
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, sections 4 & 13.

FLAG SALUTE

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

Members Excused: Didyk, Taylor.

Members Absent: Hughes.

Also Present: Michael Garafalo, Esq.
Gene Weber, PE

COMPLETENESS/ HEARINGS: None.

RESOLUTIONS:

1.) Beaver Run Solar Farm SP11-3 B:25 L:2 & 4.01

Megan Ward, Esq. said she was present to represent the applicant. She went over the changes she requested to the conditions of the resolution. Mr. Garofalo noted that Ms. Ward and Mr. Banisch did send him requested changes. The Board Members did not have a chance to see the changes. Ms. Ward handed out a one page list of requested changes and went through them with the Board. There was a lengthy discussion on the area of disturbance. Mr. Weber felt the plans were still incorrect.

Mr. Fette said he spoke to the Department of Community Affairs. He said when they do the plan review for this project; they may be making changes to certain conditions such as fence height. Mr. Garofalo advised the Board to move forward with the resolution and if the D.C.A. needs to change anything then they have the authority to do so. Mr. O'Leary went through the document page by page noting minor corrections. Mr. Weber still had an issue with the area of disturbance. He felt the wording of the resolution did not match what was on the revised plans. There was another lengthy discussion on the area of disturbance. Ms. Ward said she will have the plans revised again to make sure they are clear.

A motion to memorialize the resolution with the noted changes was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Randazzo, Leuthe, Fette, Van Sickle, Straub, O'Leary.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. Mr. Corrado approached the Board and asked about the sign ordinance. He said the business owners do not know if they are allowed to have an internally lit "open" sign. He went on to say that if they are not allowed then the ordinance needs to be uniformly enforced. Mr. O'Leary said the ordinance does not allow internally lit signs. He said Lafayette wanted to keep its rural character and therefore does not allow them. Mr. O'Leary said some of the signs may have been grandfathered in. Mr. Corrado asked how he is to know if a sign is grandfathered to which Mr. Garofalo said if the sign was in place before the ordinance was passed, then it is grandfathered.

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

OLD BUSINESS:

1.) Outdoor Dining Ordinance

Mr. O'Leary said the Township Attorney had made some proposed changes to the Outdoor Dining Ordinance and sent it to the Land Use Board for their comments. Mr. O'Leary gave a brief history of the ordinance. He said he did not like the proposed use of the term "facility". He suggested the word facility be changes to restaurant and fast-food restaurant. Mr. Luthman agreed with Mr. O'Leary on this matter. He felt that the Township Committee was trying to accommodate the Quick Chek and Kwik Pik. Mr.

Luthman said the definition of fast food covers these types of facilities. Mr. Garofalo suggested defining the term "facility". Mr. O'Leary said it is defined however it is too broad.

There was a lengthy discussion on the number of seats allowed. Mr. Luthman noted that the ordinance does not allow for outdoor seating if there are no seats inside. Mr. O'Leary said the intent of limiting the outdoor seating was to address parking and septic issues. Mr. Fette suggested raising the percentage of outdoor seating to indoor seating and then set a number of seats for outdoor seating if there is no indoor seating. Mr. Corcoran suggested that if the site allows for more outdoor seating then the Board should allow it. Mr. Fette and Mr. Garofalo said that would be hard to enforce. The Board agreed with Mr. Fette's suggestion of a fixed number of outdoor seating. Mr. Weber felt if outdoor seating is permitted then the Board needs to consider parking issues and the applicant would need to submit a site plan. Mr. Fette said he will look at the parking when an application is submitted. Mr. O'Leary said the applicant would only need to submit a sketch of the outdoor dining area and Mr. Fette would review it. He said the Board did not want to create a burden for the applicant. Mr. Fette suggested that if a site has three or more requests for outdoor dining, then he may determine the applicants may need to file for an amended site plan since it may change the characteristics of the site. Mr. Garofalo agreed with this. There was a discussion about the annual fee of \$50.00. Mr. Fette said the applicant fee covers the handling of the application and a site visit. The Board recommended keeping the annual fee.

Mr. O'Leary opened the meeting to the public. Mr. Nick Corrado addressed the Board and said he saw no need for an outdoor dining ordinance. He said the Board was choking the businesses in town. Mr. Garofalo said this Board was asked by the Governing Body to give its recommendations to the revising of the outdoor dining ordinance. He said the Board had to do what it did this evening and only the Governing Body can pass an ordinance. Mr. Corrado asked about the internally lit "open" signs. He said all he was seeking is that the ordinance is enforced uniformly. Mr. O'Leary suggested he address this matter with the Township Committee.

2.) Reserve Septic Location Ordinance

Mr. O'Leary said that Mr. Banisch suggested the reserve septic site be part of the checklist. Mr. Weber said the reserve septic should be applied to subdivision. Mr. Corcoran said it should apply to all lots not just newly created lots. Mr. Garofalo said an ordinance like this would be difficult to apply to existing lots. He said it should only apply to newly created lots. Mr. Leuthe asked how this would apply to a townhouse or cluster development. Mr. Weber said that would require State D.E.P. permitting and that would be a different situation. Mr. Garofalo said he will draft an ordinance for the Board's review.

3.) Solar Application Fee

There was a discussion on the fee that should be charged for a solar generating facility. Mr. Garofalo suggested the Board leave the fee as it is. He said applicants on large projects can challenge the fee if they feel it is excessive. The Board agreed to leave the fee as is.

NEW BUSINESS:

1.) Extension for O'Connor Resolution

Mr. Garofalo said the applicant's attorney wrote to the Board asking for a six month extension to file their deeds because they are waiting for D.E.P. approval for the wetlands. Mr. O'Leary read the letter to the Board. A motion to grant the extension of six months was made by Mr. Randazzo. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Straub, Leuthe, Van Sickle, O'Leary.

Mr. O'Leary read a letter from the State Green Acres program addressed to the Lafayette Township Open Space Committee. He said the State is moving forward with the purchase of land from the Nouvelle project.

ORDINANCES: None.

ZONING REPORT: None.

BILL: List #9

A motion to pay the bills was made by Mr. Leuthe. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Straub, Leuthe, Van Sickle, O'Leary.

EXECUTIVE SESSION: None.

CORRESPONDENCE:

- 1.) From: Michael Margulies, AIA – Electronic Architecture, LLC
To: Joan Smith – Lafayette Preservation
Re: National Register of Historic Places Registration Form

- 2.) From: Debra Lynn Nicholson, Esq.
Re: Extension for John O'Connor Application

ADJOURNMENT:

With no further business coming before the Board, Mr. Randazzo made a motion to adjourn. It was seconded by Ms. Van Sickle and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Secretary