stoneworks*
  - o *Packets include: updated plans, relevant correspondence*

- *Professional reports will be proved the night of the meeting.*

Attorney Brian Buffalino is representing the applicant on behalf of attorney Jim Zimmerman.

Patrick McClellan licensed professional engineer is qualified by Glenn Kienz.

Patrick gives an overview of the application. He references exhibit A. Exhibit A has the property line highlighted yellow other than this it is identical to the map on file with the application.

There are some minor site plan improvements that are being proposed. The applicant would like to put in two walkways, one to the front and one to the back of the building. They will build some steps to the parking area from the walkway. They are also proposing to remediate the lights onsite. They depicted 21 parking spaces; they are not proposing to put line or pave they are simply depicting where 21 parking spaces will be. There is also a dumpster and dumpster enclosure proposed, and an area depicted as an outdoor display.

Board Engineer Ruschke states that the applicant was informed that they had to show new sidewalks and parking area because it currently is dirt and they need to make improvements. He feels the planes are lacking detail. For example what materials will be used for the sidewalk and the steps? The board should look at the proposed 21 parking spots on lot 26 because it was part of the site plan approval for an application dealing with the property across the street. He does not see a problem with it, but feels that it should be addressed to keep the records current.

Patrick Barton is sworn in by Glenn Kienz.

Barton states that Amazing Stoneworks is mainly a high end show room for architect designers. They will not be generating a lot of retail. Once a month or every other month they will be holding training for new dealers. The product is diversified and Amazing Stoneworks can also produce outdoor products and would like to have an outdoor display across the bridge near the river.

Guy Harby asks what exactly “masonry supplies” they plan on selling.

Barton clarifies when they say masonry supplies they will be selling special mats, tapes and other supplies that dealers would buy. These supplies are necessary for the production of the product. They will not be warehousing any of the granule products or the outdoor furniture.

Ruschke clarifies that they do not intend to sell masonry supplies to the public.

Barton – we are not going to say no to the public but it is not our intent to advertise to the public.

Ruschke asks what the number of regular employees is and what the foot traffic for the business would be.

Barton – two to three employees and the business will be set by appointment only.

Ruschke – how many people will be able to attend the trainings?

Barton – up to twelve people will be at the trainings.

Tempe asks about the jewelry sales proposed.

Barton states that the jewelry sales are also wholesale.

Ruschke – the Historic Preservation Commission may want to give feedback because there are changes that they have not seen.

Kienz points out that the changes that the historic commission has not seen are the result of the meeting of the professionals. He recommends that if the board is comfortable the application does not need to come back before the board. The board can rely on the decisions and recommendations of the historic commission and the professionals.

Watts asks if the sign will change much.

Barton the only thing that will change is they will remove is the "coming soon".

Nelson reviews his report dated October 22, 2010. He feels this site is suited for a low intensity use as the proposed application. The variance will run with the land not with the applicant; we have to make sure that in the future this does not evolve into something it was not intended to be.

**Motion to open to the public made by Watts                      Second by Tempe with all in favor**

Dan Barr 83 Mulberry St is sworn in by Kienz. Mr. Barr is confident that Pat Barton will not violate the Historic Commission ordinance with the outdoor improvements proposed by the applicant. He has confidence that the improvements proposed will comply with the historic commission.

Board discusses the role of the Historic Preservation Commission and if this application should go back before the commission for review.

The application will go back before the commission on November 3, 2010 for review.

**Motion to close to the public made by Watts                      Second by Tempe with all in favor**

Kienz would recommend that if after a set timeline (6 months or 1 year) the business traffic grows that the zoning officer has the right to have them come back to the board with no new notice necessary.

Adams would also like to see it stated in the resolution that the jewelry sales space be open to any mail order wholesale type business but not open to the public; to give the applicant room for changes.

**Motion to approve application for a use variance with preliminary and final site plan subject to the terms and conditions in the resolution made by Haig Second by Phipps**

Rolls Call

*Present:* Daniel Hall, John Haig, Guy Harby, Kathy Phipps, Jeanette Tempe, Tom Watts, Robert Adams

*Absent:* Pattie Brown

Kienz recommends waiving receipt of the resolution to proceed. He cautions the applicant that he is proceeding at his own risk.

The board has no objections.

**9) Planners Report:** None

**10) Public Portion:** None present

**11) Chairman's Agenda:**

Chairman Adams would like to have a subcommittee meeting to address the concerns of Mr. Bob O'Connor regarding Airgas. The committee will be made up of Himself, Tom Watts, Rich Krasnomowitz, and Greg Kresge. Greg is to set the meeting up.

**12) Adjourn:**

**Motion to adjourn made by Phipps                      Second by Krasnomowitz with all in favor**

Respectfully submitted by:

  
Mary Toscano  
Secretary, Land Use Board

Approved: 12/13/10