

---

## CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:32 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:** Hughes, Cutler, Luthman, Corcoran, Taylor, Van Sickle, Aikens, Allison, O'Leary.

Members Excused: Leuthe.

Members Absent: Didyk.

Also Present: Ursula Leo, Esq.  
Nevitt Duveneck, PE  
David Banisch, PP

## MINUTES: April 23, 2015

A motion to approve the minutes of the April 23, 2015 meeting with the noted change was made by Ms. Van Sickle. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Taylor, Van Sickle, Aikens, Allison, O'Leary.

## COMPLETENESS / HEARINGS / CONCEPT:

### 1.) Alta Homes      B:32 L:21.03      Ridgeline Approval

Mr. Duveneck said he had received the application for approval to build in the ridgeline viewshed area. He said he did not have maps or enough information to determine if the project can be approved. He said he is aware the applicant has a timing issue with a contract buyer.

Mr. Mark Arendas, property owner and owner of Alta Homes said he was proposing to build an ADA compliant home. He said he has a commitment from a buyer that will expire at the end of June. Mr. Arendas requested a special meeting so he can get the information to Mr. Duveneck and the Board and then move forward with his project.

Mr. O'Leary advised Mr. Arendas of the special meeting fee.

Mr. Duveneck gave some background on the project. He said they are proposing a one-story house on a flat part of the lot with substantial existing vegetation that will hide the house. He said the applicant will mark out where the house will be. He said the applicant will need to submit maps for the Board's review.

Mr. Luthman asked if a use variance is needed because the proposed home is a group home to which Mr. Duveneck said no.

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

Mr. Kevin Kelly, Esq. said he was representing the applicant. He said they were requesting a special meeting for their amended preliminary application and final site plan approval. Mr. Kelly agreed to a special meeting on June 9, 2015.

Mr. Kelly gave an introduction to the Board. He gave an update on all of the conditions on the resolution of preliminary approval. Mr. Kelly discussed preliminary work that will need to happen prior to a resolution of approval such as the placement of a construction trailer on the property, deliveries, surveying and soil sampling.

Mr. Banisch asked the applicant show a sheet with the changes to the site plan and the conditions of the approved resolution to help eliminate confusion. Mr. Kelly agreed.

Mr. Duveneck asked if all of the trees that need to be removed have been removed to which Mr. Kelly said yes.

A motion to carry the application to a special meeting date of June 9, 2015 at 7:00 p.m. without further notice was made by Ms. Van Sickle. It was seconded by Mr. Hughes and passed with all Board Members saying aye.

3.) 56 Sunset Inn Road, LLC              B:9 L:18.03 PSP14-4 (Deemed Complete 10/23/14)  
Mr. Hughes and Mr. Corcoran stepped down from the Board for this application.

Ms. Deborah Nicholson, Esq. said she was representing the applicant. She went over all of the recent submitted paperwork with the Board. She said they were before the Board for variance approval and will return for site plan approval. She went over some revisions to the proposed draft resolution of approval that the Board Attorney had written.

Mr. Luthman felt he could not vote for an approval because instead of justifying a use to preserved farmland they are using already preserved farmland to justify a restaurant. He felt at best they would only be getting the farm to table 5 months out of the year. He asked if the applicant would turn away customers if all 51 seats were filled. He said it would be difficult to police the source of the produce. He felt the concept was not considered unique dining and felt the applicant did not meet the positive criteria. Mr. O'Leary said he had the same concerns. He felt it would be a difficult to police the operation. He expressed a concern with the restaurant being on an undersized lot. Mr. O'Leary said the restaurant has to be in joint ownership with the farm. He also expressed a concern with two uses on one property and that the operation would be in a residential zone.

Mr. Luthman expressed a concern with the hours of operation. He went through the Planner's report and commented on it. He noted that Lafayette already has an approved restaurant that was not built. Mr. Luthman said he walked the property and did not see any planting in the ground. He again stated that the farm is preserved. He felt that the zoning officer would be burdened with the responsibility of determining where the produce came from. Mr. O'Leary wanted to limit the retail to produce grown on the farm. He felt policing the retail would be a problem.

Mr. Luthman said he cannot see how the restaurant can succeed without buying produce from outside the County during the winter months. Ms. Nicholson said they are proposing that every dish served in the restaurant all year long, will have some element of the produce from the farm. She said during the winter months they will be using sauces and salsa and honey in the dishes. She said the concept is viable and is done in other farm-to-table restaurants. She said the applicant will not create any more preserved farmland however it will preserve the viability of an already preserved farm. Ms. Nicholson said it will allow the farm to stay active instead of allowing it to go fallow. She said the County is losing more and more farms. She said there is confusion on the right-to-farm act. She said the applicant would like to have everything on one lot but because of the preserved farm they cannot. She said they would have a connection where the restaurant must be dependent on the adjoining farm.

Mr. Luthman felt that the owner did not build the paddocks on the property if he did not intend to raise horses.

Mr. Allison said a large farm owner needs to sell his produce directly to the consumer. He said farmers can't sell wholesale and still make money. He felt a commercial operation should be in a commercial zone. He felt it is setting a bad precedence. He said he understands the frustration of wanting to make a farm profitable but he felt this would create a problem in the future. He said he does want to give farmers in town every edge to sell to the public.

Mr. Banisch asked if the lots could be merged. Ms. Leo said it has been done but it could be very difficult. Mr. Banisch suggested a proprietorship for the application. The owner of the farm is the owner of the restaurant. He said the policing issue is a valid concern. Ms. Nicholson said they offered a certification process with a self-policing policy which would not over-burden the zoning officer.

Mr. Banisch discussed the viability of preserved farms and the possibility of creative options for the farm. Mr. Duveneck said he was involved in farmland preservation in other towns. He felt agri-tourism needs to be part of a viable preserved farm. He said there is usually an exception area and can add to the viability of the farm. He said the land has no value to it once it is preserved. He agreed that the restaurant will not have product from the farm during the winter months but that the Board should allow some type of provision for this.

Mr. Luthman said he disagreed with Mr. Duveneck on every point. He said all of the dairy farms left Sussex County because they were losing money. He said the farmers have transitioned from dairy to horses, cattle and sheep. He said there is an approved restaurant site less than a half a mile away that has not been built.

Mrs. Aikens said it is very contradicting that the Township is trying to promote business in Lafayette with the Chamber of Commerce and we have a business coming before the Board and the Board is saying they don't want this kind of business. Mr. O'Leary felt the applicant had a great business model however he has an issue with it being in the residential zone. He felt there was no hardship in moving the restaurant to the commercial zone. Mr. Dunn said if the restaurant is moved to the approved site it loses the environment of the surrounding farm and there will be more trucking of the product involved.

Ms. Nicholson said her client has come to the Board for help and is willing to any reasonable condition. She said this is not a mega operation. She said there were no neighbors at the hearing objecting to the application. She said it will not look like a commercial business. She said there is so little that can go wrong were the Township does not have the ability to police. She felt there is no harm to the surrounding community if the application were approved. She felt that legally they have done the proofs. Mr. Luthman disagreed.

Mr. O'Leary felt that people who live in a residential zone do not expect to live next to a restaurant. Ms. Leo suggested an informal polling of the use variance. She advised the Board that it is not binding in any way. Mr. Luthman still has an issue with the policing of the produce used. Ms. Leo said it will be handled with a certification process overseen by the Site Specific Agriculture Practice. Mr. Luthman said if it gets approved he wants to see it succeed.

The Board Members took an informal poll which resulted in a 4 in favor and 3 not in favor result. Ms. Nicholson asked to carry the application and said they will waive the Board's time to make a decision.

A motion to carry the application without further notice and granting the Board time to act through July 1, 2015 was made by Mr. Cutler. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Cutler, Luthman, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**4.) Northwest Jersey Development Co.:14 L:27.01 MNR15-2 (Deemed Incomplete 3/19/15)**  
Mr. Duveneck said no new information has been submitted.

Mr. Hughes and Mr. Corcoran returned to the Board.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With no public present, the meeting was closed to the public.

**OLD BUSINESS:**

**1.) Sidewalks and Parking Lot**

Mr. O'Leary advised the Board that the Township Committee has contacted the owner of the Olde Lafayette House to see if they will sell the property to be used as a parking lot.

**NEW BUSINESS:**

**1.) Ridgeline Ordinance -Section 13-13 E.3**

Mr. Duveneck advised the Board on the issues he had come across while dealing with the Ridgeline Ordinance. Mr. Banisch explained the administrative process. Ms. Leo will draft a work product with administrative changes and present it to the Board for approval.

**2.) Zoning Map**

Mr. Duveneck said he is doing the research on the zoning map errors that have been brought to his attention. A discussion ensued on the Light Industrial zone along Warbasse Jct. Road.

**3.) ROSI**

Mr. O'Leary advised the Board that Open Space had acquired the Moose/Castimore property on Lantz Road. He said they need to update the ROSI. Mr. O'Leary explained the process to the

---

Board. Mr. Hughes discussed the possibility of utilizing some of the municipal owned Warbasse Jct. tract of land for affordable housing.

**4.) Economic Development**

Mr. Hughes advised the Board that he and Mr. Bruning had met with the Economic Development Partnership and the Sussex County Chamber of Commerce and had supplied them with approved site plans that have not been developed. He said the Township has sent letters to the various property owners and advised them of the Township's tax abatement program. Mr. Hughes said they also met with Mr. John Drake who has presented the properties to potential developers. There was a discussion on design standards.

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**ZONING REPORT:**

Mr. Cutler advised the Board that he sent notice of violations to various property owners for abandoned cars on Route 15. He said he also sent a notice under the property maintenance ordinance to the owner of the old Merck property advising him he needs to clean up the property.

**BILLS:** List #6

In Mr. Leuthe's absence, the Board Secretary went over the bills with the Board.

A motion to approve the bills was made by Mr. Luthman. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Cutler, Luthman, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**CORRESPONDENCE:**

- 1.) From: Kevin D. Kelly, Esq.  
Re: Beaver Run Solar Farm, LLC

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Secretary