
CALL TO ORDER

Mr. O’Leary called the meeting to order at 7:33 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, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O’Leary.

Members Excused: None.

Members Absent: None.

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

MINUTES: July 28, 2016.

A motion to approve the minutes of the July 28, 2016 meeting with the noted changes was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Cutler, Corcoran, Didyk, Taylor, Van Sickle, Aikens, Allison, Luthman, Leuthe, O’Leary.

COMPLETNESS / HEARINGS / CONCEPT:

1.) Gutu, Alexandra B:6, L:10.01 MNR16-2

Mr. Duveneck said the application was for a minor subdivision however; one of the lots would become a non-conforming lot and would require a variance. He said he has communicated this to the owner. Mr. Duveneck recommended the Board deem the application incomplete since it did not conform to the zone requirements.

A motion to deem the application incomplete 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.

AUDIENCE:

Mr. O’Leary opened the meeting to the public. With no public coming forward, the meeting was closed to the public.

OLD BUSINESS:

1.) Inclusionary Zoning

Mr. Banisch went over the feedback that he received from the property owner’s attorney. Mr. Banisch said the applicant was looking for some flexibility with the design of the buildings. The property owner took issue with some of the standards in the proposed ordinance such as; they did not want to be limited to townhouses, they wanted the flexibility to have the affordable units as stacked flats, and they were opposed to some of the architectural controls as well as the active and passive green spaces.

Mr. Banisch felt the ordinance did allow flexibility. The developer wanted to put some of the affordable units in the commercial zone. Mr. Banisch went through the ordinance with the Board. There was a discussion on the mixed use portion of the site. Mr. O’Leary expressed a concern with allowing the residential space to be interconnected with the commercial space via roadways. He felt it would be a safety issue. Mr. Cutler and Mr. Luthman agreed.

There was a discussion on the number of allowable units in each townhouse. Mr. Banisch recommended 6 units per building. The Board agreed. Mr. Banisch explained that the “for sale” affordable units are hard to sell. The rentals are easy and may have a better fit for the mixed use. Mr. Cutler felt that the town should not segregate the affordable units from the market units. Mr. Banisch said that COAH encourages the affordable units be integrated however it is not a requirement. They do better as rentals than townhouses. Ms. Leo said legally it would be fine to have them as rentals. Mr. Banisch explained that there is a COAH schedule that requires that a percentage of the affordable units need to be built along with the market rate units.

Mr. Banisch discussed the passive verses active open space. He said the developer wants to reduce the walking paths to 4 feet in width. Mr. Banisch felt they should be 5 feet in width. Mr. Banisch discussed the language in the proposed ordinance regarding green technologies. Mr. Hughes felt the ordinance should not require any green technology if it is cost prohibitive for the developer. There was a discussion on the architecture and the distance between the proposed townhouses. There was a discussion on a homeowners association. Mr. Banisch discussed parking, setbacks and buffering.

Mr. O'Leary said there is a court date on September 7. He asked Mr. Banisch to make the edits and send out a revised version so it can be sent up to the Township Committee. The Board agreed upon definitions for townhouse and stack flat. Mr. Banisch will add these definitions to the ordinance.

A motion to approve the revised ordinance and to forward it to the governing body 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.

3.) Zoning Setbacks

Mr. O'Leary said Mr. Cutler and Mr. Banisch had submitted copies of various zoning ordinances from other towns dealing with setbacks. Mr. Banisch went over the ordinance from Pemberton Township. Mr. Banisch suggested the Board go back to old zoning ordinances from Lafayette and readjust the setbacks for the non-conforming lots in town. Mr. O'Leary noted that Lafayette has a section in the ordinance dealing with non-conforming lots. Mr. Banisch suggested that a schedule be added to that section addressing the undersized lots. Mr. Luthman suggested proposing new setbacks for the undersized lots in each zone and having different setbacks for active and passive accessory structures. Mr. O'Leary felt the rear yard setbacks are too large. Ms. Leo will draft a proposed ordinance for the Board. Mr. O'Leary asked the Board Members to come up with proposed numbers for the meeting in September.

1.) Possible Amendment to Renewable Energy Ordinance

Ms. Leo said she checked on the notice requirement that the Board had proposed. She said the notice procedure has to follow the MLUL. She said the Board cannot make their own notice procedures and needs to decide if solar panels will be a site plan application or not.

The Board agreed to carry the matter to the September meeting to see how it may fit into the accessory setback ordinance. Mr. O'Leary said the screening of solar panels needs to be addressed.

NEW BUSINESS:

1.) Farm Market Application

Mr. O'Leary explained to the Board that the applicant who had been before the Board with a farm-to-table restaurant application withdrew his application and went to the County Ag Board to get his approval under the Right to Farm Act. Ms. Leo said the County Board has jurisdiction in this matter. Mr. Cutler felt that the applicant will have to come back to Lafayette Township for zoning approval and it will not meet the zoning ordinance. Mr. Banisch said the County Ag Board has the power to make this approval. Ms. Leo said the applicant has the right to go to the Ag Board to get such an approval.

RESOLUTIONS: None.

ORDINANCES: None.

ZONING REPORT: See Attached

Mr. Cutler went over his report with the Board. He discussed the property maintenance and foreclosure ordinances that the Township Committee had adopted.

BILLS: List #8

Mr. Leuthe went over the bills with the Board.

A motion to pay the bills as presented was made by Mr. Leuthe. 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