

CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:32 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: Hughes, Fette, Luthman, Corcoran, Didyk, Straub, Hahn, Leuthe, O'Leary, Taylor (8:15p.m.).

Members Excused: Randazzo.

Members Absent: None.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE

MINUTES: December 17, 2009, January 21, 2010, January 28, 2010, February 18, 2010.

A motion to approve the minutes of the December 17, 2009 meeting with the noted corrections was made by Mrs. Straub. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Didyk, Straub, Leuthe, O'Leary.

A motion to approve the minutes of the January 21, 2010 meeting with the noted corrections was made by Mrs. Straub. It was seconded by Mr. Hahn and passed with a roll call vote. Ayes: Fette, Luthman, Corcoran, Hahn, Straub, Leuthe, Hughes, O'Leary.

A motion to approve the minutes of the January 28, 2010 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Hahn, Didyk, Leuthe, O'Leary.

A motion to approve the minutes of the February 18, 2010 meeting with the noted corrections was made by Ms. Didyk. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Fette, Luthman, Corcoran, Hahn, Didyk, Straub, Leuthe, O'Leary.

Mr. O'Leary noted the meeting scheduled for February 25, 2010 was cancelled due to a snow storm. There will be no minutes or recording for that date.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS:

1.) Signs

The Board went through the working document of the proposed sign ordinance dated 3/9/10. The Board noted some corrections that needed to be made. There was a lengthy discussion on signs for a business in a residential zone.

The Board discussed temporary signs and the advertising of agricultural events. The Board agreed banners are unattractive however they are cost effective for the business. They agreed banners should not be erected on a permanent basis.

Ms. Leo will draft language for special, promotional and event signs and how to control them. The Board discussed the permit process and fees of temporary signs.

Ms. Leo will provide the Board with a definition of "political sign". Mr. Fette will provide Ms. Leo with a definition of "window sign" which she will incorporate into the ordinance.

There was a discussion on "sandwich board" signs. The Board agreed they did not have a problem with them within Olde Lafayette Village so long as they were no dotted along the highway. They

proposed permitting them only within 5 feet of the entryway to the commercial establishment. Sandwich board type signs will be exempt from fees.

Mr. Fette will look into appropriate penalties for violations and report back to the Board.

The Board agreed to continue work on the sign ordinance at next week's meeting if time permits.

2.) Master Plan Re-Exam

Mr. O'Leary explained that a subcommittee was put together at the last meeting and they will be interviewing planners to take on the task of the Master Plan Reexamination. Mr. Hughes explained the financial expectation of the Township Committee. He said he wanted the planner to have a clear understanding of the scope of work involved and wanted the project to stay under \$10,000.00.

3.) Delinquent Escrow Accounts

Mr. O'Leary explained to the Board that the Board Secretary had sent a letter to the Township Committee asking to have the Attorney send letters to 5 applicants that were seriously behind in bringing their escrow accounts into balance. The Board Attorney said she would write letters to the applicants and she will look into what recourse the Board can take in getting compliance with payment. Mr. Corcoran felt there should be better checks and balances on the system in place. He felt applicants should not be heard if there is no escrow money. Mr. Duveneck said he works closely with the Board Secretary on this matter. He explained how an account can all of a sudden become depleted. In three of the five listed accounts, the applicant suddenly stopped moving forward with their project.

4.) Handweg Drive Realty Resolution Compliance

The Board Secretary reported that the condition of the resolution requiring the applicant to supply to the Board proof of a D.E.P. application requesting wetland disturbance has not been fulfilled. Ms. Leo said she will send the applicant's attorney a letter to that regard.

NEW BUSINESS:

1.) Property Maintenance Ordinance

Mr. O'Leary asked Mr. Corcoran and Mr. Hughes if they felt this would be something the Township Committee would likely consider. Mr. Fette suggested he address this matter through unsafe structure guidelines. He will work on this throughout the summer months and then report back to the Board. The Board felt this would be a better way to handle the matter. Mr. Hughes and Mr. Corcoran will see if the ordinance is something the Township Committee is interested in pursuing and report back to the Board.

Mr. Hughes noted the Board Secretary had handed out the current version of the zoning map. He said there are still some errors on the map however they have been identified and will be corrected during the next revision. He noted the Village Residential zone is still missing as well as the 94 Associates approved subdivision. Mr. Hughes noted the zoning map will be on the Township's website

Mr. Luthman asked if some of the small lots along Valley View Road could be automatically merged if they were under the same ownership. Ms. Leo said she will investigate this matter. Mr. Duveneck said they could be automatically merged if they are under the same ownership and they were non-conforming lots. He said this can be done without prior notice to the land owner unless they were legally subdivided. Ms. Leo will report back to the Board on this matter.

Ms. Leo advised the Board she had attended the Affordable Housing Task Force meeting and reported the S-1 bill is being amended. She said it may allow every municipality to start with a clean slate. It will have a smaller, more reasonable fee for new development and more local control.

RESOLUTIONS: None.

ORDINANCES:

No.	Name	Citation	Memorialized	Date to Clerk	TC Agenda	First Reading	Adopted	Sent to County/ Coded Systems
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1	Amendment to Chapter 12 – 21 Day submission requirement	12-5.1	5/28/09	6/2/09	7/7/09	8/4/09	9/1/09	Sent in January
2	Ridgeline	13-3.1	12/17/09		1/19/10	1/19/10	2/16/10	Sent to County
3	Residential Zone Changes	13-8	12/17/09		2/16/10	3/2/10	3/16/10	Sent to County
4	Amend Chapter XIV	14-1.3 14-2,2	2/18/10	2/19/10	3/2/10	3/2/10	3/16/10	Sent to County

PENDING APPLICATIONS:

No.	Name	Application Number	Complete Date	Time to Act	Status
1	Barnside Inc	VAR09-14	n/a	n/a	<i>Deemed incomplete 12/17/09</i>
2	D'Agostino	MNR09-16	n/a	n/a	<i>Deemed incomplete 12/17/09. Will be heard on 3/25/10</i>
3	Lafayette Asphalt	ASP10-1 AFSP10-2	n/a	n/a	<i>Trying to get onto 3/25/10 agenda.</i>

TRC REPORT: None.

ZONING REPORT: None.

BILLS: None.

Mr. O'Leary explained to the Board that the Board Attorney's contract still had not been signed because it was not written the way the Board had expected. He felt the work may be lighter than usual this year and said the Board wanted to pay the Attorney an hourly rate for what work actually was performed instead of paying a flat monthly fee. He said when Mr. Hughes made the motion for the proposed budget it was for 6 work sessions and 12 regular meetings. He said the Township Attorney wrote the contract with a monthly retainer. Ms. Leo said she will rewrite the bills presented for this year so far and they will reflect the actual hours worked. She said she will rewrite the contract and get it to the Board Secretary for signatures.

Mr. Leuthe noted one of the general bills had time charged to it for work on the Handweg application. Ms. Leo will fix the bills involved. The Board agreed to carry bills list #3 until it can be revised.

EXECUTIVE SESSION

A motion to go into executive session to discuss pending litigation and release the minutes when the litigation is over was made by Mr. Hughes. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Corcoran, Didyk, Straub, Hahn, Leuthe, O'Leary.

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

CORRESPONDENCE:

- 1.) From: Ursula Leo, Esq.
Re: Trial Brief on behalf of AES Property Holdings
- 2.) From: Township of Andover
Re: Re-Exam of the Master Plan
- 3.) Zoning Practice – Town House Standards

- 4.) From: Ursula Leo, Esq.
Re: Gualano Subdivision Deeds

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