
CALL TO ORDER

Mr. Leuthe called the meeting to order at 7:30 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, Didyk, Taylor, Van Sickle, Allison, Leuthe, O’Leary (7:35pm).

Members Excused: None.

Members Absent: Aikens.

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

MINUTES: March 24, 2016

A motion to approve the minutes of the March 24, 2016 meeting was made by Mr. Hughes. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Allison.

COMPLETENESS / HEARINGS / CONCEPT: None.

AUDIENCE:

Mr. Leuthe opened the meeting to the public. Mr. William Dorkus of 274 Warbasse Jct. Rd, Lafayette and Mr. Frank DeWitt of 15 Price Road in Augusta, NJ addressed the Board. Mr. DeWitt said they were present to see if the Board had considered changing the renewable energy ordinance as was discussed at last month’s meeting.

Mr. O’Leary joined the meeting at 7:35 p.m. and chaired the meeting.

Mr. DeWitt passed out a rendering of examples of solar array placements on various size lots. He also handed out an aerial view of Mr. Dorkus’ property and pointed out how the solar array would not be seen from the roadway or neighboring property. He handed out copies of the Blairstown solar ordinance that he felt better addressed the issue of screening the solar arrays. He said they were asking for a change in the ordinance.

Mr. O’Leary said the Board was going to discuss the matter later in the meeting.

Mr. DeWitt suggested the ordinance be changed to allow the Zoning Officer to determine if the array is properly shielded as opposed to requiring 3 acres for any ground mount array. Mr. O’Leary noted that there are residential properties in the Highway Commercial zone that are close together and those properties were taken into consideration when drafting the current ordinance. Mr. O’Leary asked the Board professionals to take a look at the proposed ordinance change.

Mr. O’Leary said the Board was changing the order of the agenda items. They would address the New Business items next and address the Old Business items afterwards.

NEW BUSINESS:

1.) Proposed Cemetery Zoning Ordinance Amendment

Mr. John Philips said he and representatives from Sunrise Properties were present to answer any questions that may arise. Mr. O’Leary advised the Board that Nouvelle owns a piece of property on the corner of Sunset Inn Road and Route 15 and they are requesting a zone change for the area to allow for a cemetery use. He said that the ordinance does not allow for a cemetery in the residential zone however it does allow it as a conditional use in the Highway Commercial and Village Commercial zones. He said the property owners have requested a zone change from the Township Committee and the Committee has sent it to the Board for comments.

Mr. O'Leary had a concern with the amount of proposed grave sites which was larger than what was allowed in the HC and VC zones.

Ms. Leo said the Board has a proposed zone change ordinance before them which is seeking a cemetery use in the area of the Nouvelle Property and the Board can make any changes they see fit and send it back to the Township Committee.

Mr. David Banisch noted there were some substantial differences in what is being proposed from what is allowed in the R-5 zone. Mr. William Pasadelas from CMS Mid-Atlantic said they are interested in the property for a cemetery use. Mr. John Philips said he was the attorney for Sunrise Properties which owns the property. He said the proposed ordinance was drafted by Mr. Roy Kurnos, Esq. He discussed some ways to restrict where a cemetery can go in the R-5 zone without making it allowable in all areas of the R-5 zone.

Mr. Banisch said the cemetery zone can be handled as an overlay in the R-5 zone. He expressed a concern about the amount of clearing and coverage of property. He asked if there is State law that preempts the regulations of the Board. Mr. Pasadelas said there is a New Jersey Cemetery Board that governs cemeteries however it does not preempt the municipalities on local law especially on zoning. He said cemeteries are in place forever and they become part of the community forever.

There was discussion on the amount of coverage on the property. Mr. Pasadelas gave the Board examples of different areas in New Jersey where the types of burials differ. He said this is where the cemetery may need long term flexibility such as ground burials verse mausoleum burials. Mr. O'Leary felt the ordinance has no regulation or control to protect what the Board is trying to accomplish with the Ridgeline ordinance. Ms. Leo noted that a cemetery would not come before the Board for their site plan approval. The State Board would oversee any changes. Mr. Philips suggested the Board could put restrictions into the deed so there are no problems down the road.

Mr. Pasadelas explained the process of how the property will be developed a section at a time.

Ms. Leo said the Township is being asked to adopt an ordinance that allows for a cemetery as a permitted use, conditional use or an overlay of the zone. She said if this one piece of property is rezoned it will appear to be spot zoning.

Ms. Leo noted the State does not allow more than five cemeteries in any one municipality. She felt this was another control in place for the Township.

Mr. O'Leary asked for an informal poll of the Board to see if members are in favor of the concept. Those in favor: Taylor, Luthman, Cutler, O'Leary, Leuthe, Corcoran, Leuthe, Didyk, Van Sickle, Allison.

Mr. Luthman expressed a concern with having a cemetery zone overlay.

Mr. Duveneck expressed a concern with drainage, the Gateway look and he wants the existing hedgerow to remain. He said he needs to look at the entire R-5 zone to see if this will affect the other areas within the zone.

Mr. O'Leary noted that the escrow account will need to be replenished so that the Township Professionals can review the proposal and write a report.

Ms. Leo asked if the lots will all be merged prior to the final approval. Mr. Philips said there is an issue with one of the lots that needs to be resolved first.

The Board Professionals will have their reports ready for the May meeting date.

OLD BUSINESS:

1.) Update on Lafayette Housing Element

A motion to go into executive session to discuss pending litigation was made by Mr. Hughes. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

A motion to come out of executive session was made by Mr. Hughes. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

2.) Possible Amendment to Renewable Energy Ordinance

Mr. Banisch wanted to look at the ordinance and he was uncomfortable having a selective process in place for the screening of the solar arrays.

Mr. Hughes said he did not want the professionals spending a lot of time and money looking at other ordinances. He also felt it would be difficult to enforce the screening of the array if the property gets sold and there is no resolution in place to address it.

Mr. Taylor noted that he has a large piece of property and if he put a solar array on the ground, there is nothing in the ordinance to control the screening and he felt there needs to be something in the ordinance to control this. Mr. Allison expressed a concern with the cost of a variance for the homeowner.

The Board agreed to carry the matter to the May meeting.

RESOLUTIONS: None.

ORDINANCES: None.

ZONING REPORT: See Attached

Mr. Cutler noted that the State building representatives issued a building permit without a zoning permit which is a prior approval.

BILLS: List #4

Mr. Leuthe went over the bills with the Board.

A motion to pay bills list #4 was made by Mr. Cutler. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

CORRESPONDENCE: None

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Secretary