

LIBERTY TOWNSHIP LAND USE BOARD

Minutes – April 18, 2007

The Liberty Township Land Use Board met for a regular meeting on Wednesday, April 18, 2007 in the Municipal Building 349 Mt. Lake Rd, Great Meadows, N.J. Chairman Grover opened the meeting (7:12 p.m.) and declared that all aspects of the Open Public Meeting Act had been met by posting notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star-Ledger of Newark and the Express Times of Easton, PA.

OATH OF OFFICE: The oath was administered to Rudy Pasko by Attorney Schneider. Mr. Pasko will serve a four-year term expiring 12/10.

ROLL CALL:

Present:	Dan Grover	Ron Petersen
	John Inscho	Greg Sipple
	Wayne Jarvis	Ray Sosnovik
	Peter Karcher	Eric Tibak
	Rudy Pasko	Joanne Ward

Kathy Dossena, Administrator Richard Schneider, Esq., Attorney
(Acting counsel)

Absent: Carl Cummins, Peter Wicki, and Beverly Gloumakoff

EXECUTIVE SESSION:

WHEREAS, N.J.S. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Township of Liberty, County of Warren, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

- a) Personnel Matters

2. It is anticipated at this time that the above matter will be made public upon completion of the session,

3. This Resolution shall take effect immediately.

A motion was made at 7:16 p.m. by Chairman Grover to adopt the above Resolution and enter into executive session. Mr. Jarvis seconded the motion followed by a unanimous roll call.

A motion was made by Mr. Sipple to enter in to the regular session at 7:45 p.m. Mr. Grover seconded the motion followed by a unanimous roll call.

Attorney Schneider took a seat at the dais.

MINUTES: The minutes of the March 21, 2007 regular meeting were approved as written with a motion by Mr. Peterson, seconded by Mr. Jarvis with roll call as follows:

Ayes: Mr. Jarvis, Mayor Inscho, Mr. Petersen, Mr. Tibak, Mr. Karcher, Mrs. Ward, and Chairman Grover.

Nays: None recorded

Abstain: Mr. Pasko, Mr. Sipple, and Mr. Sosnovik because of absence.

Motion carries with seven (7) affirmative votes.

RESOLUTION:

Docket #07/03: Use Variance for a second structure to be put in place to house elderly parents on Blk 11, Lot 39. Polixeni Katsaros and Stephanie Mansmann, Applicants.

This Resolution was not ready to be acted upon tonight; therefore, it will be read at the May meeting.

APPLICATION:

Docket #07/02: C-Variance for height of the principle structure on Blk 21.01, Lot 3 John Cillo, Applicant.

Mr. Jarvis has stepped down from this application noting a conflict.

Completeness: Mrs. Dossena stated that proper notice has been served. The checklist items that are applicable have been submitted. A motion was made by Mayor Inscho to deem this application complete. Mr. Sipple seconded the motion with roll call as follows:

Ayes: Mr. Pasko, Mayor Inscho, Mr. Sipple, Mr. Petersen, Mr. Tibak, Mr. Sosnovik, Mr. Karcher, Mrs. Ward, and Chairman Grover.

Nays: None recorded

Abstain: None recorded

Motion carries with nine (9) affirmative votes.

Hearing: John Cillo and Janet Cillo (co-applicants), Stephen Jones (cousin of the applicants) were present and sworn-in by Attorney Schneider. Mr. Jones stated that this parcel consists of 9.4 acres of which only .96 of an acre can be disturbed. The Cillo's had wanted a detached garage but because of the topography of the land and the limitation on the disturbance this was not possible. If the detached garage could have been constructed then the house could have been back-filled and the variance would not have been necessary. Therefore, the garage is placed under the home which has created the excess in the height of the structure. This property is within the Highlands preservation area. Lowering the roof height further would significantly alter the appearance of the structure. Discussion ensued as to the height of the chimney. Although the chimney is excluded as per our ordinance, this will be noted in the Resolution.

Mr. Jones stated that the front elevation would be 32 feet in height if it were not for the slope. Discussion ensued as to the height definition in our ordinance which states that the measurement is taken in the front of the structure. Mr. Jones stated that the height in the front is 34.5 feet which is under the 35-foot height limit.

Chairman Grover opened the meeting to the public at 8:16 p.m. Joseph Kerick, Jr. stated that he witnessed the perc test being done on this property and it failed. Allan Wechsler noted his concern that the land development agreement limitation is withheld. Attorney Schneider stated that this agreement limitation will be in the Resolution. As there were no further comments, this portion was closed at 8:29 p.m.

The Board members reviewed the height definition along with the plans and discussion ensued as to if a variance is needed. Mr. Jones suggested that the applicant seek an interpretation or an appeal from the zoning officer's decision. A motion was made by Mr. Pasko to amend this application to request an Interpretation (B-Variance) as based on the plans and our height definition, this structure complies and no variance is required. The zoning officer's denial is reversed. Attorney Schneider added that if the calculations on the plans are wrong, the applicant would have to return to this Board. Mr. Petersen seconded the motion with roll call as follows:

Ayes: Mr. Pasko, Mayor Inscho, Mr. Sipple, Mr. Petersen, Mr. Tibak, Mr.

Sosnovik, Mr. Karcher, Mrs. Ward, and Chairman Grover.

Nays: None recorded

Abstain: None recorded

Motion carries with nine (9) affirmative votes.

Page 4

Minutes – 4/18/07

DISCUSSION:

Rules and Regulations: This will be discussed next month.

ECHO Ordinance: This will be discussed next month with Planner Snyder.

Highlands Council letter dated March 30, 2007 re: TDR Program: The Board members elected to take no action on this letter.

EXECUTIVE SESSION:

WHEREAS, N.J.S. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Township of Liberty, County of Warren, State of New Jersey, as follows:

1. the public shall be excluded from discussion of the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

a) Personnel Matters

2. It is anticipated at this time that the above matter will be made public upon completion of the session,
3. This Resolution shall take effect immediately.

A motion was made at 8:43 p.m. by Mayor Inscho to adopt the above Resolution and enter into executive session. Mr. Pasko seconded the motion followed by a unanimous roll call

A motion was made at 9:01 p.m. to exit Executive Session and enter into regular session by Mayor Inscho. Mr. Pasko seconded the motion followed by a unanimous roll call.

A motion was made by Mr. Sipple to hire Richard Schneider, Esq. as Board Attorney for the period ending 12/31/07. Mr. Tibak seconded the motion with roll call as follows:

Ayes: Mr. Pasko, Mayor Inscho, Mr. Sipple, Mr. Petersen, Mr. Tibak, Mr. Sosnovik, Mr. Jarvis, Mr. Karcher, and Chairman Grover.
Nays: None recorded

Page 5

Minutes – 4/18/07

Abstain: None recorded
Motion carries with nine (9) affirmative votes.

Mrs. Dossena reached Mr. Schneider on his cell phone and the members agreed to an hourly rate of \$140 with a \$200 minimum meeting fee.

Cillo Variance Application: A motion was made by Mayor Inscho that if, after professional review, it is found that a mistake was made and the Cillo's did not need to apply for the variance that their money be refunded. Chairman Grover seconded the motion with roll call as follows:

Ayes: Mr. Pasko, Mayor Inscho, Mr. Sipple, Mr. Petersen, Mr. Tibak, Mr. Sosnovik, Mr. Karcher, Mr. Jarvis, and Chairman Grover.

Nays: None recorded

Abstain: None recorded

Motion carries with nine (9) affirmative votes.

BILLS:

Two bills submitted will be held for further review. A motion was made by Mayor Inscho to pay the bill for the ECHO ordinance. Mr. Petersen seconded the motion with roll call as follows:

Ayes: Mr. Pasko, Mayor Inscho, Mr. Sipple, Mr. Petersen, Mr. Tibak, Mr. Sosnovik, Mr. Karcher, Mr. Jarvis, and Chairman Grover.

Nays: None recorded

Abstain: None recorded

Motion carries with nine (9) affirmative votes.

Mr. Jarvis stated that we may want to revamp our height limitation because of the Highlands regulations which will cause residents to go up to expand their living area.

ADJOURNMENT: Chairman Grover adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Kathy Dossena
Land Use Administrator