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**CALL TO ORDER:**

Mr. O'Leary called the meeting to order at 7:35 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, section 4 & 13.

**FLAG SALUTE**

**ROLL CALL:           Members Present:** Fette, Luthman, Randazzo, Corcoran,  
Didyk, Straub, Leuthe, Taylor, O'Leary.

**Members Excused:** Hughes.

**Members Absent:** None.

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

**COMPLETENESS/ HEARINGS:**

1.) Barnside, Inc.           VAR09-14    B:24 L:3.06

Mr. O'Leary read a letter from the applicant's attorney asking to carry the matter to the 1/27/11 meeting date. A motion to carry the application without further notice was made by Mr. Corcoran. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Didyk, Straub, Leuthe, Taylor, O'Leary.

2.) O'Connor, John & Carolyn           MNR10-14, VAR10-15    B:14 L:4,5,6

Mr. O'Leary noted this application had been carried to the 2/24/2011 meeting date.

3.) Cava Winery & Vineyard           VAR10-16    B:9 L:2.07

This application had been deemed complete on 11/11/2010.

Mr. Corcoran stepped down for this application because it was for a use variance.

Mr. Gary Needleman, Esq. said they were requesting a "d" variance and a "c" variance for lot coverage. Mr. Anthony Riccio, President of Cava Winery & Vineyard, Inc. was sworn in by Ms. Leo. Mr. Riccio gave some background on his company. He said they presently have a vineyard in Hardyston. That facility is a place of production and a facility where they have wine tastings. He said they grow some of the grapes they use in production. Cava Winery is a micro winery with its customers coming from outside of Sussex County. Mr. Riccio explained his federal licenses and state license requirements and his involvement in the wine association.

Mr. Riccio said he was proposing to build his personal residence on the adjacent property. He was also proposing a bed and breakfast facility. He is proposing to have wine education events in small groups of 50 people. He is also proposing to hold small weddings of 30-50 people as well as other private type events. He said they usually have 2-3 events per month and these events would be held on weekends only. These consist of birthday parties and holiday parties. He said they are open to the public on the weekends from 12-6 pm.

Mr. Riccio explained the farming process to the board. He said they use a small 40 hp tractor and an ATV. He said the farm is worked by his family and friends of the family. He explained the wine making process to the Board.

Mr. Duveneck went through his report dated December 3, 2010. He said a lot of his comments relate to site plan issues which will be addressed in the future. He expressed a concern about the spraying on insecticides. He asked Mr. Riccio to explain the daily operation on the farm. Mr. Riccio said they use an over the counter product for pests. He said they spray 1 to 2 times per month during the growing season. He said they use a small 60 gallon sprayer. He said there is no odor from the spray and he will supply a safety detail sheet on the mildew spray. Mr. Riccio said most of the grapes he uses is sourced from other farms within the State. Mr. Riccio said he is licensed by the State for the spraying.

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Mr. O'Leary asked if there will be 3 acres of active farming as required by the State licensing. Mr. Riccio said he will be close but it can be done. Mr. O'Leary asked how the bed & breakfast, residential and winery are considered one use. Mr. Needleman explained that the building for the social events and winery and bed & breakfast is all one unit and functions as one use.

Mr. Duvneck expressed a concern with separating lot 2.06 and 2.07 and the two uses in the event of a future owner of the home. There was a discussion on buffering the two lots and the preservation of the existing silo.

Mr. Kenneth Dykstra was sworn in by Ms. Leo and was accepted by the Board as an expert witness. Mr. Dykstra presented and marked a color rendering entitled "Use Variance Plan Exhibit" consisting of one sheet and dated 12-16-10 as exhibit A-1. He explained the drawing and the topography to the Board. He explained how they were trying to preserve the existing silo which was incorporated into the proposed structure. Mr. Luthman expressed a concern with a commercial building being in a residential zone if one day the vineyard is no longer there. Mr. Riccio said the building will be constructed to look like a Mediterranean home. Mr. Luthman felt it still would be an issue because of the parking area and other commercial type features. Mr. Needleman said if another use wanted to occupy the property and structure; they would have to come back to the Land Use Board for approval. Mr. Duvneck expressed a concern with a restaurant being located in a residential zone. Mr. Dykstra explained how the two lots can be buffered.

Mrs. Straub asked about the number of employees to which Mr. Riccio said there would be 6 at the most. He said they are closed from December to March except the weekend of Valentines Day. Mr. O'Leary asked about noise issues. Mr. Riccio explained that he does have an acoustical or small three person jazz band. He said the events start around 7:00pm and end around 11:00pm. He said they may have a guest chef prepare a meal for the guests. He said they may have outdoor music. Mr. O'Leary asked if the applicant would agree to the condition that events end by 11:00 p.m. to which Mr. Riccio agreed. Mr. O'Leary asked what type of sign the applicant was proposing. Mr. Riccio said it would be a 4' X 8' plank sign on Route 94. Mr. Dykstra said there will be a minimum of safety lighting in the parking area. Mr. O'Leary requested a condition to limit the bed & breakfast to 2 units with no long term residents. Mr. Riccio agreed to this condition.

Mr. O'Leary asked about the grape delivery to the site. Mr. Riccio said the delivery is once a week for four weeks one time a year. Mr. Riccio said he produces between 40-50 barrels of wine.

Mr. Fette noted the length of stay changes the rating for construction in building code. Mr. Needleman said it will be a maximum of a 5 day stay. Mr. Riccio said there will be 2 one bedroom suites in the bed & breakfast and they will not be advertising the bed & breakfast end of the operation. Mr. Fette asked where the barrel storage would be located to which Mr. Riccio said it will be under the building. Mr. Riccio explained to the board how the wine tastings will be conducted. He said there will be only one tasting room and explained to the Board what his State license would allow him to do.

Mr. Luthman expressed a concern that the applicant will not be able to get the farm assessment because he felt he did not have the required 3 acres. Mr. Dykstra explained how they are proposing the 3 acres requirement. Mr. Luthman expressed a concern over the impervious coverage of the lots and drainage. Mr. Duvneck expressed a concern about the site distance from Morris Farm Road. He requested the corner be cut back more so there is better site of the traffic.

Mr. Luthman expressed a concern with the look of a commercial building in a residential area.

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Dykstra explained that the site was suitable for the proposed use. The lot frontage is on a highway and is across from the municipal building. It is across the street from a pharmaceutical company and a shopping mall. There will be vineyards on three acres and the building will be attractive and incorporate the existing silo. He felt it would promote tourism in the area. He said there are no neighbors that will be impacted and anyone buying a lot in the subdivision will be aware of the operation prior to purchasing. He felt there was no negative impact to the area and the use was consistent with the zoning ordinance.

The meeting was opened to the public for question of the engineer. With nobody coming forward, the meeting was closed to the public.

Mr. Luthman expressed a concern with the gravel driveway and stormwater management issues. There was a discussion on the stability of the silo. Mr. Riccio said if the silo needs to be taken down he will do so. Ms. Didyk said she would like to see the silo stay if possible.

A motion to approve the “d” variance and two “c” variances to operate a winery, event hall and a two unit bed and breakfast with the conditions stated during the hearing was made by Mr. Randazzo. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Fette, Randazzo, Didyk, Straub, Leuthe, Taylor, O’Leary. Mr. Luthman voted in the negative because he felt the applicant would not be able to get the 3 acres of farmland he needed for his State permit.

**AUDIENCE:**

Mr. O’Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Renewable Energy Ordinance – Being returned to the Board with attached letter from Mr. Spector

The Board reviewed a letter from Mr. Alan Spector regarding the proposed renewable energy ordinance. There was a discussion on the recommendations from Mr. Spector. The Board addressed each of Mr. Spector’s concerns. Ms. Leo said the issue of the impervious coverage was the law and could not be changed. The Board discussed and agreed to leave the height limit of rooftop mounted solar panels at the proposed 12” so it would not be conspicuous. Mr. Fette also expressed a concern with wind uplift if they were allowed to be 5 feet in height from the roof. The Board discussed the suggestion in Mr. Spector’s letter to allow roof mounted solar panels to be placed on the front of the roof without the applicant having to appear before the Board. The Board agreed the applicant should appear before the Board with any roof mounted solar panel if it cannot be placed on the rear facing roof. They felt certain places may not be suitable for roof mounted solar panels. The Board directed the Board Secretary to draft a letter to the Township Committee with the above mentioned responses.

**NEW BUSINESS:**

1.) Open Space Report

Mr. O’Leary reported the Open Space Committee received a letter from their expert that that State has an interest in the Nouvelle property as a direct acquisition.

2.) Alternate Member

The Board Secretary reported she was advised by the Clerk that the Township Committee was looking for an alternate Board Member. She felt it should be advertised to the township residents.

3.) Reexamination Report

The Board discussed having the planner return to the Board at the January workshop meeting to finish the Master Plan reexamination report. The Board Secretary will contact Mr. Banisch.

**RESOLUTIONS:**

1.) Beaver Run Solar Farms SP10-11 B:25 L:4.01

A motion to approve the resolution with the noted corrections was made by Mr. Randazzo. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Straub, Luthman, Randazzo, Leuthe, Taylor, O'Leary.

**ORDINANCES:** None.

**ZONING REPORT:**

Mr. Fette reported to the Board that he had a phone conversation with a representative from Blackwater, USA. They were asking if the Township would be receptive to a training center in town.

Mr. Fette advised the Board he was enforcing the sign ordinance and what type of response he was getting from business owners in town.

Ms. Didyk asked the zoning officer to look into the container on the end of Pelletown Road. Mr. Fette will look into this.

**BILLS:** List # 12

**EXECUTIVE SESSION:**

**CORRESPONDENCE:**

- 1.) From: Mr. Mark J. Hontz, Esq.  
Re: Casagrande
- 2.) From: Maureen Kaman, Tax Assessor  
Re: Block 14 Lot 2.04 Oswald Property
- 3.) From: Debra Lynn Nicholson  
Re: O'Connor Subdivision – Request to carry to February 24, 2011 meeting date
- 4.) From: Kristian Eshelman – PS&S  
Re: Request for Letter of Interpretation for Schering Corporation
- 5.) From: Anna Rose Fedish  
Re: Renewable Energy Ordinance Being Returned to the Board
- 6.) From: Renee Reiss – COAH  
Re: Motion for Stay of Precedings Pending Adoption of Third Round Rules
- 7.) From: Robert Kasuba, Esq.  
To: Sean Thompson – COAH  
Re: Motion for Stay of Proceedinings Pending Adoption of Third Round Rules
- 8.) From: SC Diviosn of Planning  
Re: Beaver Run Solar Farm Application
- 9.) From: Megan A. Ward, Esq.  
Re: Beaver Run Solar Farm
- 10.) From: SC Soil Conservation District  
Re: Cope Home Located at 83 Beaver Run Road
- 12.) From: SC Soil Conservation District  
Re: 94 Associates
- 13.) From: Gerald R. Bouchal, Esq.  
To: Ms. Ursula Leo, Esq.  
Re: Barnside Application

14.) From: William E. Hinkes, Esq.  
Re: Lamplighter of Lafayette Property

ADJOURNMENT:

A motion to adjourn was made by Mr. Randazzo. It was seconded by Mr. Fette and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary