

**CALL TO ORDER**

Mr. O'Leary called the meeting to order at 7:30p.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:** Hughes, Cutler, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Henderson, O'Leary, Luthman (7:39 pm).

Member Excused:   None.

Members Absent:    Jansen.

Also Present:       Richard Stein, Esq.  
Nevitt Duveneck, PE

**MINUTES:** January 16, 2014, January 23, 2014, February 27, 2014.

A motion to approve the minutes of the January 16, 2014 meeting was made by Mr. Corcoran. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

A motion to approve the minutes of the January 23, 2014 meeting was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Corcoran, Leuthe, Didyk, Taylor, Henderson, O'Leary.

A motion to approve the minutes of the February 27, 2014 meeting with the noted corrections was made by Mr. Hughes. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, Cutler, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Henderson, O'Leary.

**COMPLETNESS / HEARINGS / CONCEPT:**

1.) Fusco, Edward    B:18 L:12.02   VAR14-1 (Deemed Incomplete 2/27/14)

2.) Sheep Thrills     B:8 L:2        MNRSP14-2 VAR14-3 (Deemed Incomplete 2/27/14)

Ms. Didyk stepped down for this hearing because she was an interested party.

Mr. Hughes wanted to make sure there are no "d" variances which would require the Township Committee members to step down. Mr. Askin said they were only applying for "c" variances.

Mr. William Askin, attorney for the applicant said the property owner is 99 Route 15, LLC and Sheep Thrills, LLC is the business use that will occupy the space. Mr. Askin disclosed that there is a relationship between the applicants and Ms. Henderson. Ms. Henderson said the applicant bought property from her family years ago and she felt there was no conflict. Mr. Stein said the Board saw no problem with this.

Mr. Askin said the property has been a residence for many years and they are proposing to convert it to a business use. The retail use is a permitted use in the zone. He said they are changing the use from a non-conforming use to a permitted use. Mr. Askin said all of the bulk variances are preexisting. The applicant is not proposing any construction to the building. He identified the parking problem that the site has. He said they are asking for two variances one for relief from the parking requirement and one for the loading requirement.

Mr. George Gloede, PE was sworn in by Mr. Stein. The Board accepted him as an expert. Mr. Gloede went over the plan with the Board. He explained the parking and proposed handicap ramp and the ingress and egress from the property. He explained the proposed lighting to the Board. Mr. Gloede said they are proposing using the municipal parking lot for their parking area. He explained the current parking situation on the property.

Mr. Hughes asked about the distance from the current paved area to the retaining area to which Mr. Duveneck said it was 12 feet. Mr. Hughes asked why they were not proposing that area for parking. Mr. Gloede said it was not big enough. He said it will be just for employee parking.

Mr. Hughes asked for the classification of the Paulinskill in this area to which Mr. Gloede said it is a C1 stream and requires a 300 foot buffer. He said the D.E.P. would be ok with the proposed reconstruction of the existing walkway. Mr. Gloede said the lot coverage would be within the maximum allowed by the ordinance. Mr. Duvneck asked for calculations on the lot coverage.

Mr. Hughes asked if the proposed ADA parking space would create a loss of a space in the public parking lot. Mr. Gloede said it should fit without a loss of a space. There was a lengthy discussion on the public parking lot. Mr. Duvneck asked for a parking scheme on the lot. Mr. Hughes asked if the applicant considered putting the ADA space in the back of the building. Mr. Gloede said it would require D.E.P. approval and it is not likely they will grant the permission. He said the applicant did not want to remove the large tree on the property.

Mr. Cutler asked about the surface of the municipal lot and expressed a concern that it was not suitable for a wheelchair. Mr. Gloede said that while it was not in the best shape it was suitable for a wheelchair.

Mr. Luthman expressed a concern with the pedestrian traffic because there is no sidewalk. He felt that pedestrian traffic going through the parking lot was not safe.

Mr. Duvneck went through his report. He requested a 33 foot right of way line on the map, and the capacity of the municipal parking lot. He suggested the applicant grant an easement and extend the municipal parking lot towards the building to potentially gain a parking spot. Mr. Stein said the applicant would have to go before the Township Committee to make any changes to the municipal lot. Mr. Askin requested that this be a condition of approval.

Ms. Van Sickle asked where the well was located. Mr. Gloede said he will have to determine where it was. Mr. Luthman expressed a concern about the porch and felt it should be restored to an open front porch.

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

Ms. Elizabeth Reeves, architect for the project was sworn in by Mr. Stein. She gave her qualifications which were accepted by the Board. Ms. Reeves explained the architectural plan to the Board. She said they are doing as few alterations to the interior as possible. The upstairs bathroom will be eliminated and the upstairs will not be ADA accessible. It is in a historic district so the building codes are less strict. She said the ground floor will be ADA accessible. She explained the front porch to the Board and said they are proposing a faux finish. She said the building was probably a general store when it was originally built. Ms. Reeves explained the type of paint they are proposing. There will be no renovations to the exterior of the building aside from painting and signs. She said there is no major construction that needs to be done to the exterior of the building to bring it into the historic character of the area.

Mr. Luthman suggested the architect speak to the Lafayette Center Preservation Foundation since this is the first building to come before the Board since the designation of the Historical District.

Mr. O'Leary opened the meeting to the public. Mr. William Jiroux of Lafayette asked about the location of the proposed signage. Ms. Reeves explained the signage to the Board and the public. There will be one sign on each side of the building. Mr. Jiroux asked about the closing off of the front porch. Ms. Reeves said they will close off the porch because it was too close to the highway.

Mr. William Rogers and Ms. Tamara Didyk, the property owners, were sworn in by Mr. Stein. Ms. Didyk explained the nature of the business to the Board. She said they will have antique and new furniture, jewelry, and wool products from their personal farm. She said they will not hire employees in the beginning. Ms. Didyk explained the delivery of the products. She said she will be picking up the furniture and bringing it to the store herself. She said they will not have anything delivered in a tandem or box type truck. Deliveries will be picked up at the post office or they will be delivered to her farm in Lafayette.

Ms. Didyk said they intend to keep the original wood work. She said they have spoken to Ms. Joan Smith from the Lafayette Center Preservation Foundation to help pick out colors that will be in the keeping of the historic district. Ms. Didyk said they are proposing to remove the front porch steps and close the opening with a rail and then open the side of the porch for access to the building.

Ms. Didyk did not feel that getting rid of the green area between her property and the municipal parking lot was a good idea. She felt the downtown area needs more green space. She said she is in her building every Saturday and there are seven cars on each side of the parking lot. She said some of them are trucks. She felt that getting rid of green space in the downtown area is not serving the area.

Ms. Didyk felt having the building fixed up and converted into a shop will bring more customers into the area and help the surrounding shop owners. She felt that the buildings in the area should be maintained and that families do not want to live on a highway so the shop is a good fit for the building. Ms. Didyk explained the area to the Board.

Ms. Didyk said she did not know where the well was located. She said they will sell packaged food. There will not be any food sold to be consumed on the property. Mr. Rogers said there will be no food waste only paper and cardboard waste. Ms. Didyk said they will use the enclosed porch as their garbage enclosure. They will have no need for a dumpster or any garbage stored outside. Mr. Rogers said the town currently picks up the garbage. Ms. Van Sickle noted the town will not pick up trash from a commercial business. Ms. Didyk said she will take care of the garbage.

Mr. O'Leary suggested limiting the number of employees as a condition of approval. Mr. Rogers said they will limit the number of employees to a total of two. Mr. O'Leary asked if the front porch will be used for the display of goods. Ms. Didyk said they will use the porch in a similar way to the other shops in town with the possibility of chairs. Ms. Van Sickle asked about the hours to which Mr. Rogers said they will be open from 10:00am to 5:00pm. Ms. Van Sickle asked if they are proposing any type of fencing. Ms. Didyk said they are proposing a small fence along Route 15. There will be no proposed fencing along the property line between her property and the neighboring property. Ms. Van Sickle asked how they were proposing the loading of large items into a customer's car. Ms. Didyk said they would handle it the way the other shops handle it. The customer would carry the items to their cars or pull into the driveway and load the car.

Ms. Henderson asked how they would handle the parking issue on a snow day where the township has not had a change to plow the municipal parking lot. Ms. Didyk said it would be the same as any of the other stores. Ms. Henderson felt the other stores may not need that parking lot to accommodate their customers whereas the applicant was specifically asking to use the municipal lot as their parking area. Mr. Rogers said if the snow is that bad the customers will not come.

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

Mr. Aiken summarized the proposed use of the property. He felt the proposed use is in full compliance with the zone. He said they are asking for two variances, one for parking and one for loading. He said they addressed the hardship issue because of the size of the property. He said they are proposing to bring the house more into line with the historic nature of the town. Mr. Aiken requested an approval from the Board prior to the applicant investing more money into the project with the engineering for the proposed modifications to the municipal parking lot.

Mr. O'Leary felt this property will always have the parking constraints that were noted in the hearing. Mr. Hughes felt the applicant should pursue the issue of adding parking to the site. He was concerned with the proposed use of the municipal parking lot would strain the existing parking situation.

Mr. Luthman said he can see the shop owners squabbling over the limited parking area however it is a problem and the Township needs to address the issue.

Mr. Cutler felt there were too many unknowns for the Board to make a decision and suggested the applicant return with the answers. He made a motion to carry the hearing to the next meeting date.

Mr. Aiken asked that the application be carried to the April meeting so they can get some additional engineering answers. Mr. O'Leary suggested the applicant may want to present the parking issue to the Township Committee and possibly get some feedback.

A motion to carry the hearing to the April 24, 2014 meeting date without further notice was made by Mr. Luthman. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Taylor, Van Sickle, Henderson, O'Leary.

Ms. Didyk returned to the Board.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. Mr. Alan Henderson expressed a concern that Mr. Cutler's motion was not acknowledged by the Board. It was never seconded and then the Board just moved on.

Mr. Todd Deming of 191 Route 15 asked about the use of the fire house for a third party for profit business on Township property. Mr. Stein said that typically Township property is exempt from its own ordinances. He said the zoning of the property is irrelevant and the government can use the property for anything it deems fit. Mr. Deming asked if the fire department was a third party owner. Mr. Stein said Mr. Deming's question was not a zoning question, it is a policy question and it should be addressed to the Township Committee. Government can use the property as they see fit.

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

**OLD BUSINESS:**

1.) Temporary Holiday Signs (Carry to April Meeting)

2.) Consent of Owner for Fees Ordinance

Mr. O'Leary asked Mr. Duveneck to explain the proposed ordinance which he did. He said it is being used by several municipalities in Warren County. The proposed ordinance will be sent to the Township Committee for consideration.

**NEW BUSINESS:** None.

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**ZONING REPORT:**

Mr. Cutler reported that he had gone to Sparta court over the Handweg Drive matter. He said the judge gave Mr. Oriolo 90 days to get D.E.P. approvals.

Mr. Cutler issued a zoning permit for a new plastics business to open in one of the units on Millpond Drive and approved a permit for a barn to be rebuilt within the setback since it partially fell down due to a snow load.

Mr. Cutler issued a zoning denial for a pole barn for equipment storage on the property along Route 94 across from Old Beaver Run Road. He also issued two zoning denials for property on Statesville Quarry Road, one for a shed and one for an enlarged deck. Both would encroach in the setback line. A temporary sign permit was issued for the Lafayette Federated Church.

**BILLS:** List #3

A motion to pay bills list #3 as presented was made by Mr. Leuthe. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Taylor, Leuthe, Van Sickle, O'Leary.

**CORRESPONDENCE:**

- 1.) From: NJDOT  
Re: Notice for Advance Housing Application

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Mr. Cutler. It was seconded by Mr. Hughes and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary