
CALL TO ORDER:

Mr. O’Leary called the meeting to order at 7:36 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: Fette, Randazzo, Corcoran, Hahn, Didyk, O’Leary, Hughes(1938).

Members Absent: Luthman, Straub, Leuthe, Taylor.

Also Present: Richard Clark, Esq.
William Gleba, PE

AUDIENCE:

Mr. O’Leary opened the meeting to the public. Ms. Sue Van Sickle of 13 Van Sickle Road said Casagrande received a letter from the town stating they were conducting commercial business in a residential zone without receiving approvals from Lafayette Township. Mr. Fette said at the last board meeting the Board requested he send a letter to Casagrande which he did. He said Ms. Van Sickle came to his office and he suggested she come to the Board. He said he is new to the town and did not have a history on the property or the situation. He advised Casagrande they were conducting an illegal use in the residential zone as directed by the Board.

Mr. O’Leary gave a brief history of the property and the situation. He said Casagrande did come to the Board with a concept to expand the building. He said they did present an application to the Board however no fees or escrows were paid and they never returned to the Board. Mr. Fette felt if the prior use was a pre-cast type operation under a different company, once there is a change of company there is no grandfathering. Mr. Clark said it is not grandfathered when there is a change of use.

Ms. Van Sickle said Casagrande is looking for another building. She said her family has owned the property since the 50’s and it was zoned industrial. She said she is paying industrial taxes on 5 acres of property. She said the property was zoned industrial when they first came out with their zoning and it has been used for a slaughter house, tank fabrication, welding shop, trucking company, truck repair and a fencing company. In 1978 the town came out with their Master Plan and the area was re-zoned to residential. Ms. Van Sickle said her father went back and forth with the town. She said Mr. Luthman was the mayor at the time and told the business owners that they would be grandfathered. She did not have documentation to this effect. She said Casagrande has been at that site for 10 years. She said she received a building permit a few years ago at which time she had to submit a site plan for the work she wanted to do. Nobody from the town questioned Casagrande being there. She felt the property was grandfathered from the re-zoning.

Mr. Clark said under the law the use that is protected is the use that is in place at the time not all of the uses that were in the ordinance at the time. He said whatever use the property was in place during 1978 is the use that is protected under grandfathering. Ms. Van Sickle felt Casagrande is still doing what was being done in 1978. She said they are doing welding and truck repair. Mr. Clark said it is a proof problem.

Ms. Van Sickle asked what the town is looking for. She said Casagrande is no longer looking to expand the building and she needs to rent it out if they leave. She said she does not want to have a problem with the town. She said they will not be able to move out right away.

Mr. Randazzo said the purpose of the letter to Casagrande was to address a parking issue. Ms. Van Sickle said when Mr. O’Connor went to Casagrande and asked them not to park in the front of the building they complied and nobody parks there anymore. Mr. Fette said the rigs are in front of the building. Ms. Van Sickle said there are no rigs in the road. Mr. Fette said they were right up to the road. Ms. Van Sickle said they were allowed to

park them up to a certain distance from the street. Mr. O'Leary noted that once Casagrande withdrew their application, safety became an issue. Ms. Van Sickle said when Mr. O'Connor came down he pointed out to them where they could park and they are complying.

Mr. Clark said if Casagrande leaves and another use moves in that is the same as the use that was in place during the re-zoning, then that is considered grandfathering. If it is different from that, then the owner needs to obtain a use variance. He said the Board cannot make an informal agreement with the property owner. Mr. Fette said there is an auto salvage place next door and everything else is residential.

Mr. Randazzo said he understands that Mr. O'Connor may have told Casagrande where they can park however the ordinance requires the parking to be 75 feet off of the road. Mr. Randazzo said there are vehicle parked right up to the road with booms 50 feet in the air.

Ms. Didyk noted when the tank service business transitioned to the rigging service nobody came to the Board for site plan approval. She said another concern is the safety issue with the cars parking all over the place with some of them parking right on the road. She said there are rigs there that are 35 feet in height.

Mr. Fette said at the very least there should be a site plan application with parking, drainage and curbing shown on a plan. If it will continue to be used as a commercial site it has to be paved with proper drainage. Ms. Van Sickle said they cannot have a paved driveway with track machinery. He said he is not opposed to having it stay a commercial property but it needs to be set up as a commercial site with the proper parking, berms and screening. He said the owner will have to spend some money to make it conform to a commercial site. Mr. Randazzo said it needs to be consistent with the ordinances.

Mr. Clark said something has to be done. He suggested she speak with her attorney. He said she needs to file some sort of site plan. He said it will help her because it will help define her rights and make the property more marketable. He said she will need to file an application.

Mr. Hughes felt the tank company did their business inside. He said now the rigs are outside and can be seen. He said Casagrande does not comply and it has to come before the Board for the non-conforming use.

Ms. Van Sickle asked what she needs to apply for. Mr. Clark said she should discuss this with her professionals. He did say a site plan is very helpful and important. Ms. Van Sickle asked what time frame she has to accomplish this. She said she will talk to Casagrande about moving the rigs back however she felt they are safer standing up than being folded down. She said they cannot be seen from anywhere except on Van Sickle Road. Ms. Didyk disagreed and said she can see them from Beaver Run Road. Mr. Clark said the safety issue needs to be addressed right away. He said if she is actively engaged in working on a site plan the town will be willing to work with the applicant. He suggested she keep the Zoning Officer updated on the progress. Mr. Fette suggested Ms. Van Sickle see if she can work out a deal with Casagrande and perhaps get them to share some of the cost of the site plan and perhaps sign a long term lease with her. Mr. Fette said Casagrande has a plan they submitted so there is not a whole lot of work left to do on the application.

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

MINUTES: January 15, 2009, January 22, 2009, February 19, 2009.
The minutes were carried to the August 27, 2009 meeting date.

Mr. Clark suggested the Board should consider having minutes being a summary of what happened. He said once they become so comprehensive, they become costly, they take time, and then they get to the point they become transcripts and they substitute for the members own recollection and that is not good. He said either the Board has transcripts or reasonable summaries. He said minutes are for summaries of what did happen in

general terms. He said it will not hold up in court. He said it can be helpful but if they really need to recall they can listen to the recording. He said the Secretary is doing a lot of extra work that is not necessary. He said the Board does not have to keep the recordings forever if they do not want to.

Mr. Clark noted the resolutions are too thin. He said they need to be more detailed.

OLD BUSINESS:

1.) Ridgeline Protection Ordinance – September workshop

This matter will be carried to the September meeting date. The Board Secretary will contact the planner to make sure he will be at the September meeting.

2.) Ordinance Revisions Page 1332-1339 – Residential and Affordable Housing Zones

The Board Secretary will check with Mr. Duveneck to see if he is in agreement with the maximum land area disturbance numbers. This matter will be carried to the next workshop meeting.

3.) Definition Revisions

The Board Secretary was in the process of writing a letter to H2M regarding the payment of the outstanding bills from 2008 when she came across some issues she wanted to speak to Mr. Leuthe about. She will revise the letter once she speaks to Mr. Leuthe. The letter will request the zoning definitions work product that we have paid for.

4.) LAA Resolution Discussion

This matter was carried to the August 27, 2009 meeting.

NEW BUISNESS:

1.) Signs

Mr. Randazzo reported back to the Board about the new signage law regarding a contaminated site. He said the sign does need to comply with the towns ordinances.

Mr. O’Leary handed out a copy of the existing ordinance however he had moved some of the sections around so they had a better flow. He explained the changes he made to the Board. There was a discussion on the permit fee of a sign. Mr. Clark suggested we change from the \$1.00 per square foot to a flat fee. Mr. Fette had made some fee change suggestions in his zoning/CCO proposed fee changes he presented to the Board. The permit fee will need to be changes in the construction fee schedule. The Board discussed the signs that will be exempt from permit fees. Ms. Didyk felt the organization putting up the charity sign does not need to pay a fee however they should get permission to put the signs up and advise where they will be placed and for how long they will be there.

Mr. Fette felt the Board should address commercial space signs.

The Board discussed billboards. Mr. Clark said the Board cannot regulate what is advertised on the billboard because of a freedom of commercial speech.

There was a lengthy discussion on the issue of temporary signs.

There was a discussion about putting signs on rocks, sides of barns and silos. The Board agreed the only sign allowable on the side of a barn or silo will be to advertise the farm.

Mr. Fette addressed the flag type signs that are used by Dunkin Donuts. Mr. Randazzo said the definition of a sign addresses this matter and the Board felt they are not permissible.

There was a discussion on neon type signs and illuminated signs. The Board agreed the neon signs in town are illegal. Mr. O’Leary felt the sandwich board type signs should be addressed. The Board made a list of areas that need to be revisited by the Board which includes: signs on silos, sandwich board signs and setbacks, the color of the sign and the number of colors on a sign, signs on canopies and marques, Christmas sale temporary signs and the number of temporary signs.

Mr. O'Leary opened the meeting to the public. Mr. Todd Deming came forward to address the Board and asked that the Board consider comments from the merchant community. He felt the temporary sign section of the ordinance should provide for a "sale" sign for an existing business. He asked the Board to solicit help from the merchants.

2.) Zoning Fees/CCO Inspections – Jeff to discuss

Mr. Fette will take his proposal to the Township Committee.

RESOLUTIONS:

1.) Lentini Redi-Mix AFSP09-9 B:1.02 L:1

The Board agreed to carry the resolution to the August 27, 2009 meeting date.

ORDINANCES: None.

TRC REPORT: None.

ZONING REPORT:

Mr. Fette reported to the Board that he had visited the Handweg Drive Realty property and he gave the Board an update on what he saw on the site. He felt the structure that was built in the wetlands area was not sitting on a proper foundation and that the structure would have to be moved one way or another.

BILLS: List # 12

EXECUTIVE SESSION:

A motion to go into executive session to discuss pending litigation was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Hahn, Didyk, O'Leary.

A motion to come out of executive session was made by Mr. Hahn. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Hahn, Didyk, O'Leary.

CORRESPONDENCE: None.

ADJOURNMENT:

A motion to adjourn was made by Mr. Hahn. It was seconded by Mr. Fette and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary