

**CALL TO ORDER**

Mr. O'Leary called the meeting to order at 7:31 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, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**Members Excused:** Didyk.

**Members Absent:** None.

**Also Present:** Ursula Leo, Esq.  
Nevitt Duveneck, PE

**MINUTES:** August 25, 2016.

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

**COMPLETENESS / HEARINGS / CONCEPT:**

1.) Gutu, Alexandra B:6, L:10.01 MNR16-2 (Deemed Incomplete 8/25/16)

Mr. Duveneck reported that he had received an email and a phone call from the owner however no new information has been submitted.

2.) Cellco Partnership Cell Tower B:15 L: 2, 6.01, 6.03, 7.01 & 7.02

Ms. Van Sickle stepped down from the Board.

Mr. David Soloway, Esq. was representing Verizon Wireless. He said the application is for a cell tower proposed for 22 Van Sickle Road. He said they are proposing a 140 foot mono pole with a lightning rod at 146 feet. They are proposing 12 antennas as well as supporting equipment including a generator which would be contained within a 2000 square foot fenced in compound. He said the lot is about 46 acres and the access will be a gravel driveway. The pole will be far off the road in the woods and since the town does not have a wireless ordinance, the applicant will need a use variance. Mr. Soloway said they will also need a height variance and they may need a variance for more than one principal use on the property. Mr., Hughes asked what type of variance they will be seeking. Mr. Soloway said they are seeking a "d" variance so the committee members would have to step down.

Mr. Hughes and Mr. Corcoran stepped down from the Board.

Mr. Soloway said they will have three experts testify; the engineer, a radio expert and a planner.

Mr. Duveneck went over his report with the Board. He said the application looked complete and noted the waivers and temporary waivers that the applicant is seeking. He said he was ok with the requested waivers. He said the applicant had submitted a set of plans which he reviewed prior to the applicant submitting the entire set of plans to the Board in case there were revisions needed.

A motion to deem the application complete with the waivers and temporary waivers requested as recommended by the Board Engineer's report was made by Mr. Leuthe. It was seconded by Mrs. Aikens, and passed with a roll call vote. Ayes: Cutler, Luthman, Leuthe, Taylor, Aikens, Allison, O'Leary.

Mr. O'Leary noted that the Board had a similar application a few years ago and recommended that Board Members go back and review their notes or listen to the recordings of that application to refresh themselves with this type of application.

Mr. Soloway asked if the Board wanted a balloon test and noted they are tricky to schedule. Mr. Duveneck felt it was very important and wanted the applicant to schedule a balloon test. He also asked if the applicant was amendable to hiring a radio frequency expert to represent the interest

of the Board to which Mr. Soloway said yes depending on who it will be. He suggested that the applicant's radio frequency expert reach out to the Board's to discuss any issues. Mr. Soloway said the last time the Board chose Dr. Eisenstein and he was agreeable to him. Mr. Soloway said his Planner will schedule the balloon test with the Board Secretary. Mr. Duveneck suggested that the balloon test be scheduled after the meeting has been open to the public.

Mr. Hughes, Mr. Corcoran and Ms. Van Sickle returned to the Board.

**AUDIENCE:**

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

**OLD BUSINESS:**

1.) Zoning Setbacks

Mr. O'Leary noted that about 1/3 of the lots in town are non-conforming and felt it was a major concern of the Township. He said the proposed ordinance drafted by Ms. Leo would address this matter and should separate the principal structure setbacks from the accessory structure setbacks.

Mr. Luthman noted that the proposed ordinance includes the principal structure and felt it should be removed from this revision. Ms. Leo said it is in the proposed ordinance because it was structured that way in the existing ordinance. Ms. Leo explained the proposed ordinance.

There was a lengthy discussion on setbacks for accessory structures and principal structures on a non-conforming lot. Mr. O'Leary felt the setbacks should be more restrictive for conforming lots. He felt the ordinance should be more lenient for the undersized lots. He said moving the accessory structure off the property line is for aesthetics and to avoid neighbor friction.

Mr. Luthman noted that Frankford and Vernon ordinances have a limit on the size and quantity of the accessory structures and different setbacks for pools and tennis courts.

Mr. Taylor asked why the setbacks for the side yards are closer than the rear yard setbacks. Most towns have their setbacks in this manner.

Mr. Leuthe noted that if the proposed ordinance is adopted, there is no need to have the garden shed ordinance that was adopted last year.

Mr. Allison suggested the Board handle only the setbacks for accessory structures and not propose any changes to the principal structure setbacks. He felt the ordinance was too complicated and suggested a simpler version with side yard setbacks of 10 feet. Mr. O'Leary felt that neighbors will be unhappy with accessory structures that close to the property line. Ms. Van Sickle felt the Board should focus more on the property owner rather than the neighbor. She felt the regulations should be the same across the board. Mr. Taylor felt the setbacks are for the neighbor not the property owner. Mr. O'Leary felt here should be different setbacks for the conforming lot and the non-conforming lots.

Mr. Luthman reminded the Board that there are developers who would put a house on every half acre if allowed and the Board needs to consider this. He felt the accessory structures should not have the same setbacks as the principal structures. He suggested a size limit on the accessory structure.

The Board agreed that setbacks should be different for conforming lots and non-conforming lots. There was a discussion on having different setbacks for active and passive accessory structures. There was a discussion on where an in-ground pool is measured from. Mr. Cutler said it is measured from the edge of the water not the pad around the pool. He said most people want the pool close to the house. The Board agreed that pools and tennis courts should have a greater setback than passive accessory structures. Ms. Leo suggested that pools and tennis courts be setback at 25 feet in all zones. There was a lengthy discussion on the setback distances for the various zones. The Board agreed not to put a maximum size limit on accessory structures.

A motion to refer to the Township Committee changes to the setbacks for accessory structures on non-conforming lots to be 10 feet on the side and 20 feet on the rear yard, and for conforming lots the setbacks will be 15 feet on the side yard and 30 feet on the rear yard while pools will have a setback of 25 feet from all lot lines in all zones was made by Ms. Van Sickle. It was

seconded by Mr. Cutler and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

2.) Possible Amendment to Renewable Energy Ordinance

The Board agreed to carry this matter to the October meeting date.

3.) Housing Element Update

Mr. Hughes gave the Board an update. He said there have been some back and forth between the Township Attorney, Nouvelle's Attorney and the Fair Share Housing Center on the ordinance. The Township Committee did introduce the ordinance based on the recommendation of the Board. He said they might need to make some changes to the ordinance but the Township Committee is getting close to adopting it.

4.) Roster of Open Space Inventory

Mr. O'Leary said the ROSI is a year overdue for updating and it must get updated soon. He said every time a property is added it must be updated. The Township added the Moose/Castimore property about a year ago so the ROSI needs updating. He said they will discuss it at the Open Space Committee in October.

**NEW BUSINESS:**

1.) Holiday Light Decorations

The Board was given a copy of holiday light decorations proposed by the Township Committee for the utility poles along Route 15. Mr. Leuthe asked what was wrong with the old ones. Mr. Hughes said they are broken. The Township is proposing to purchase 20 new decorations. They will purchase 10 this year and 10 next year. Mrs. Aikens felt the money could be better used elsewhere in the town. Mr. Hughes said that the Township wants to promote business in Lafayette and this will help with the holiday season. The Board gave Mr. Hughes some choices for the decorations which he will take back to the Township Committee.

**RESOLUTIONS:** None.

**ORDINANCES:**

1.) Chapter XIII – To Establish Setback Requirements for Accessory Buildings and Nonconforming Lots

The Board has addressed this matter in their earlier discussion.

**ZONING REPORT:** See Attached

Mr. Cutler said he met with Mr. Steven Chermine who is the new property manager for Olde Lafayette Village. He met Mr. Chermine at the site and they walked the site to agree on what work needs to be done so the site can conform to the new property maintenance ordinance.

There was a discussion about the Suburban Propane property. Mr. Cutler said he will be writing summons for the property owners who are ignoring the notices of violation that have been sent out.

There was a discussion on the clothing bins that are placed throughout the town.

**BILLS:** List #9

Mr. Leuthe went over the bills with the Board.

Mr. O'Leary expressed a concern that Mr. Banisch has not submitted any bills and was concerned about the budget.

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

**CORRESPONDENCE:** None.

Mr. Allison asked if the Board has received any information on the farm market that was approved by the County Agriculture Board. The Board Secretary said the County Board of Agriculture was scheduled to memorialize the resolution on Monday September 19, 2016. The Board has received nothing to date.

**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