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**CALL TO ORDER:**

Mr. O’Leary called the meeting to order at 7:34 p.m. and stated the meeting was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

**FLAG SALUTE**

**ROLL CALL:           Members Present:** Fette, Randazzo, Corcoran, Straub, Taylor  
O’Leary, Didyk (7:37 p.m.).

**Members Excused:** Luthman, Leuthe.

**Members Absent:** Hughes. Hahn.

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

**AUDIENCE:**

Mr. O’Leary opened the meeting to the public. Mr. Nick Corrado addressed the Board. Mr. Corrado who resides at 61 Bunn Road, Hardyston, NJ and is owner of the Lafayette Center strip mall asked the Board to reconsider its outdoor dining ordinance. He said the new pizza restaurant that moved into one of his units wants to have outdoor dining however the amount allowed is too low. He felt that 15% of the indoor seating number for the outdoor seats was not appropriate. He said the pizza shop has 32 seats inside which would leave him with only 4 seats outside. Mr. Corrado noted the Chocolate Parfait shop in Olde Lafayette Village has outdoor seating but according to the ordinance they should not be allowed to have any. He said there are other establishments in Olde Lafayette Village with table and chairs and they should be removed. He felt the ordinance negatively affects everyone in town. He felt the town was making an exception for just one business in town.

Mr. O’Leary said the ordinance was not written for just one business. He said the ordinance allows outdoor dining however it tries to control what is allowed. Mr. O’Leary explained the history of the ordinance and why it was adopted. Mr. Randazzo said any business has a right to come before the Board and ask for a variance if they need more seating.

Mr. Corrado wanted to see consistence with the enforcement of the ordinance. Mr. Fette discussed how he is enforcing the ordinances. He said he does not give special treatment to any one business. He said it takes time to get to every business to make sure they are in compliance. Mr. Fette agreed that 15% may be too low of a percentage for the outdoor dining. Mr. O’Leary noted the 15% was recommended by the prior engineer because of parking issues.

With nobody else coming forward from the public, the meeting was closed to the public.

**RESOLUTIONS:**

Since the attorney was present for the memorialization of the resolution for D’Agostino, the Board agreed to handle this before old business.

Mr. O’Leary stepped down from the Board for the memorialization of the resolution.

1.) D’Agostino, Kimberly   MNR09-16   B:25 L:11.02

A motion to approve the resolution in the matter of D’Agostino was made by Mr. Randazzo. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Corcoran, Randazzo, Taylor, Straub.

**OLD BUISNESS:**

1.) Zoning Ordinance Review – From 13-13B Village Residential to 13-24

The Board carried this matter to the next workshop meeting.

2.) Renewable Energy Ordinance

Mr. Duveneck expressed a concern with wind towers on the ridgeline. There was a discussion on how to handle this issue. Ms. Leo said the ordinance can regulate what zone the wind tower is permissible in however it cannot regulate its use in the industrial zone. If it is a principle use, it must adhere to the rules of the zone. If it is an accessory use the renewable energy ordinance would apply. Mr. Duveneck said he will check to see what the industry standards are for the height of wind towers.

**NEW BUSINESS:**

1.) Memo from Tax Assessor regarding Block 14, Lots 2.03 & 2.04

The Tax Assessor issued a memo to the Board advising it appeared that the subdivision of block 14, lots 2.03 and 2.04 had never been perfected with the filing of the deeds. Her memo requested assistance from the Board in this matter. The Board discussed the matter and agreed it is the responsibility of the land owner to have a title search done on the property. The Board Secretary was instructed to write a memo back to the Tax Assessor to that effect.

2.) Casagrande Application and Escrow Fee Calculation

Mr. O’Leary read a letter dated August 17, 2010 addressed to the Board from Mr. Mark Hontz, attorney for Casagrande asking for the Board to reconsider the amount of the application and escrow fees for his client’s proposed application. After discussing the matter, the Board agreed the escrow fees added up to more than would probably be needed. The Board felt the application fees should remain as per the fee schedule. The Board directed the Secretary to write a letter to Mr. Hontz advising them of their decision to accept half of the calculated escrow amount with the understanding the escrow account would be replenished if needed and the Board’s decision not to adjust the amount of the calculated application fee.

3.) 94 Associates Subdivision Approval

The Board Secretary advised the Board the applicant has not moved forward with the approved project and the approval has expired. The Board directed the Secretary to return any unused escrow monies.

ORDINANCES: None.

**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 Will be on next week’s agenda</i>

**TRC REPORT:** Cava Winery Proposal

Mr. O’Leary advised the Board he sat in on the technical review for the proposed Cava Winery. He said the owner of Cava Winery was looking at purchasing two lots along Village Drive to build a home and possibly a separate winery or he may incorporate the winery into the house. The owner has an existing winery in the old Hay Loft in Hardyston Township. The owner is proposing to grow grapes on lot 2.07. The proposed house would have a commercial kitchen in the hopes of holding wine tasting parties and small weddings at the facility. The facility would be closed from December through February.

Mr. O’Leary said they discussed having a bed and breakfast in the house. He said some of the issues raised were the parking, the need for a use variance and the site distance issue along Route 94. The owner is proposing a gravel parking area for a maximum of 40 cars.

Mr. O’Leary said the owner would be bringing grapes in from other parts of the State. The grapes grown on site would be sprayed with pesticides using a hand sprayer. Both lots are 5 acres and there was some discussion on merging the lots. Ms. Didyk expressed a concern the winery would not be successful and the owner would sell off the lot with the grapes. She felt the lots should be merged.

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Mr. O'Leary said the owner has a website and suggested the Board look at it.  
[www.cavawinery.com](http://www.cavawinery.com).

**ZONING REPORT:**

**EXECUTIVE SESSION:**

A motion to go into executive session to discuss pending litigation with the minutes being released when the matter is resolved was made by Mrs. Straub. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, O'Leary.

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

**CORRESPONDENCE:**

- 1.) From: SC Soil Conservation District  
Re: Soil Erosion Plan for SCMUA
- 2.) From: High Point Group, Inc.  
Re: Freshwater Wetlands Application Checklist
- 3.) From: SC Soil Conservation District  
Re: Soil Erosion Plan
- 4.) From: Mark Hontz, Esq.  
Re: Casagrande Application and Escrow Fees
- 5.) To: Barnside, Inc.  
Re: Escrow and Taxes Due
- 6.) From: Superior Court of NJ  
Re: Order of Judgment regarding the AES matter
- 7.) From: Anna Rose Fedish, RMC  
Re: Mandatory Harassment Awareness and Requirements Training

**ADJOURNMENT:**

With no further business to handle, a motion to adjourn at 10:49 p.m. was made by Mr. Randazzo. It was seconded by Mr. Fette and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Board Secretary