

Land Use Board Agenda

February 14, 2011 - 7:30pm

- 1) **Call to Order:** In accordance with the open Public Meeting Act, with regard to notices, the regular 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 11, 2011 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: John Haig, Guy Harby, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Jeanette Tempe, Tom Watts, Wendy Brick, Robert Adams

Absent: Daniel Hall

Professionals:

Present: Glenn Kienz, Ken Nelson, John Ruschke

Absent:

4) **Approval of Minutes:**

- January 10, 2011

Motion: Phipps

Second: Harby

Eligible to vote:

Harby: Aye
Krasnomowitz: Aye
Mayor Marino: Aye
Phipps: Aye
Tempe: Aye
Watts: Aye
Brick: Aye
Adams: Aye

5) **Bills/Vouchers:**

- Hatch Mott MacDonald
 - o Escrow 167 Amazing Stoneworks- \$710
 - o Escrow 166 Patel - \$365
- Weiner Lesniak
 - o Escrow 167 Amazing Stoneworks - \$595
 - o Escrow 167 Amazing Stoneworks - \$34
- The Nelson Consulting Group
 - o Escrow 166 Patel - \$363

Motion to approve made by: Mayor Marnio

Second by: Phipps

Roll Call:

Haig: Aye
Harby: Aye
Krasnomowitz: Aye
Mayor Marino: Aye
Phipps: Aye
Tempe: Aye
Watts: Aye
Brick: Aye
Adams: Aye

6) **Correspondence:**

- Email 2/7/11 from Pattie Brown - resignation
- County of Sussex – Election Dates for 2011

- Township of Hardyston – COAH Reform Bill – S1/A3447

Chairman Adams brings the attention to Pattie Browns resignation.

Motion to accept Pattie Browns resignation with regret made by Mayor Marino and second by Phipps with all in favor.

The secretary will send Ms. Brown a letter thanking her for her years of service.

7) **Resolutions: None**

8) **Old Business/New Business**

- **Application LZ 10-004 Kirit Patel**

- o *Packet includes new maps (please disregard the other ones received) and professional reports.*

NOTE: you may receive one or more professional reports under a separate cover

Attorney Cynthia Collins introduces the applicant and gives an overview of the application and its proposed use.

Kienz swears in Tom Knutelsky with Herald Pellow & Associates as the engineer for the applicant. He goes over Toms qualifications; the board has no questions.

Kienz swears in board professionals John Ruschke and Ken Nelson.

Applicants engineer reviews the site plan. He confirms that this is the same site plan that the board has before them. There are four fuel pumps (that can each service one car) and a food mart on the property. The site will only be accessible by a right hand turn into and out of the property.

The applicants engineer goes on to discuss the proposed drainage and grading in detail and he feels that they can meet all of the board engineers concerns. He then goes on to review the proposed lighting for the site.

The applicants engineer address the landscaping and specifically the board planners concern about what trees will be saved.

The signs on the property are discussed and it is determined that the applicant will consider decreasing the number of signs on the building that say “Food Mart”

The applicant will be an independent carrier; meaning it will not be an Exxon or Mobile gas station. The name has not yet been determined.

The applicant is seeking a front yard setback variance for the canopy. In an effort to try and stay away from the residential property in the rear, and for the overall flow of the site it had to be moved forward.

Board engineer and planner review their reports with the board and the applicant. The applicants engineer responds to each item brought up.

Mayor Marino gives his concern with the application. He would like sidewalks to be installed, and is concerned with the impact on Jennings road. The traffic, drainage, and lighting will all impact the residents and the road.

Kathy Phipps brings up concern that the large fuel trucks will make left hand turns out of the site.

Applicants engineer states that as the truck leaves the site the only way it can go is right. The way the site is setup it does not have the room to turn left. He reminds the board that the application still has to go back to the DOT for approval.

Board planner address his concern with the lighting on the property. Asks the applicant what the hours of operation are. Applicant states they will be 5am – 11pm and the lights will be turned off once closed.

Board Attorney Kienz swears in Kirit Patel for the record.

Applicants Attorney states that the property is zoned Highway Commercial. She goes on to say that a gas station services the entire community and will provide jobs. She respects the board opinion but it is zoned highway commercial and no matter what the site is used for, it will generate traffic.

Motion to open the meeting to the public made by Harby second by Phipps with all in favor

Greg Gorman is sworn in – his concern is about the water drainage and traffic. He is also concerned that the fence proposed near Jennings road will block the site of view when pulling out of Jennings road specifically when looking to make sure there are no cars pulling out of the site at the same time.

Applicants engineer states that the start of the fence is over 40ft from the exit of the site.

He does not like the concept of gasoline right in front of his residence. He appreciates the work the engineer has done.

Kathleen Dehnel is sworn in - concerned that the loading dock is very close to her house, would like to see it moved to the other side of the building closer to 23. She is concerned with the traffic. She says it is hard to make a right between 5 – 8am and nearly impossible to make a left from Jennings Rd. Where is the drainage from the roof going?

The applicants engineer states that the drainage is directed into the underground storage container.

Dan Barr is sworn in – what impact does a site like this have on property value. It has to have some detrimental effect on property value.

Board attorney Kienz – the residential zone is bordering a highway commercial zone and the board really does not consider something like that unless it is directly tied in with a variance.

Motion to close the meeting to the public made by Mayor Marino second by Phipps with all in favor

Kienz swears in Cory Stoner with Herald Pellow & Associates as the engineer for the applicant. He goes over Toms qualifications; the board has no questions.

Keinz give applicant engineer Cory an overview of what has been heard so far; would like him to address the safety concerns with regards to Jennings road.

Stoner states that the use of this site is considered a pass by site. It is not going to be generating new traffic it will be used by people already traveling south on 94. The most difficult part of leaving Jennings road is making a left hand turn onto 94.

Kienz – if you move the site down one more lot would it give you more of a gap in traffic?

Stoner – it would only give you a difference of 50ft and would not provide much of a difference in the traffic.

Discussion around moving

Collins – if the board felt that the formal DOT traffic investigation and report will help the board make a decision she will carry the application to get the DOT approval. If the DOT report is favorable would the board see the application again with an open mind in a more positive light?

Motion to open to the public made by Haig Second by Jeanette Tempe with all in favor

Krasnomowitz asks the public what the people would think if there was no left hand turn coming out of Jennings Road

Wayne Dehnel sworn in – when they put the light up it was stated that you can not make a left hand turn out of Jennings road because you are crossing two sets of yellow lines.

Kathleen Dehnel – it is hard to find a break in traffic to pull out of Jennings road now. She is concerned that this will become harder because cars pulling out of the gas station will fill the breaks in traffic before Jennings road.

Gorman – makes left hand turns out of Jennings and describes to the board the technique used. He states that the only accidents he has seen are caused by people going over the speed limit through the intersection and pile ups because of cars making turns off of 23.

Motions to close to the public made by Krasnomowitz Second by Phipps with all in favor

Board and professionals continue to discuss the application and the statements from the public.

Collins would like the application to be carried until the DOT report is done. Carry to the may 9th 2011 meeting with no further notice.

9) Planners Report:

- COAH - Ken gives an update on COAH. At this point the Borough should still just sit tight and wait to see what happens.

10) Public Portion:

Motion to open meeting to public made by Mayor Marion Second by John Haig with all in favor

No public comment

Motion to close meeting to public made by John Haig Second by Jeanette Tempe with all in favor

11) Chairman's Agenda: Wendy Brick will be appointed to 1st chair alternate leave the open position for alternate 2nd chair.

12) Adjourn:

Motion to adjourn made by Bob Adams Second by Jeanette Tempe with all in favor

Respectfully submitted by:


Mary Toscano
Secretary, Land Use Board

Approved: 4/11/11