

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD APRIL 8, 2010

Open public meeting statement: The meeting was called to Order by the Board Chairman, Glenn Barbagallo, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public meetings Act. Those present were: Charles Teufert, Sharon Tufaro, Gene Crawford, Richard Innella, Glen Plotsky, Jody Case Kennedy, Glenn Barbagallo, William Haggerty, Esq., the board attorney and Sharon M. Yarosz, the board secretary.

Those absent were: Darren Ponce, Jason Dunn (excused), Katherine Snyder (excused) and James Guimes.

FLAG SALUTE

MINUTES

The board secretary indicated that the Minutes for the March meeting were not yet completed.

RESOLUTIONS

Jemstone Holdings, Inc. (Dairy Queen) – LUB 09-02 - “C” Variance & Amended Site Plan Block 44, Lot 8 – 17 Route 23 South:

The Resolution was reviewed. A Motion was made by Mr. Teufert and seconded by Ms. Crawford to approve the Resolution for Jemstone Holdings, Inc. dismissing the application without prejudice. Roll Call: Mr. Teufert, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; and Mr. Barbagallo, yes. The Motion was carried.

NEW APPLICATIONS

Township Of Montague – Recycling/Clean Communities – Block 42.01, Lot 7 – Review by Planning Board for Capital Project (N.J.S.A. 40:55D-31) – Addition of Enclosure for Recycling at DPW Site:

Appearing before the board was Toni Lu Martin, who is the coordinator for the Clean Communities Program in Montague Township. Ms. Martin indicated that the township received a grant from the Clean Communities Program and the Recycling Program. They would like to install a gated area on the outside of the DPW for the recycling program. At the present time the residents enter into the gated area of the DPW on the first and third Saturday of the month. The DPW equipment is all stored in this area. She further indicated that having a separate gated area outside of the DPW area would be safer and they would not have to open up the DPW yard on those Saturdays. The gated area would be large enough to put the recycling trailer and the paper trailer in. The gated area that is proposed is to the left side of the entrance to the DPW Garage. Mr. Barbagallo questioned if they could just put the fenced in area against the existing fence to the DPW. Ms. Martin indicated that they could not do that because there is a drainage ditch up against the existing fence. Mr. Haggerty questioned as to the height of the fence. Ms. Martin indicated that it would match the existing fence, which is 8' with 2' of barbed wire. Mr. Innella questioned as to why it needs to be gated. Ms. Martin indicated that if it is not gated, people will drop off household trash. Mr. Innella questioned if the base will be paved. Ms. Martin indicated that they will be using the base that currently exists, which she believes is gravel.

A Motion was made by Mr. Teufert and seconded by Mr. Innella to approve the fencing requested by the Township Recycling program. Roll Call: Mr. Teufert, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; Mr. Plotsky, yes; Ms. Kennedy, yes; and Mr. Barbagallo, yes. The Motion was carried.

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NEW APPLICATIONS CONT.

James A. Crawford – Private Road Variance – Block 19.07, Lot 15-20 High Point Drive – LUB 10-02:

Appearing before the board was the applicant, James A. Crawford. Mr. Crawford was sworn in by the board attorney.

Mr. Crawford indicated that he was before the board to build a one-story home on his property that is on an unimproved road. He is proposing road improvements consistent with the requirements of the township which is shown on his map dated October 5, 2009 prepared by Caffrey and Associates, Inc. There are other homes in the area in proximity to his proposed home.

Mr. Haggerty indicated that a report was prepared by the board engineer on February 22, 2010 on this application. It was noted that this report was reviewed at the prior meeting when the application was deemed complete. It was noted that a hand written note on the plans could be written regarding the lot coverage. The applicant's had 9.6% on the plans and it should be 2.7%. It was also agreed that the past practice of the road improvements would be necessary and that the engineer's suggestion in his letter of February 22, 2010 (paragraph 4) was not required. It was noted that the map dated October 5, 2009 showed the required improvements needed to the roadway.

Mr. Haggerty indicated that the notice was sufficient. He also suggested that the applicant prepare a revised deed indicating that this is a private road and it is the applicant's obligation to maintain the roadway and the township has no obligation for maintenance and plowing of this road. The applicant did provide a letter at the previous meeting from the wetland consultant which satisfies paragraph "B(1)(d)" of the engineer's report dated February 22, 2010. The township engineer also found that if they do the proposed changes to the roadway, it will be safe for emergency vehicles.

This matter was opened to the public. There was no public participation. This matter was closed to the public.

A Motion was made by Mr. Plotsky and seconded by Mr. Innella to approve the private road variance with the road improvements as shown on his map dated October 5, 2009 and to prepare a revised deed with the deed restriction that the township has no obligation for maintenance and plowing of this road. Roll Call: Ms. Crawford, yes; Mr. Innella, yes; Mr. Plotsky, yes; Ms. Kennedy, yes; and Mr. Barbagallo, yes. The Motion was carried.

A Motion was made by Ms. Crawford and seconded by Mr. Plotsky to waive the reading of the resolution so that the applicant can move forward with the building permit. Roll Call: Ms. Crawford, yes; Mr. Innella, yes; Mr. Plotsky, yes; Ms. Kennedy, yes; and Mr. Barbagallo, yes. The Motion was carried.

OLD BUSINESS

Sign Ordinance:

The board reviewed the changes as discussed at the prior meeting. Ms. Tufaro indicated that a new paragraph was added establishing a minimum setback for all freestanding signs to be 6' from any property line and 10' from a traveled roadway, whichever is greater. A copy of the ordinance is attached hereto and made a part hereof.

A Motion was made by Mr. Teufert and seconded by Ms. Crawford to approve the revised sign ordinance and send it to the township committee for their review and adoption. Roll Call: Mr. Teufert, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; Mr. Plotsky, yes; Ms. Kennedy, yes; and Mr. Barbagallo, yes. The Motion was carried.

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OLD BUSINESS CONT.

Accessory Buildings and Structures Ordinance:

It was noted that the township committee approved on first reading the Accessory Buildings and Structures Ordinance and it is before the board for their review. It was also noted that the township committee has made no changes to the ordinance.

A Motion was made by Mr. Teufert and seconded by Ms. Crawford to approve the Accessory Buildings and Structures Ordinance for final adoption by the township committee. Roll Call: Mr. Teufert, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, no; Mr. Plotsky, yes; Ms. Kennedy, yes; and Mr. Barbagallo, yes. The Motion was carried.

VOUCHERS

The vouchers were reviewed. A Motion was made by Mr. Barbagallo and seconded by Mr. Plotsky to approve the following vouchers:

- 1) Dolan & Dolan regarding General Administration (February) in the amount of \$327.13; and;
- 2) Dolan & Dolan regarding Cellco Partnership (LUB 10-01)(Escrow) in the amount of \$737.10; and
- 3) Dolan & Dolan regarding Crawford (Escrow) in the amount of \$95.95; and
- 4) Dolan & Dolan regarding Youngman (Escrow) in the amount of \$97.50; and
- 5) Dolan & Dolan regarding Cellco (LUB 10-01) (Escrow) in the amount of \$117.50; and
- 6) Harold E. Pellow & Associates regarding Cellco (LUB 10-01) (Escrow) in the amount of \$588.13; and
- 7) Harold E. Pellow & Associates, Inc. regarding COAH in the amount of \$113.00; and
- 8) Harold E. Pellow & Associates, Inc. regarding COAH in the amount of \$508.50; and
- 9) Harold E. Pellow & Associates, Inc. regarding COAH in the amount of \$3,614.00.

Roll Call: Mr. Teufert, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; Mr. Plotsky, yes; Ms. Kennedy, yes; and Mr. Barbagallo, yes. The Motion was carried.

CORRESPONDENCE

The correspondence was reviewed. No formal action was taken.

PUBLIC PARTICIPATION

This meeting was opened to the public. There being no public participation, this meeting was closed to the public.

AJOURN

Having no further business, a Motion was made by Mr. Plotsky and seconded by Mr. Teufert to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ
Land Use Administrator