

Land Use Board Minutes

April 12, 2010

- 1) **Call to Order:** In accordance with the open Public Meeting Act, with regard to notices, the regularly scheduled 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 12, 2010 by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant to the provisions of the "Open Public Meeting Act"
- 3) **Roll Call:**
 - a) **Members:**

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

Absent: John Haig
 - b) **Professionals:**

Present: Ken Nelson

Absent: Glenn Kienz, John Ruschke
- 4) **Approval of Minutes:** January 11, 2010

Daniel Hall points out that there is a mistake in the minutes. John Haig was listed as absent but was present at the meeting. The secretary stated that the final copy has been updated.

- **Motion to approve by:** Phipps **Second** Tempe
Ayes: Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Jeanette Tempe, Tom Watts, Pattie Brown, Wendy Brick, Robert Adams
Nays:
Abstain:
Absent: John Haig

5) **Bills/Vouchers :**

- Weiner Lesniak:
 - o Escrow 162 - \$476
 - o General - \$527
 - o Escrow 162 - \$170
 - o General - \$221
 - o Escrow 162 - \$442
- Hatch Mott MacDonald
 - o Escrow 162 - \$1,086.70
 - o Escrow 162 - \$799
 - o Escrow 162 - \$1,500
 - o General - \$160.75
- Nelson Consulting Group
 - o General - \$176
 - o Escrow 165 - \$121
 - o Escrow 164 - \$187
 - o Escrow 163 - \$297

Motion to approve by: Tempe **Second** Phipps

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

Nays:

Abstain:

Absent: John Haig

6) **Correspondence:**

- Mayors Fax Advisory – S-1 Reforms Fair Housing Act, Abolishes COAH
- Mayors Fax Advisory – Governor Christie Signs Executive Order on COAH
- Mayors Fax Advisory – Affordable Housing, COAH and Executive Order
- Memo from Board of Public Works – EDU Allocation Block 22 Lot 31

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- ANJEC – Letter regarding 2 Resource Papers – if you would like a copy of the paper let the secretary know
- Affordable Housing Conference – If you would like to attend let the secretary know by at the meeting
- Mayors Fax Advisory – SCS For S-1 Abolishes COAH
- Mayors Fax Advisory – Update on S-1
- Letter from Secretary – Regarding Escrow for Bluffs – check has been received

Chairman Adams points out that there is a lot of correspondence regarding COAH and asks the Planner Ken Nelson to review this when he gives his report.

7) Old Business/New Business:

Bluffs Amendment

Block 1 Lot 30

LZ09-006

- a) Progress report from applicant

Rich Krasnomowitz informs the board that according to what the engineer John Ruschke has reported to the Mayor and Council the Bluffs are moving along and showing progress.

8) Planners Report:

- Highlands Update

Planner Ken Nelson reviews COAH and what has been going on in recent months. There have been no final decisions made as to the future of COAH. Right now COAH is still running as normal. No matter what happens there will be a housing obligation that municipalities must meet.

Ken gives an overview of the highlands and where the Borough stands. Ken feels reluctant to put the Borough through the work to get approval and at the same time is worried about the risk if the Borough pulls out. At this point he recommends sitting still.

Mayor Marino asks Ken if the Borough should continue to pursue with the Highlands.

Ken feels that right now it is 90/10 in favor of pulling out but recommends waiting because there are a few things still in the works that could change his opinion.

Ken discusses the term “inherently beneficial use” The definition includes items such as schools and hospitals but was also writing to include wind turbines and solar panels. If a municipality does not have regulations on wind turbines and solar panels an application will have an easier time getting an approval because they are now an inherently beneficial use.

Rich Krasnomowitz asks if the approval process would be easier for someone in a residential zone putting a business in that includes a solar panel or a wind turbine.

Ken Nelson states that it is a good question and an interesting point. He thinks it would come in as two separate use variances.

Ken Nelson wanted to board to be aware of the new definition so that they can plan accordingly.

9) Chairman’s Agenda:

- Return of Heritage Lakes Application Fee – application withdrawn

Board discusses the return of the application fee. Due to the fact that the application was already sent to the professionals and reviewed administratively it is the boards feeling that the application fee should not be returned.

The secretary will contact the application letting them know that they will not be refunded the \$500 application fee.

- Review of Ordinance

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Board discusses the current ordinances and different examples to show where more attention should be given. The main question is does the board want to put more detailed definitions in the ordinance for categories like 'service establishments'.

Pattie Brown states that in Sparta there is a subcommittee that reviews items like parking, lighting and signs.

Wendi Brick asks about the new municipal parking lots.

Planner Ken Nelson suggests the board looks at the new parking and the onsite parking for the locations closets to it and revise the parking requirement for the Borough Center zone taking into account the new available municipal parking.

10) Public Portion – No Public

11) Adjourn – 8:17pm

Motion to Adjourn: Phipps **Second:** Adams with all in favor.

Respectfully submitted by:



Mary Toscano
Secretary, Land Use Board

Approved: 5/10/10