

Land Use Board Minutes

**April 11,
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:* Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Jeanette Tempe, Tom Watts, Wendy Brick, Robert Adams
 - Absent:* John Haig
 - Professionals:**
 - Present:* Glenn Kienz, Ronald Piccolo (for John Ruschke)
 - Absent:* Ken Nelson
- 4) **Approval of Minutes:**
 - February 14, 2011
 - Motion:** Phipps
 - Second:** Tempe
 - Eligible to vote:**
 - Harby: Aye
 - Haig: 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- \$49
 - o Escrow 166 Patel - \$365
 - o Escrow 166 Patel - \$1810
 - o Escrow 166 Patel - \$1383.15
 - o Escrow 162 Bluffs - \$712.50
 - o Escrow 162 Bluffs - \$862.50
 - o Escrow 164 T-Mobile - \$32.50 (This account is short. When the funds are received the balance will be paid without further approval.)
 - Weiner Lesniak
 - o Escrow 166 Patel - \$255
 - o General - \$493
 - o General - \$89.79
 - o Escrow 166 Patel - \$238
 - The Nelson Consulting Group
 - o Escrow 166 Patel - \$792
 - o Escrow 166 Patel - \$253

Motion to approve bills/vouchers made by Phipps second by Tempe

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

Nay:

Absent: John Haig

6) Correspondence:

- New Jersey Planner Feb-March 2011
- Mayors Advisory Notice – re Supreme Court to hear league’s COAH Appeal
- State of New Hersey Highlands - Plan Conformance Grant
- Richard Grubb & Associates – Section 106 and Wireless Telecommunications
- Sussex County Soil Conservation District – Soil Erosion and Sediment Control Plan
- Montague Township Resolution – Opposing COAH Reform Bill
- State of New Jersey Office for Planning Advocacy – Areas in Need of Redevelopment Database
- Board of Public Works – EDU Approval for Mike Smolinski (this request was withdrawn by the applicant at the Mayor and Council meeting)
- Sussex County Chamber of Commerce – Submit your beautification projects
- State of New Jersey Division of Policy and Planning – public meeting for Draft Sewer Service Area
- Township of Hardyston – Ordinance

No Comments

7) Resolutions: None

8) Old Business/New Business

- *Application LZ 10-004 Kirit Patel*
Packet includes new maps (please disregard the other ones received)

Meeting is turned over to applicant’s attorney Cynthia Collins. She gives an over view of the application and the new changes. Lot 12 is now part of the application. One property was not on the original notice but Collins hand delivered their notice and they signed a waiver of timely notice.

Kienz states that there was a meeting between the professionals and a subcommittee prior to this meeting. Normally the board cannot meet with a applicant outside of a meeting. The meeting is not in violation because the addition of Lot 12 makes it a new application.

Tom Knutelsky is sworn in as the applicants engineer with no questions from the board.

Tom gives an overview of the prior application (Lot 9,10,11) and the new application (Lot 9,10,11,12). Tom brings up the new application which is the same one that the board has before them. He goes on to explain that the applicant is adding lot 12 and moving the site to the north. This puts roughly an additional 35ft between Jennings road and the proposed site of the application.

Hall asks if the angles of the entrance/exit can be changed so that someone cannot make a left hand turn out of the site.

Tom the site is signed for a right hand turn into and out of. There are techniques that can be used like a mountable curb but he does not think that the opening can be changed much. They are currently within the DOT standards.

Kienz asks if Tom had a chance to review the applicant’s reports

Tom has reviewed both reports and speaks about Mr. Ken Nelsons report. He has spoken to Ken prior to the meeting and he addresses the 3 buffing issues and the landscaping plan.

Mayor confirms that the large tree back by the residential area that was going to be removed in the original application is now going to be saved.

Tom states that the tree will be saved.

Tom would like one of the conditions to be that the applicant and Mr. Nelson meet during construction to see if there can be any other trees saved.

Tom states that he can meet all items on the engineers report dated April 8th.

Piccolo states that the lighting needs to entirely redone, the lighting grid on the current site plan is still reflecting the old lighting grid when Lot 12 was not included.

Tom – the old lighting grid will be the same just moved down with the site. The buffering issue that will be resolved with Ken will also address the lighting on the property.

Discussion continues about the sites lighting.

Kienz – does any signage need variances?

Tom – they do not need a variance for signage; they will comply with the sign ordinance.

Mr. Patel (the applicant) is sworn in with no questions from the board.

Mr. Patel states that the canopy will only have one lighted sign on the side facing the road.

Board and applicant discuss the building facade and the air conditioning units.

Applicant states that sidewalks are in the front of the site with DOT approval.

Watts –ask what will be in Lot 9 now that the site has been moved down.

Applicant states that it will be grass with some landscaping.

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

Kathleen Dehnel sworn in and asks if the buffering that was discussed for her Lot, Lot 8?

Tom – yes there will be new planted buffering with Mr. Nelsons input.

Will there be blasting of the limestone ledge to get the tanks in the ground?

Tom – it is not necessarily going to be blasting and whatever will be will follow all regulations.

If there is blasting will there be any bonding done – Mayor Marino said yes there will be.

Elliot Torres sworn in. His concern is lighting and privacy and turning onto and off of 23. Right now it is hard to do. Wants to know what will be done with the removal of trees and what is going to be done to keep is property safe during this process. He is also concerned about the lighting and overflow into his lot.

Mayor Marino – states that is important to make sure when the board moves forward that it considers all residents concerns. He feels that Mr. Torres issues are all ones that can be addressed.

Piccolo states that all of Mr. Torres issues will be addressed when the professionals meet to review their reports.

Motion to close meeting to the public made by: Watts second by: Phipps with all in favor

Mayor Marino – after the last meeting there were a lot of things that the board were not happy with and Ms. Collins asked what would make the board happy. He thinks that the current application addresses pretty much everything he was concerned about, and thanks them.

Adams – agrees with Mayor that this current plan is superior to the prior one and address the concerns the board had.

Harby thanks the applicant for being so agreeable.

Kienz suggests preliminary approval with a carry of the final as built until November.

Motion to approve that application with a preliminary approval carrying the final as built to the November 14th meeting made by Mayor Marino Second by: Hall

Aye: Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Tom Watts, Wendy Brick, Robert Adams

Nay: Jeanette Tempe

Absent: John Haig

9) Planners Report:

10) Public Portion:

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

No public comment

Motion to close the meeting to the public made by: Watts second by: Harby with all in favor

11) Chairman's Agenda:

Chairman states that the new business K&K Automotive has an approved zoning permit.

12) Adjourn:

Harby asks if there is any way to get people to slow down on Bank Street.

Mayor Marino says it needs to be brought to attention of the police. If anyone sees people speeding on the road a call should be made to the police.

Motion to adjourn the meeting made by Watts Second by Tempe with all in favor

Respectfully submitted by:

Mary Toscano
Mary Toscano
Secretary, Land Use Board

Approved: 5/9/11