

May 20, 2008

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, May 20, 2008 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ.

Members Present: Mayor Hughes, Committeemen Sweeney, Corcoran, D'Angeli, and Bruning

Members Absent None

Also Present: Clerk Fedish, Road Foreman Macko

Mayor Hughes opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

Minutes

Motion by Corcoran, seconded by Sweeney, to accept and place on file the Minutes of May 6, 2008. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-abstain.

2008 Municipal Budget - At this time, Mayor Hughes amended the agenda to review the 2008 Municipal Budget. The budget was reviewed by the Township Committee and Auditor, Heidi Wohlleb. There will be a 3.2 cents increase.

Motion by Bruning, seconded by Corcoran, to introduce the 2008 Municipal Budget with a Total Appropriation of \$2,020,261 and set the public hearing date of July 1, 2008. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Self-Examination of Budget Resolution - Motion by D'Angeli, seconded by Bruning, to adopt the following Resolution:

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lafayette has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2008 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lafayette that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Township Committee has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated.
- b. Items of appropriation are properly set forth.
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Committee Reports

Recreation - Motion by Bruning, seconded by Sweeney, to hire Becky Jiroux and Laura Boonham as co-directors for the 2008 summer recreation program at a rate of \$12.50 per hour. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Streets and Roads - D'Angeli reported routine work is being done. Discussion ensued regarding road projects. D'Angeli said the Township Engineer will not charge the Township for a second road grant application, which will be for Pelletown Road from the Frankford Township line to Fox Hill Road.

Road Foreman Macko said the pipe in the parking lot, located on the corner of Route 15 and Morris Farm Road, is the Township's responsibility; and a pipe is needed for the replacement.

Land Use Board - Corcoran reported the Land Use Board approved and signed the Dolan & Dolan contract for legal services at their last meeting. He said the restructuring of the ordinances is being worked on.

Affordable Housing - Hughes reported the trust fund reported has been submitted by the CFO.

Advance Housing - Hughes reported the paperwork for the Advance Housing project has been submitted.

SCARC - Hughes reported SCARC is waiting for the HUD contract.

Correspondence

1. From City of Estell Manor re: State Police taxing
2. Hardyston Township Resolution Opposing Senate Bill No 555
3. Hampton Township Ordinance Amending Zoning Chapter 108
4. From Wm. Haggerty, Esq. re Notice of Hearing for Flag Associates application
5. From John Melick re: Membership in NJ Council of Farmers & Communities

Old Business

Exceed Cap Ordinance - Mayor Hughes opened the public hearing for the following ordinance:

CALENDAR YEAR 2008 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

With there being no public comments, Mayor Hughes closed the public hearing.

Motion by D'Angeli, seconded by Corcoran, to adopt the Ordinance to Exceed Cap. Motion carried by roll call vote: Hughes-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Personnel Policy - Motion by Bruning, seconded by D'Angeli, to adopt the Personnel Policy dated February 3, 2008. Motion carried by roll call vote: Hughes-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

New Business

Audit Certification Resolution - Motion by Bruning, seconded by Corcoran, to adopt the following Resolution:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Amend Chapter 13 Ordinance - Motion by D'Angeli, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date of June 4, 2008:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF LAFAYETTE'S ZONING ORDINANCE (CHAPTER 13) TO SUPPLEMENT NEW DESIGN STANDARDS FOR CERTAIN COMMERCIAL DEVELOPMENT AND TO CREATE THE GATEWAY COMMERCIAL DISTRICT

SECTION 1. SUMMARY

This ordinance supplements and modifies the existing General Ordinance of the Township of Lafayette set out in Chapter 13 Zoning as follows:

- (1) Creation of the **Gateway Commercial District** as a new zoning district;
- (2) Modification of certain standards in the **Gateway Overlay Zone**, the **Village Commercial District**, and **Highway Commercial District**.

(3) Modification of the following common elements of the Township's Zoning Ordinance: Section 13-3.1 Districts Designated and Section 13-3.2 Zoning Map.

SECTION 2. ESTABLISHMENT OF THE GATEWAY COMMERCIAL DISTRICT

A. Purpose of District. The purpose of these regulations is to create a zoning district designed to accommodate a mix of activities structured so that residents can perform many of their retail, commercial and social activities in a convenient, accessible place. The bulk and use requirements for the district are designed to create compact, mixed-use, pedestrian-oriented development that reflects the design and scale of the Township's existing historic village.

B. Establishment of District. A new district entitled "Gateway Commercial District" (GCD) is hereby established. The district is depicted on the map of zoning districts prepared by H2M Group under the legend "GCO-Gateway Commercial" which is attached as Exhibit "A". This Zone shall revise existing Lafayette Township Zoning Map dated 05/11/07. The existing Zoning Ordinance is hereby amended to include §13-13D as follows:

§13-13D – Gateway Commercial District

- a. Principal Uses. No building or structures shall be erected nor shall any land or building be designed or used for any purpose other than the following:
 1. Office buildings offering professional services including medical offices and business services
 2. Financial Institutions
 3. Retail Sales Establishments
 4. Retail Services Establishments
 5. Specialty stores
 6. Restaurants
 7. Agricultural uses
 8. A Mixed-use development comprised of residential dwelling units above first-floor retail stores
 9. Public Utility Uses
 10. Child care centers
 11. Open space
 12. Retail Convenience Store
- b. Accessory Uses. The following accessory uses shall be permitted:
 1. Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.
- c. Prohibited Uses
 1. Outdoor storage
 2. Adult entertainment
- d. Bulk Requirements
 1. Multiple buildings and multiple permitted principal uses on a lot shall be allowed.
 2. Minimum lot size: three acres.
 3. Maximum floor area ratio: 0.18
 4. Maximum Height. No building or structure shall contain more than two and one-half stories or be greater than 35 feet in height except as provided in subsection 13-6.8.
 5. Maximum Lot Coverage: Building and impervious surface shall not exceed 50 percent of the unconstrained land.
 6. Building setback from the roadway.
 - i. Buildings fronting on Route 15/Route 94 shall have a minimum setback of fifteen (15) feet and a maximum setback of twenty-five (25) feet.
 - ii. Buildings fronting on local streets shall have a minimum setback of zero (0) feet and a maximum setback of fifteen (15) feet.
 - iii. Parking and circulation aisles between the building and the street, which abuts the front property line, are prohibited.
 7. Side yards shall have a minimum width of 15 feet.
 8. Rear yards shall have a minimum of 75 feet in depth.
 9. Maximum building size: 20,000 square feet.
 10. New building and modifications to the existing buildings shall be of an architectural style that is compatible with the predominant style of the existing buildings in the historic village. Newer buildings

shall be designed in accordance with the design standards listed in §12-8.3.F.

11. A minimum fifteen (15) foot wide landscaped buffer is required along the frontage of Route 15. The landscaped buffer may consist of a variety of landscaping materials, walls and berms to create an attractive edge.

12. Local streets shall have a minimum four (4) foot wide sidewalks and a four (4) foot wide planting strip. The planting strip shall be comprised of grass and street trees.

e. Off-Street Parking

1. Minimum parking area setback from building, including parking spaces and service aisles, is 10 feet except for loading areas.
2. Driveways shall be located at a minimum distance of ten (10) feet from a side or rear property line. The distance between the driveway and the property line shall be landscaped as provided in the design standards for this area. Where shared parking is provided, two-way driveways may straddle the common property line or provide no setback to a side or rear lot line.
3. Driveways designed for one-way traffic shall have a minimum width of ten (10) feet and a maximum width shall be twelve (12) feet on roads within the jurisdiction of the Township.
4. Driveways designed for two-way traffic shall have a minimum width of eighteen (18) feet and a maximum width shall be twenty-four (24) feet on roads within the jurisdiction of the Township.
5. The required minimum number of on-site parking spaces shall be as follows:

<u>Type of Use</u>	<u>Requirement</u>
Retail, personal services and specialty store	1/250 Sq. Ft. GFA
Business offices	1/200 Sq. Ft. GFA
Medical offices	1/150 Sq. Ft. GFA
Restaurants	1/3 seats

f. Signs

Signs permitted in the Village commercial, VC Zone and Highway Commercial HC Zone according to §13-17.8 of the Lafayette General Ordinance shall apply to the Gateway Commercial District. Freestanding and/or monument signs as regulated in this district are permitted within this area, provided such signs are no closer than five (5) feet to the front lot line and are placed in a manner that will not reduce sight distance at any driveway. All signs must comply with §13-17 of the Lafayette General Ordinance.

g. Off-Street Loading Requirements

1. All loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle shall use public streets, sidewalks or rights-of-way for loading and unloading operations.
2. Off-street loading space shall be provided in the side or rear of the principal building at the rate of one space for each 5,000 square feet of floor area or fraction thereof in each building. Shared loading and unloading areas are encouraged where ever possible.
3. Each loading space shall be twelve (12) foot wide and thirty-five (35) feet in depth.

SECTION 3. MODIFICATION OF GATEWAY OVERLAY ZONE.

§13-13C - Gateway Overlay Zone

Subparagraph (b) entitled “Bulk Regulation for Commercial Development” is hereby deleted and replaced with the following:

Bulk Regulation for Commercial Development. The maximum building size for any commercial building in the GOZ shall be the size specified in the underlying zoning, except that the size shall not, irrespective of what the underlying zoning may allow, exceed 20,000 square feet.

SECTION 4. MODIFICATION OF VILLAGE COMMERCIAL DISTRICT

§13-11.5a, which governs the area and yard requirements in the Village Commercial District, is hereby modified to include the following new subparagraph:

8. Maximum building size: 20,000 square feet.

SECTION 5. MODIFICATION OF HIGHWAY COMMERCIAL DISTRICT

§13-12.5, which governs the area and yard requirements in the Highway Commercial District, is hereby modified to include the following new subparagraph:

8. Maximum building size: 20,000 square feet.

SECTION 6. AMENDMENT TO §13-3.1 – DISTRICTS DESIGNATED

§13-3.1 of the Township's Zoning Ordinance, which sets forth the designated districts, is hereby amended to include the designation of the **Gateway Commercial District**.

SECTION 7. §13-3.1 – DISTRICTS DESIGNATED

In addition to the districts designated in the current Ordinance, the following district shall be added:

GCD Gateway Commercial District

SECTION 8. AMENDMENT TO §13-3.2 – ZONING MAP

§13-3.2 of the Township's Ordinance is hereby amended to include reference to the Gateway Commercial District as one of the zones depicted in the supplemental map prepared by H2M Group, attached as Exhibit A to Ordinance 2007-14.

SECTION 9. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provisions so declared invalid shall be inseparable from the remainder of any portion thereof.

SECTION 10. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 11. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

FEMA-Spring 2007 Storm - D'Angeli reported the Township needs to send \$4,732 back to FEMA due to miscalculations. Hughes said he will pursue this matter; and this will be tabled to the next meeting on June 4, 2008.

Audience

Mr. Joe Farischon, Volunteer Fireman, said the previous monetary promises for the extrication equipment are no longer available. Discussion ensued. It is the consensus of the Township Committee to table the purchase of the equipment until definite funds are available as the Township only approved \$20,000 towards the \$40,000 cost.

Mr. Bill Macko, EMS member, asked if the Township needed to approve the dates of the coin toss. Mayor Hughes said this is not necessary. Committeeman D'Angeli reminded Mr. Macko that NJDOT approval is needed.

Executive Session - Motion by Bruning, seconded by Corcoran, to adopt the following resolution:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey as follows:

A matter relating to land acquisition shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Exec. Session - Land Acquisition

Motion by Corcoran, seconded by Sweeney, to adjourn to the regular meeting. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Motion by Bruning, seconded by Corcoran, to hire Norman J. Goldberg for \$2,750 for an appraisal and hire Holzauer & Hostenstein, LLC for \$2,800 if a second appraisal is needed; and the money will come out of the open space trust. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Adjournment

With there being no further business, motion by Bruning, seconded by Corcoran, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk