

January 19, 2010

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, January 19, 2010 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Also Present: Clerk Fedish, CFO Magura, Road Foreman Macko

Mayor Bruning opened the meeting stating that it was being held in compliance with the Public Laws of 1975, Chapter 231, Sections 4 and 13.

**Minutes** - Motion by Corcoran, seconded by D'Angeli, to accept and place on file the minutes of December 21, 2009-Special Meeting, January 5, 2010-Reorganization Meeting, and January 5, 2010-Regular Meeting. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

### Reports

#### Treasurer

Cash Report for December 2009

Cash Balances as of November 30, 2009	\$2,404,920.74
Cash Receipts for December, 2009	\$284,571.19
Total	\$2,689,491.93
Cash Disbursements for December, 2009	\$754,042.97
Cash Balances as of December 31, 2009	\$1,935,448.96
Account Balances as of December 31, 2009	
Current – Checking	\$929,108.33
Capital – Checking	\$398,321.34
Escrow – Checking	\$64,905.01
COAH-Developers Fees	\$107,318.76
Open Space Municipal Tax	\$277,924.21
Trust Accounts for Developer's Agreements	\$143,854.45
Special Rec. – Checking	\$5,710.77
Special Donations	\$7,543.00
Dog Trust Account	\$763.09
Total Account Balances	\$1,935,448.96

Motion by D'Angeli-yes, seconded by Sweeney, to accept the Treasurer's report as submitted. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

**Tax Collector Resolutions** - Motion by Corcoran, seconded by D'Angeli, to adopt the following two (2) resolutions:

Be it resolved to refund to Robert C. Andrews, 48 Fox Hill Road, Lafayette, NJ 07848, Block 25, Lot 3.07, the amount of \$299.94 overpayment for 2009 due to total veteran disable exemption.

Be it resolved to refund to Robert W. Taylor, 71 Beaver Run Road, Lafayette, NJ 07848, Block 21, Lot 42.14, the amount of \$914.77 overpayment for 2009 due to change from vacant land to farm land.

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

#### Committee Reports

**EMS** - Corcoran reviewed the 2009 response summary. Motion by Corcoran, seconded by Hughes, to approve Justin Farischoon and Katie Moriarity as full EMS members and Rebecca Strowe as a Junior EMS member. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

#### Affordable Housing

**COAH** - Hughes reported a hearing was conducted at COAH's office in Trenton on January 13 regarding Nouvelle's motion to accelerate COAH's denial of Lafayette's Fair

Share Housing Plan and petition for denial of Lafayette’s Substantive Certification. The hearing was attended by Roy Kurnos, Committeeman Hughes and LUB Chairman Kevin O’Leary. Action was taken by COAH to refer Nouvelle’s request to a Task Force.

Advance Housing - Hughes reported discussions are ongoing with the Tax Assessor and Advance Housing regarding 2009/2010 property taxes for the units currently under construction. Also, Advance Housing submitted the HUD811 grant application for the ten (10) new units. A decision by HUD is expected in February.

**Streets and Roads** - D’Angeli reported routine work is being done; and salt has been delivered. D’Angeli reported the standpipe on Marcus Utter’s pond has been repaired.

D’Angeli asked the Clerk to send a letter to the homeowners of 102 Meadows Road regarding the removal of the bulky waste at the end of their driveway.

Road Foreman Macko said the dump truck and mower need to be replaced. He will submit a proposal to the Township Committee.

**Correspondence**

1. From Alex Blundetto re: Construction of Skate Park
  2. From Alex Chrysanthopoulos re: A Cleaner Lafayette Park
  3. From Gabriella Doyle re: Installation of Street Lights
  4. From Antonio Porraspita re: Obesity & Fast Food Restaurants
  5. From Conor O’Leary re: Reduce Development in Lafayette
- The Clerk was asked to respond to the letters; and, also, send copies to the Land Use Board and Recreation Commission.

6. From Cerenzio & Panaro re: Wastewater Management Planning Regulations
  7. From David Messineo re: Development in Lafayette
- The Clerk was asked to forward this letter to the Land Use Board.

8. From Ronald K. Chen, State Public Advocate re: Lead Poisoning
  9. From Michelle Wood, Coded Systems re: Ordinance Supplements Cost Estimate
- This is to be carried to the next meeting

**Vouchers**

A & G PIZZA	71.75
ACUITY SPECIALTY PRODUCTS GROUP	320.88
AIRGAS EAST	106.56
AM/PM SERVICES	99.00
AMERIGAS – FREDON	1,527.13
ASSOCIATION OF NJ RECYCLERS	95.00
ATLANTIC COMMUNICATIONS	433.80
CASAGRANDE USA	1,742.76
CENTURY LINK	407.14
CENTURYLINK COMMUNICATIONS, INC.	48.18
CERENZIO & PANARO, P.C.	1,446.00
CHELBUS CLEANING CO., INC.	275.00
CINTAS CORP #111	289.15
CMX ENGINEERING	364.50
CMX ENGINEERING	567.00
CULLIGAN	22.70
CUSTOM BANDAG, INC.	418.00
D. LOVENBERG'S PORTABLE TOILET	73.50
DEPTCOR	461.45
DIAMOND SAND AND GRAVEL, INC.	4,744.39
E.A. MORSE & CO., INC.	154.70
FINCH FUEL OIL CO., INC.	5,514.44
FINELLI CONSULTING ENGINEERS, INC.	1,722.51
FRANKFORD TOWNSHIP	15,000.09
G&G DIESEL SERVICE INC.	515.50
GAIL MAGURA	100.00
HERMAN GOBLE	230.00
HIGH POINT REG HIGH SCHOOL	218,962.05
HOME DEPOT CREDIT SERVICES	499.16

JCP & L	2,122.19
LADDEY, CLARK & RYAN, LLP	2,070.00
LAFAYETTE AUTO PARTS	211.94
LAFAYETTE HOUSE	796.65
LAFAYETTE TWP BD OF ED	293,300.00
MONMOUTH COUNTY ASSESSOR'S ASSOC.	60.00
NEXTEL COMMUNICATIONS	233.17
NISIVOCCIA & COMPANY LLP	4,432.00
NJ STATE LEAGUE OF MUNICIPALITIES	310.00
NORMAN J. GOLDBERG, INC.	3,350.00
ROBERT A. NEST PLUMBING & HEATING	41.00
ROBERT C. ANDREWS	299.94
ROBERT W. TAYLOR	914.77
ROY E. KURNOS	6,795.60
SCMCA	60.00
SERVICE ELECTRIC CABLE TV	17.00
SERVICE TIRE TRUCK CENTERS	1,978.44
SPATIAL DATA LOGIC, INC.	500.00
STAPLES BUSINESS ADVANTAGE	1,192.88
SUSSEX COUNTY TREASURER	8,241.89
SUSSEX COUNTY TREASURER	246.59
SUSSEX COUNTY TREASURER	684.03
SUSSEX COUNTY TREASURER	436.16
SUSSEX CTY LEAGUE OF MUNICIPALITIES	110.00
TC/TREAS ASSOC OF NJ	150.00
TC/TREAS ASSOC SUSSEX/WARREN	108.00
THE NEW JERSEY HERALD	47.95
TONY SANCHEZ LTD	219.30
TREASURER, S/NJ	432.00
TRI-STATE POWER & PUMP	150.00
VISION SUPPLY INC.	1,513.43
WILLIAM MACKO	110.49
PETERSON & SON TREE SERVICE INC.	3,840.00
DANITA JIGGETTS	298.75
FINELLI CONSULTING ENGINEERS, INC.	1,005.63
LADDEY, CLARK & RYAN, LLP	615.00
LAFAYETTE BASKET BALL	400.00
MGL PRINTING SOLUTIONS	400.00
WM E. KAUFMAN SR.	44.00

Motion by D'Angeli, seconded by Corcoran, to pay the bills on the Bills List. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

**Old Business**

**Amending Salary Ordinance** - Mayor Bruning opened the public hearing for the following ordinance:

AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS IN THE TOWNSHIP OF LAFAYETTE FOR THE YEAR 2010

With there being no public comments, Mayor Bruning closed this portion of the meeting. Motion by D'Angeli, seconded by Sweeney, to adopt the amending Salary Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

**Turnout Gear Spending Ordinance** - Mayor Bruning opened the public hearing for the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF ONE (1) SET OF TURNOUT GEAR AND RELATED APPURTENANCES AND APPROPRIATING \$2,500.00 FROM THE RESERVE FOR THE FIRE DEPARTMENT IN THE CAPITAL FUND FOR SUCH PURPOSE

With there being no public comments, Mayor Bruning closed this portion of the meeting. Motion by D'Angeli, seconded by Hughes, to adopt the amending Salary Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

Committeeman Hughes affirmed with those in attendance that this does not authorize the Fire Department to purchase any equipment, in that quotes must be received and the award of the purchase order made by the Township Committee. This was acknowledged by Joe Farischon, in the audience, representing the Fire Department.

**Raffle License** - Motion by Corcoran, seconded by D'Angeli, to approve a raffle license for Auxiliary of Newton Memorial Hospital for June 7, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

**2010 Budget Meeting** - The 2010 Budget Meeting will be scheduled for Wednesday, February 10, 2010 at 2:00pm.

**Merck Good Neighbor Dinner** - The Clerk was asked to relay to the Merck representative that February 17 and 24 are available.

### **New Business**

**Ridgeline Ordinance** - Motion by Corcoran, seconded by D'Angeli, to introduce the following ordinance and sent the public hearing date for February 16, 2010:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Township of Lafayette Code, being the Zoning chapter, shall be and are amended as follows:

**Section 1.** §13-3.1 Districts Designated shall be and is hereby supplemented and amended to identify the following district among the designated districts listed in this section for Lafayette Township: "Ridgeline and Hillside Viewshed Protection Area Overlay Zone".

**Section 2.** §13-3.2 The Zoning Map of Lafayette Township is hereby amended to include the Ridgeline and Hillside Viewshed Protection Overlay Zone, as depicted on the Lafayette Township Zoning Map, dated Revised January 6, 2010, prepared by Finelli Consulting Engineers.

**Section 3.** §13-5 DEFINITIONS shall be and is hereby supplemented and amended by adding the following definitions:

**AREA OF PROTECTION** - A vegetated area consisting of existing or planted trees and shrubs, located or established between existing or proposed development within the Ridgeline and Hillside Viewshed Protection Area and Public Areas. The purpose of the Area of Protection is to totally obscure the view of development within the Ridgeline and Hillside Viewshed Protection Area and public areas as viewed from the View Line. See Figure 1. in §13-13.E.3.

**PUBLIC AREAS**

**A.** Public parks, playgrounds, trails, paths and other recreation areas.

**B.** Other **public open spaces**.

**C.** Scenic and historic sites.

**D.** Sites for **schools** and other **public buildings and structures**.

**E.** **Public way**.

**RIDGELINE** - The line of maximum elevation that connects the crests along the range of hills within the Ridgeline and Hillside Viewshed Protection Area, as indicated in the Lafayette Township Zoning Map, dated (insert date of revised Zoning Map here), prepared by Finelli Consulting Engineers. *For the purpose of this section, the ridgeline is also defined as a line along a hillside, which when viewed from any public way or public areas or public open space appears to be the highest elevation of the hill or chain or line of hills above 640' elevation and represents a line marking or following that ridge top as it appears when viewed from these public areas.*

**RIDGELINE AND HILLSIDE VIEWSHED PROTECTION AREA** - The area within the Ridgeline and Hillside Viewshed Protection Overlay Zone located between elevation 640' and the Ridgeline, or between elevation 640' and an edge of the side of a hill or hilltop plateau, where there is one, or between elevation 640' and that point of the hill chain or line of hills which appears to be the highest elevation when viewed from the **public way** and/or public areas or **public open space**. The ridgeline and hillside viewshed protection area shall include all lands

extending beyond 100' of the mapped ridgeline and hillside viewshed protection area.

VIEW LINE – A straight line measuring the line of sight between any public view, public road, public area, and or the **public way** and the ridgeline and hillside viewshed protection area.

**Section 4.** §13-13.E. shall be and is hereby established, as follows:

§13-13.E. Ridgeline and Hillside Viewshed Protection Overlay Zone.

**Purpose.** The purposes for ridgeline and hillside protection include protection of community character, which is, in part; defined by scenic views and vistas of the Township's hilly and mountainous terrain. These features in the terrain establish the setting and essential character of a community.

Ridgeline and hillside viewsheds and vistas are valued assets of the landscape which require protection from destruction, diminution and loss that can result in visually undesirable impacts of development. Lafayette Township's unique topography is characterized by sloped hillsides and distant ridgelines, which meet areas of lesser slope, near the top of hills. This line where the hillside meets the edge of the change in slope is perceived to be the ridgeline (top of the hill) when viewed from the **public way** or public areas or **public open space**. Undisturbed sloped hillsides enhance Lafayette's ridgeline and hillside viewshed, and these hillside areas contribute heavily to the undisturbed quality of these distant views.

**Development** along the ridgeline and side slopes of hills at elevations near and proximal to the elevation of the ridgeline results in undesirable visual impacts and changes in valuable views and vistas. A "**ridgeline and hillside viewshed protection area**" is identified, which includes ridgeline and hillside topography located above approximately 640' elevation. The purpose of ridgeline protection in Lafayette Township includes protection of slopes, forested and open areas and views of these features found within the **ridgeline and hillside viewshed protection area**.

**Development** controls are designed to prevent such undesirable visual impacts and in other cases to limit disturbance and minimize the visual impact of permitted **development** to the extent reasonably achievable.

The regulation of **development** within the **ridgeline and hillside protection area** is intended to promote a desirable visual environment through good civic design and arrangements by requiring **development** to be sited behind existing vegetation and requiring the establishment of vegetated buffers ('**areas of protection**') to screen proposed **development** within **ridgeline and hillside viewshed protection areas** from public view in accordance with the purposes of zoning, which are found at N.J.S.A. 40:55D-2.

The purpose of **ridgeline and hillside viewshed protection** includes the tree and forest protection, the maintenance of views of open agricultural fields and minimizing land disturbance within the defined ridgeline and hillside viewshed protection area, except as otherwise specifically permitted under this section. This **ridgeline and hillside viewshed protection** ordinance seeks to protect the scenic views and vistas of vegetated areas and open fields located within the **Ridgeline and Hillside Viewshed Protection Area** as viewed from the **public way**, public area or **public open space**.

Municipal Land Use Law Purposes

The public purposes for ridgeline and hillside protection are also derived from the purposes of zoning, which are found in the Municipal Land Use Law at N.J.S.A. 40:55D-2. The following purposes of the law reinforce the local rationale for ridgeline and hillside protection and the objective of preserving the view of the ridgelines and hillside views for the benefit of the general public.

(a) To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole (N.J.S.A. 40:55D-2d).

(b) To provide sufficient space in appropriate locations for a variety of . . . residential . . . uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens (N.J.S.A. 40:55D-2g).

(c) To promote conservation of . . . open space . . . and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through the improper use of land (N.J.S.A. 40:55D-2j).

1. **Applicability.** This section applies to all properties within the boundaries of the Township of Lafayette that lie within the **Ridgeline and Hillside Viewshed Protection Area** as defined in §13-4.

(1) The requirements, guidelines and controls promulgated under this section shall be applicable to **site plan** and **subdivision applications**, driveway **permits** and **building permits** for new **buildings**. The Lafayette Township Land Use Board shall review all plans submitted under this section as part of any **application** for **site plan**, **subdivision** or **variance** approval for any lands located entirely or partially within the **Ridgeline and Hillside Viewshed Protection Area**. The Construction Official shall refer applications for **zoning permits**, **building permits**, or driveway **permits** on parcels of **land** situated within the **Ridgeline and Hillside Viewshed Protection Area** to the Township Engineer for review to assure compliance with this section.

(2) Within the **Ridgeline and Hillside Viewshed Protection Area**, all of the underlying land use regulations shall remain in effect, except as they are specifically modified by this section. In the case of a conflict between this section and any other section of the Ordinance, this section shall control.

(3) In the case of an **application** for **subdivision** approval in the **Ridgeline and Hillside Viewshed Protection Area**, conventional subdivision design is encouraged to avoid the over concentration of development and its potentially negative visual impacts.

(4) **Review Fees.** All **applications** for **development** including **subdivision** approval, **site plan** approval, a **zoning permit**, **building permit** or driveway **permit** for lands situated entirely or partially within the **Ridgeline and Hillside Viewshed Protection Area** shall be accompanied by a review escrow or review fee of \$500.00.

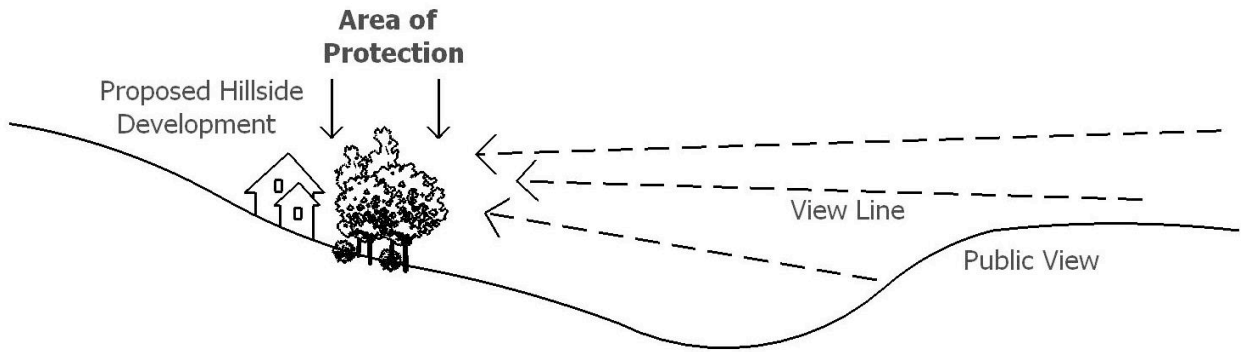
2. **Development Review Requirements and Procedures.**

(a) Requests for **zoning permits**, driveway **permits** and/or **building permits**.

i. Applicants for **zoning permits**, driveway **permits** and/or **building permits** where no approvals from the Land Use Board are required shall initially determine whether the ridgeline and hillside area depicted on a map entitled "**Ridgeline and Hillside Viewshed Protection Area**," [March 24, 2009] adopted by this section, is within 100 feet of the property which is the subject of the building **permit application** and shall depict all **Ridgeline and Hillside Viewshed Protection Areas** as shown on the map which are on or within 100 feet of **applicant's property**. The determination of the presence of all ridgeline areas above mentioned shall be done on a map provided by the **applicant** with topography depicted at two-foot contour intervals. All determinations by the **applicant** concerning the location of ridgelines shall be subject to the review and approval of the Township Engineer. In addition, the **applicant** shall initially determine and then depict on a map all **ridgeline and hillside viewshed protection areas** as defined in this section on or within 100 feet of the **property** which is the subject of the **application**. The **applicant** shall utilize a sketch to define the area of protection within or adjacent to the **ridgeline and hillside viewshed protection area** as set forth in Figure 1. The sketch set forth in Figure 1 below depicts the manner in which buffer treatments are to be retained or provided as may be appropriate to maintain an undisturbed view of the **Ridgeline and Hillside Viewshed Protection Area**. The maps and sketches abovementioned shall be at a scale of one inch equals 50 feet and shall be provided by the **applicant** with the topography depicted at two-foot contour intervals. All determinations by the **applicant** concerning the location of the **Ridgeline and Hillside Viewshed Protection Areas** shall be subject to review and approval of the Township Engineer and Township Planner.

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FIGURE 1



Example of proposed development showing Area of Protection to remain vegetated with existing trees and supplemented with additional trees to maintain protected viewshed; a building to be situated/constructed within the Ridgeline and Hillside Viewshed Protection Area and screened from view from viewshed protection areas, including the public traveled way, public areas or public open space

1. Locate building behind existing vegetation such that the top of the building will not extend above the predominant tree line when viewed from the public areas (i.e. public areas, open space, public way);
2. Maintain no disturbance area with existing trees and vegetation in Area of Protection to screen building from view when viewed from protected areas;
3. Supplement existing vegetation or establish vegetated Area of Protection to enhance screening and mitigate visual impacts of the building.

ii. If it is then determined that the parcel in question is located within the **ridgeline, and hillside viewshed protection area**, no **permit** shall be issued until a **Ridgeline and Hillside Viewshed Protection Area** "Certificate of Compliance" is procured from the Land Use Board. Said certificate of compliance will document that the proposed activity has received the regulatory approval for the construction proposed within the **ridgeline and hillside viewshed protection area**. This certificate of compliance shall be required when applicable as a condition for the issuance of a building **permit** for the particular **property** in question.

**(b) Site Plan, Subdivision and Variance Applications to the Land Use Board**

i. All **applicants** for **site plan, subdivision** and/or **variance** approval are encouraged to submit conceptual **development** plans to the Land Use Board prior to incurring the expense of fully engineered designs for **development**.

ii. Applicants to the Land Use Board shall initially determine whether the ridgeline area depicted on the map entitled "**Ridgeline and Hillside Viewshed Protection Area**," dated March 2009, adopted by this section, is within 100 feet of the **property** which is the subject of the **application** and shall depict all ridgeline areas as shown on said map which are on or within 100 feet of **applicant's property**. In addition, the **applicant** shall initially determine and then depict on a map all **ridgeline and hillside viewshed protection areas** as defined in this section on or within 100 feet of the **property**, which is the subject of the **application**. The **applicant** shall utilize a sketch to define the area of protection for **ridgeline and hillside viewshed protection areas** as set forth in Figure 1.

iii. The maps and sketches above mentioned shall be at a scale of one inch equals 50 feet and shall be provided by the **applicant** with the topography depicted at two-foot contour intervals. All determinations by the **applicant** concerning the location of the ridgeline area and the **ridgeline and hillside viewshed protection areas** shall be subject to review and approval of the Township Engineer and Township Planner.

**3. General Requirements.**

**(a) Standards of review.**

i. **Applicants** for construction on **properties** to which this section applies shall demonstrate to the satisfaction of the Land Use Board or Township Engineer, as the case may be, that the proposed **buildings** or **structures** will not extend above the predominant tree line along and within the **ridgeline and hillside viewshed protection area**.

**(b) Viewshed Protection Requirements.**

i. **Applicants** for construction within the **ridgeline and hillside viewshed protection area** as depicted on the map submitted by the **applicant** as set forth

above and approved or confirmed by the Township Engineer and Township Planner shall demonstrate to the satisfaction of the Land Use Board and Township Engineer and Township Planner, as the case may be, that all **construction** within the **ridgeline and hillside viewshed protection area** shall maintain the view of vegetated hills and open fields as viewed from the **public way**, public areas or **public open space**.

ii. Views of **ridgeline and hillside viewshed protection areas** are to be protected permanently by screening **development** from view behind existing woodland and forest vegetation or through the establishment of landscaped **buffer** plantings of indigenous deciduous and coniferous trees.

iii. **Development** constructed within **ridgeline and hillside viewshed protection areas** shall utilize materials which are designed to camouflage the appearance of the **structure** within the landscape and viewscape. The use of earth tone colors and textures on roofing and siding shall be required to protect **ridgeline and hillside viewshed protection areas** vistas and reinforce the integrity of these views. In addition, **building heights** shall be adjusted, road network oriented in such a way to eliminate visibility from the **public way** or preserved areas and other innovative and flexible design and **development** methodologies employed as required by the Land Use Board with the active participation of the **applicant**.

iv. Existing undeveloped parcels of land within **ridgeline and hillside viewshed protection areas** shall be required to comply with the General Requirements and Design Requirements, Standards and Limitations set forth in §13-13.E.4.(b) and §13-13.E.8.

v. **Development** shall be sited behind and below visual **buffers** such as trees, ridgelines and other topographic features. The **height** and location of **development** shall not alter the views of, and from, the natural ridgeline. An “**Areas of Protection**” shall be established and maintained, which shall include existing forested areas. Where proposed **development** requires the establishment of ‘**areas of protection**’, **applicants** shall establish a planted **Area of Protection** to visually screen **development**. **Areas of protection** shall be established to screen **development** as viewed from the **view line** extending between all public areas, **public ways** and public views and the **Ridgeline and Hillside Viewshed Protection Area**. **Areas of protection** shall be placed in perpetual conservation easement areas.

vi. **Areas of Protection** – Always required. Where existing vegetation does not establish an effective **area of protection** to shield **development** from public view, reforestation shall be provided in accordance with the following requirements and planting schedule so as to establish an effective visual buffer screen and **area of protection**. All planting stock shall be deer-resistant, native, indigenous species, and subject to review and approval by the Land Use Board and/or Township Engineer:

- a. Deciduous trees shall be not less than 2” - 2-1/2” caliper (dbh) at the time of planting, and
- b. Coniferous trees shall be not less than six feet to 10 feet in height at the time of planting.
- c. Understory shrubs shall be a minimum of four to five feet in height at the time of planting.
- d. Plantings shall be provided at a rate of not less than 250 trees and not less than 350 shrubs per acre. An even mix of deciduous and coniferous trees shall be provided.
- e. A two-year maintenance guarantee shall be provided on all planting stock.
- f. Tree and shrub deer protection shall be provided and maintained for two years to protect all plantings within the reforested **Area of Protection**.
- g. The minimum planted width of the **area of protection** shall be not less than 50’ wide, with width being defined as the dimension measured perpendicular from the outermost edge of the **area of protection** facing the public view toward the innermost edge of the **area of protection** facing the **building, structure** or disturbance within the **Ridgeline and Hillside Viewshed Protection Area** that is to be screened from public view.

vii. Notwithstanding the requirements of this section, the Board may require additional planting materials and/or limit the amount of clearing adjacent to



proposed development to provide screening and to maintain a forested backdrop to ensure that ridgelines and hilltops remain wooded.

4. **Deed Restrictions.** **Subdivision** plats shall be required to provide appropriate deed restrictions and conservation **easement** areas to protect **Ridgeline and Hillside Viewshed Protection Areas, Areas of Protection** and any **environmentally critical areas** that may exist.

5. **Exemptions.** The following activities are exempt from the **Ridgeline and Hillside Viewshed Protection Area** requirements:

(a) Planting of trees, landscaping and/or screening associated with any use or **development**, not involving the removal of any trees.

(b) **Agricultural activities** as provided in accordance with the Right to Farm Act.

(c) Forestry activities when conducted in accordance with approved Forestry Management Plan regulated by the New Jersey Department of Environmental Protection – Division of Parks and Forestry or New Jersey Forest Service.

(d) No Certificate of Compliance shall be required for an **addition** to an existing **dwelling** or garage 250 sq. ft. or larger located within the **ridgeline and hillside viewshed protection area** except when such **addition** shall increase the footprint and/or gross floor area of a **dwelling** by more than 25%. Incremental **additions** occurring after the date of adoption of this ordinance [insert the date of the adoption of this ordinance amendment here], which result in a cumulative increase in footprint or floor area of 250 sq. ft. beyond the footprint or floor area of the dwelling as of [insert the date of the adoption of this ordinance amendment here], shall be permitted only when such certificate of compliance has been received. Construction of new accessory **structures** such as detached garages on existing developed lots of record as of [insert the date of the adoption of this ordinance amendment here] within the **ridgeline and hillside viewshed protection area** shall require the issuance of a **Ridgeline and Hillside Viewshed Protection Area Certificate of Compliance** prior to the issuance of a **building permit**.

(e) Notwithstanding the **building height** limits established in this ordinance, no Certificate of Compliance shall be required for an **addition** to an existing **dwelling** or garage located within the **ridgeline and hillside viewshed protection area** that results in an increase in **building height** of 5' or less. Incremental **building height** additions occurring after the date of adoption of this ordinance [insert the date of the adoption of this ordinance amendment here], which result in a cumulative increase in height more than 5' of an existing building height as of [insert the date of the adoption of this ordinance amendment here], shall be permitted only when a **Ridgeline and Hillside Viewshed Protection Area Certificate of Compliance** has been received.

6. **Height Limits.**

(a) Maximum **building height**: 30'.

7. **Design Requirements, Standards and Limitations.**

(a) **Building Placement.** **Buildings** shall be located behind and below visual buffers (the area of protection) in the **Ridgeline and Hillside Viewshed Protection Area**. The Land Use Board may, upon review, approve the location of buildings in areas of the **Ridgeline and Hillside Viewshed Protection Area** where the trees on the lot exceed forty feet in height and can be demonstrated to establish an effective '**area of protection**' as a buffer or visual screen to prevent the view of **development** from public areas, the **public way** or **public open space**. These '**areas of protection**' as required herein shall be maintained or established and placed in conservation **easement** to remain undisturbed. The **area of protection** shall include a deed restriction against tree removal.

i. **Buildings** shall be designed to be compatible with the natural setting.

ii. All **buildings** should be oriented in a manner that preserves the view line between any public view, **public way** or public area and the **Ridgeline and Hillside Viewshed Protection Area**.

iii. The concentration of home sites and cleared areas within the **Ridgeline and Hillside Viewshed Protection Area** shall be avoided. Cleared areas on individual lots shall be separated by a distance of at least 250' (see limits on clearing and disturbance in §13-13.E.8.(c)).

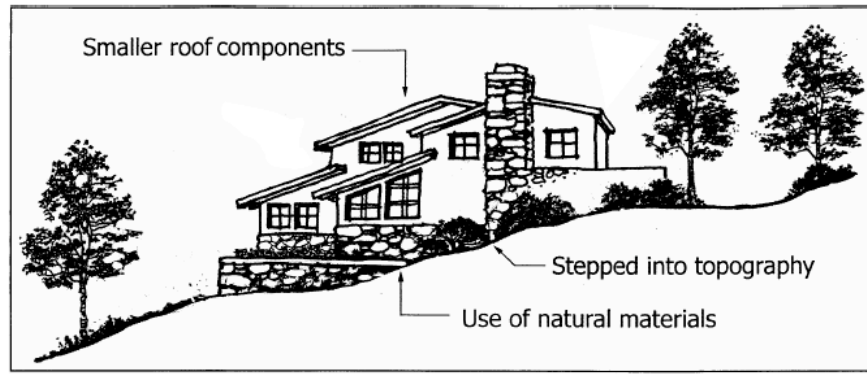
iv. In the case of **development** proposed in parcel of **land** including open field(s), **development** shall be sited behind and below existing trees in wooded portions of the **lot** and open fields shall be maintained. Where a parcel of **land** contains

only open field(s), **areas of protection** shall be established to screen development from the public view. See Figure 1 & §13-13.E.4.(b).

(b) **Architecture.** All applicants for **site plan, subdivision, variance or building permit** shall submit architectural plans for proposed **buildings** for review of consistency with the architecture requirements set forth in this section. **Buildings and structures** shall be designed to conform to the requirements this section (see Figures 2., 3. & 4. below), and to be compatible with the natural surroundings of the area using the following techniques:

- i. Varied setbacks, roof lines, building forms and low retaining walls which blend structures into the terrain shall be used.

Figure 2.



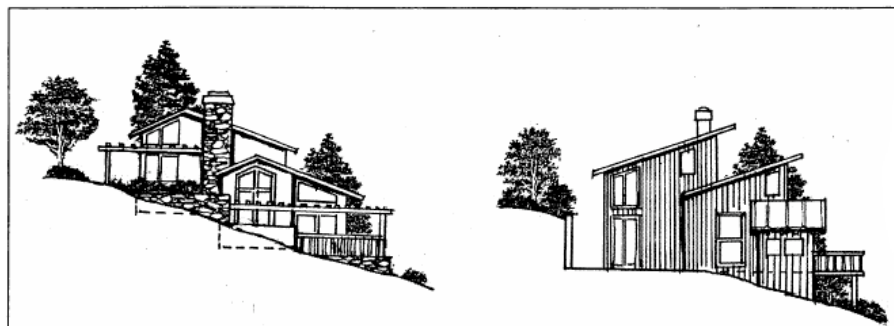
- ii. Ro  
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Building form reflects hillside form/setting

broken into smaller components to reflect the natural ridge patterns and shall be oriented in the same direction of the slope of the contour.

- iii. Varied rooflines shall serve to reduce the scale of the **building** and provide for interesting design.

Figure 3.



Do this

Don't do this

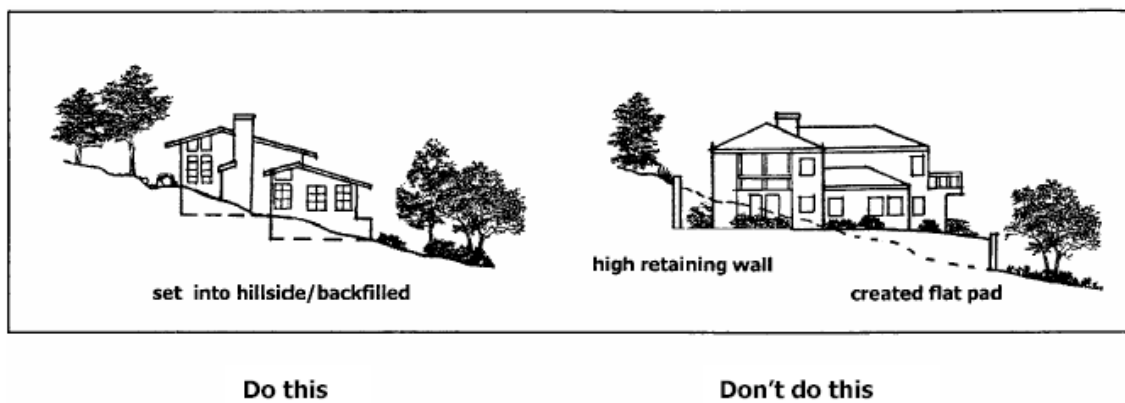
- iv. No rooftop mechanical equipment for heating, cooling or other purposes shall be permitted. Rooftop solar collection panels shall be permitted.
- v. **Buildings** shall use articulation (i.e., insets, pop-outs, etc.) and roof orientation as a means to avoid the creation of large massing of **buildings**.
- vi. Windows, balconies, and outdoor living areas shall be located to protect the privacy of adjacent homes and yards.
- vii. **Building** materials and colors shall be compatible with the natural setting. Exterior colors shall be limited to earth tones and materials shall be non-reflective. The color, material and texture palette shall be reinforced with compatible landscaping. **Building** materials shall conform to the requirements of this section. Samples of the color, material and texture palette shall be submitted to the Land Use Board for approval.
- viii. Patios, pools and ancillary **structures** shall be screened from public view.

(c) **Site grading and disturbance.**

- ix. All site disturbance on any individual lot shall be limited to 20,000 sq. ft.

- x. Grading shall be limited to which is necessary to construct **buildings**, driveways and usable **open space**. Grading cut/fill volume shall be limited to not more than 100 cu. yds. of soil removal or fill.
- xi. Grading shall be designed to conserve natural topographic features and appearances by sculpting the land to blend slopes and benches with natural topography and retain major natural topographic features, including natural drainages courses, prominent knolls, ravines, wildlife habitats and existing vegetation.
- xii. Excavation is prohibited in **environmentally critical areas**.
- xiii. The overall slope, height or grade of any excavation or fill slope shall be developed to appear similar to the natural contours in scale with the natural terrain of the site.

Figure 4.



- xiv. Following all grading and **development** activity, and prior to the issuance of a certificate of occupancy, all graded and cleared areas shall be restored as closely as possible to its original topography, which restoration shall include the reestablishment of vegetation.
- xv. No excavation or other earth disturbance shall be permitted within the **Ridgeline and Hillside Viewshed Protection Area**.

**(d) Landscaping.**

- xvi. **Buildings** shall be sited to incorporate existing vegetation into the site design to preserve the natural Ridgeline image and character of the area (see §13-13.E.4(b) & 13-13.E.8.(c)above).
- xvii. Existing vegetation shall be retained wherever possible and shall be used to soften structural mass and help blend buildings into the natural setting and to minimize their visibility. All **development** shall minimize the removal of native vegetation including the opening up of scenic views and panoramas for the benefit of a private property owner.
- xviii. The removal of all trees within a section of forest, or thinning of trees on any area located within the **Ridgeline and Hillside Viewshed Protection Area** is prohibited, except in conjunction with an approved **site plan, subdivision, variance** or certificate of approval for a **development permit**.
- xix. Subject to Land Use Board approval, tree removal may be permitted for the purpose of constructing pedestrian trails, which shall not exceed a width of six feet.

**(e) Lighting.**

- xx. External lighting shall be of a concealed source type, which directs light to the ground to minimize light pollution and sky glow.

xxi. The light source of any exterior lighting, where installed and used, shall be downward directed and shall not be visible from **off site**. All exterior lighting installations shall be subject to an in-service lighting inspection by the Township Engineer prior to the issuance of a certificate of occupancy, and lighting fixtures shall be fitted with side shielding as may be directed by the Township Engineer.

**Section 5.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable; and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 6.** All ordinances or parts of ordinance or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 7.** This Ordinance may be renumbered for codification purposes.

**Section 8.** The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

**Section 9.** This ordinance shall take effect after publication and passage according to law.

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

#### **Audience**

Mr. Joe Farischon, Fireman, said there were two (2) extractions in the last two (2) weeks.

Mr. Farischon reviewed the quote for turnout gear and said this would be the 25<sup>th</sup> set. They have 25 members.

Mr. Ron Decker, Fireman/EMS Captain, said the cost of fire department gear has increased tremendously; and everyone needs to have a new set.

Mayor Bruning asked for a list of members, gear and fire call stats. Mr. Farischon will tell Chief David Decker to attend the next meeting on February 2, 2010.

**Executive Session** - Motion by D'Angeli, seconded by Hughes, 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 ongoing litigation and personnel 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: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Exec. Session - Ongoing litigation & Personnel

Motion by Hughes, seconded by Corcoran, to return to the regular meeting.

Mayor Bruning stated ongoing litigation and personnel were discussed in Executive Session.

Motion by Hughes, seconded by D'Angeli, to hire Dick Clark, of the firm Laddey, Clark & Ryan, to support the ongoing response to Nouvelle's motion to dismiss Lafayette from COAH's jurisdiction. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

The Clerk was asked to send letters to both attorneys (Township and Mr. Clark) and to COAH.

**Adjournment**

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC  
Municipal Clerk