

November 1, 2016

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, November 1, 2016 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

Members Present: Mayor Henderson, Committeemen Hughes, Corcoran, Bruning, D'Angeli,

Members Absent None

Also Present: Clerk Fedish, Attorney Kurnos, Road Foreman Macko

Mayor Henderson opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

Minutes - Motion by Corcoran, seconded by Hughes, to accept and place on file the minutes of September 20, 2016. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Reports

Tax Collector - For October 2016

Lieu of Tax	\$434.73
Tax Map Fee	\$100.00
Cost of Sale	\$1,356.53
Prior Year Taxes	\$127,938.54
Current Year Taxes	\$652,549.54
Prepaid Taxes 2017	\$6,619.80
Interest	\$12,559.44
Premium	\$17,500.00
Total	\$819,058.58

Motion by D'Angeli, seconded by Corcoran, to accept the Tax Collector's report as submitted. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Treasurer - Transfers Resolution - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

WHEREAS, there is a need for adjustments to the 2016 municipal budget appropriations; and

WHEREAS, N.J.S.A. 40:4-58 permits transfers to be made in the last two (2) months of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that the following transfers be made in the amounts so noted:

	<u>Amount</u>
From: Group Insurance for Employees	\$3,100.00
To: Engineering Services & Costs	\$2,000.00
Zoning s/w	\$200.00
General Liability	\$500.00
Animal Control o/e	\$400.00
Total Transfers	\$3,100.00

Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Committee Reports

Streets and Roads - D'Angeli reviewed the Road Foreman's report.

Board of Health - Corcoran reviewed the meeting held on October 24, 2016. He reported Anne Sellinger submitted her letter of resignation from the Board. The Township Committee accepted Ms. Sellinger's resignation.

Corcoran reported the annual rabies clinic will be held Saturday, November 5, 2016 from 9am-12noon at the fire house.

Land Use Board - Corcoran reviewed the meeting held on October 27, 2016.

EMS - Corcoran reported the EMS now has their 501c(3) status and will be filing for State tax exemption.

Emergency Management - Hughes reported he is working with the County regarding FEMA's request for the return of money they feel was overpaid.

Affordable Housing -

Fire Department - Henderson report the EMS responded to 13 calls in October.

Vouchers

Agra Environmental	31.50
Allied Oil LLC	1,692.50
American Wear	136.50
Banisch Associates	140.00
Banisch Associates	4,822.50
CenturyLink	573.44
Chelbus Cleaning Co., Inc.	275.00
Frankford Township	14,867.58
G&G Diesel	2,213.31
High Point Regional High School	152,221.00
JCP&L	183.67
Johnny On The Spot	65.00
Laddey, Clark & Ryan	1,071.00
Laddey, Clark & Ryan	34.00
Lafayette Twp. Board of Education	314,150.00
Midwest Motor Supply	371.08
Montague Tool	179.01
ND Engineering	1,485.00
ND Engineering	324.00
Opdyke's Sales & Service	829.80
Roy E. Kurnos	8,833.87
Royal Pontiac	111.42
Staples Business	292.68
Stavola – Beaver Run Quarry	973.20
Sussex County Economic Development	50.00
Sussex County Treasurer	2,810.61
Sussex County Treasurer	451,126.13
Sussex County Treasurer	12,045.82
Sussex County Treasurer	28,167.93
Sussex County Treasurer	2,018.12
The New Jersey Herald	96.90
Tilcon New York	3,011.80
Tilcon New York	133,343.48
Tire King	95.00
Wantage Township	6,333.75
Tropicana Hotel Casino	592.00
Verizon Wireless	239.42
Weldon Quarry	3,442.71
Winters Auto Parts	74.88

Motion by Bruning, seconded by D'Angeli, to pay the bills on the Bills List. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Old Business

Accessory Structures Setback Ordinance - Motion by Bruning, seconded by Corcoran, to introduce the following Ordinance and set the public hearing for December 6, 2016:

AN ORDINANCE AMENDING CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE ZONING CHAPTER, TO ESTABLISH SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS

WHEREAS, the Township Committee of the Township of Lafayette finds that the current ordinances need to be revised to include setback requirements for accessory structures; and

WHEREAS, the Township Committee of the Township of Lafayette also finds that setback requirements for accessory structures on nonconforming lots should be established due to the existence of many undersized nonconforming lots in existence.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, and State of New Jersey that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, Zoning, shall be and is hereby amended as follows:

Section 1. Section 13-7, “Nonconforming Lots, Uses, Structures” shall be and is hereby revised by adoption of a new subsection, 13-7.c., as follows:

c. *Accessory Building Setbacks of Nonconforming Lots.* Any existing lot as of [the date of adoption of this Ordinance] which lot does not meet the minimum lot size may construct an accessory building without an appeal to the Land Use Board, provided that the total permitted building coverage is not exceeded and/or the accessory building and/or any addition does not violate any other requirements of the Township Ordinances, such as but not limited to height, setback and parking. For lots smaller than the minimum lot area as required by Code subsection 13-8.5, accessory buildings may be constructed in accordance with the following schedule:

Side Yard (feet)	10 feet
Rear Yard (feet)	20 feet

Section 2. The first sentence of Section 13-8.6.a., “Yard and Dimensional Requirements” shall be deleted in its entirety and a new first sentence of subsection, 13-8.6.a. shall be adopted as follows:

a. Single-family detached dwelling unit conventional development shall comply with the following yard and dimensional requirements for principal structures and buildings.

Section 3. Section 13-8.6.c., “Yard and Dimensional Requirements” shall be deleted in its entirety and a new subsection, 13-8.6.c. shall be adopted as follows:

c. Accessory structures and buildings shall not be located in the required front yard; shall be at least ten (10) feet from the principal structure; and shall comply with side and rear yard setbacks set forth in the tables below.

Setbacks for Accessory Structures (other than Swimming Pools)*

Side	15 Feet
Rear	30 Feet

Setbacks for Swimming Pools

Side	25 Feet
Rear	30 Feet

* Nonconforming lots may construct accessory structures in accordance with 13-7.c.

Section 4. *Section 13-13B.3, governing accessory uses in the VR Village Residential District, shall be deleted in its entirety and replaced as follows:*

13-13B.3 Accessory Uses.

Accessory structures and buildings shall not be located in the required front yard; shall be at least ten (10) feet from the principal structure; and shall comply with side and rear yard setbacks set forth in the table below:

Setbacks for Accessory Structures

Side	10 Feet
Rear	20 Feet

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable; and the remaining portions of this Ordinance shall remain in full force and effect.

Section 6. All ordinances or parts of ordinance or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 7. This Ordinance may be renumbered for codification purposes.

Section 8. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 9. This Ordinance shall take effect after publication and passage according to law.

Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Affordable Accessory Apartments Ordinance - Motion by Hughes, seconded by D'Angeli, to introduce the following Ordinance and set the public hearing date for December 6, 2016:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE TO ESTABLISH "AFFORDABLE ACCESSORY APARTMENTS" AS PERMITTED ACCESSORY USES IN THE R-5.0, R-4.0 AND R-2.5 ZONES IN ACCORDANCE WITH LAFAYETTE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION AND THE 2016 HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Township of Lafayette seeks to advance the purpose of addressing its affordable housing obligations in a manner consistent with appropriate and acceptable housing techniques and for the purpose of providing a variety of housing choices as Identified in the Lafayette Township 2016 Housing Plan Element and Fair Share Plan,

NOW, THEREFORE, BE IT ORDAINED, that the General Ordinances of the Township of Lafayette are hereby amended, as follows:

SECTION 1. Amend "Chapter XII Land Use," by adding the following new Section "12-22 Affordable Accessory Apartments," as follows:

§ 12-22 Affordable Accessory Apartments

§ 12-22.1 Findings and purpose.

The purpose of this article is to provide housing opportunities to fulfill the Lafayette Township's affordable housing obligation. The intent is to encourage the creation of affordable accessory apartments within new or existing dwellings in Lafayette Township.

§ 12-22.2 Apartment within principal dwelling or accessory structure permitted.

In all residential zones an affordable accessory apartment may be created within a principal dwelling or in an accessory structure located on the same lot as the principal dwelling, subject to the standards set forth herein.

§ 12-22.3 Preference for low- and moderate-income households.

The affordable accessory apartment shall be occupied by a low- or moderate-income household as defined in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1.1 et seq., as supplemented and amended.

§ 12-22.4 Number of dwelling units.

No lot shall contain more than two dwelling units. A lot shall contain a principal dwelling unit and not more than one affordable accessory apartment which may be located in the principal residence or in an accessory structure.

§ 12-22.5 Minimum lot area.

An affordable accessory apartment shall be permitted within a principal dwelling, provided that the lot conforms to the area and bulk requirements of the residential zone district in which it is located. If the affordable apartment is to be located in an accessory structure, the lot shall be at least the minimum lot size for conventional development in the zone in which the unit is located, and the structure containing the affordable unit shall conform to the bulk standards for an accessory structure.

§ 12-22.6 Design standards.

An affordable accessory apartment shall be subject to the following design standards:

A. The floor area of an affordable accessory apartment shall not comprise of more than 25% of the aggregate floor area of the dwelling in which it is located, except that an affordable unit located in an accessory structure on the same lot as the principal dwelling shall not exceed 1,000 square feet of floor area. In no case shall an accessory apartment contain less than 350 square feet of floor area.

B. Access to any affordable accessory apartment shall be provided with an exterior entrance separate from the principal dwelling entrance.

C. There shall be no sign, separate driveway access, separate exterior entrance or other visible evidence of an accessory apartment which is observable from any abutting street.

D. Off-street parking shall be provided for any vehicles used by the occupants of the affordable accessory apartment. A minimum of two parking spaces shall be provided for each dwelling unit on the lot. On-street parking is prohibited.

E. The affordable accessory unit shall include living/sleeping space, cooking facilities and a complete sanitary facility for the exclusive use of its occupants. It

shall consist of not less than two rooms, one of which shall be a full bathroom, but shall have no more than two bedrooms.

F. The dwelling structure, if occupied by two households, shall comply with all requirements for a two-family dwelling in accordance with the New Jersey Building Code¹¹ and all other applicable laws and housing regulations of the state and Township.

§ 12-22.7 Subsurface sewage disposal.

Prior to the issuance of a construction permit for any work related to the creation of an affordable accessory apartment within an existing structure or by an addition to an existing dwelling, the owner of the dwelling shall obtain a determination from the Township Board of Health as to whether modifications to any individual subsurface sewage disposal system will be necessary by reason of the creation of the accessory apartment. Any required modifications to such a system shall be made in compliance with all applicable laws and regulations.¹¹

§ 12-22.8 Permits.

An affordable accessory apartment shall not be occupied except in accordance with a currently valid affordable accessory apartment permit issued by the Zoning Official.

A. Every affordable accessory apartment permit shall be valid for a term ending on December 31 of the year in which it is issued and shall, upon application, be renewed annually, provided that the accessory apartment is occupied by a low- or moderate-income household as required by § **12-22.3**. However, an initial permit or any renewal thereafter shall expire immediately in the event that the unit is vacated or a change occurs in the household occupying the unit which renders the occupant ineligible in accordance with § **12-22.3**.

B. If an affordable accessory apartment permit expires by reason of Subsection A above, the affordable accessory apartment shall be vacated and shall not again be occupied unless and until a new permit is applied for and issued by the Zoning Official.

C. Application for an affordable accessory apartment permit shall be made upon a form provided by the Zoning Official. The application shall require a certification that the above standards and conditions are in effect. Prior to the issuance of an affordable accessory apartment permit, the owner-occupant of the dwelling or, in the event that the dwelling is leased, the owner and tenant of the dwelling shall execute an affordable accessory apartment occupancy agreement with the Township prepared by the Township in recordable form which shall provide that the affordable accessory apartment shall be occupied only in accordance with the provisions of a currently valid affordable accessory apartment permit and that the Township may take appropriate legal action to enforce the provisions of the agreement.

D. An annual renewal application shall be submitted to the Township Clerk by January 15 of each year, which application shall include a certification by the owner of the affordable accessory apartment that the above standards and conditions are in effect and that the household occupying the affordable accessory apartment remains income qualified for occupancy of the affordable accessory apartment. If occupancy has changed during the prior year, the owner shall furnish evidence of income qualification for the household occupying the affordable accessory apartment in the annual renewal application.

§ 12-22.9 Deed restrictions.

Upon approval of an application to create an affordable accessory apartment, the Township, on behalf of the property, shall file a deed recorded in the Sussex County Clerk's office containing a restriction in the form adopted by COAH and set forth in N.J.A.C. 5.93-9.2, Appendix E, to the effect that the unit shall remain available and affordable to a low- or moderate-income household for a period of at least 10 years. The county filing fee is to be paid by the owner of the property. If the affordable accessory apartment is not occupied by a low- or moderate-income household as required by § **12-22.3**, it shall be removed and the structure shall comply with all the requirements for a single-family detached dwelling.

§ 12-22.10 Submission of plans.

The applicant shall provide a plan for the proposed construction which provides sufficient information to determine that all ordinance requirements will be satisfied.

§ 12-22.11 Number of affordable accessory apartments.

The maximum number of affordable accessory apartments permitted under this article shall be the number that the Township is permitted to apply toward its fair share obligation of low- and moderate-income housing in accordance with the applicable regulations of the New Jersey Council on Affordable Housing.

§ 12-22.12 Waiver of fees.

Building permit fees and all similar Township fees shall be waived in all cases involving affordable accessory apartment development under this article.

SECTION 2. Amend Chapter 13, “Zoning,” § 13-8, R-5.0, R-4.0 and R-2.5 Residential Districts, subsection 13.8, “Permitted Accessory Uses, by adding the following new subsection 18-8.3 “f. Affordable accessory apartments.”

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 5. This ordinance may be renumbered for codification purposes.

SECTION 6. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 7. This ordinance shall take effect after publication and passage according to law.

Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Henderson-yes.

Vacant/Abandoned/Foreclosed Properties - Attorney Kurnos is pursuing this issue. He indicated minimal title searches will be needed.

New Business

Raffle License - Motion by D’Angeli, seconded by Hughes, to approve a raffle license for Lafayette Center Preservation Foundation for December 10, 2016 and waive the local fee. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Henderson-yes.

Wantage Pound 2017 Shared Services Agreement - Motion by Bruning, seconded by Hughes, to approve and authorize the Mayor to sign the 2017 Wantage Pound Shared Services Agreement. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Henderson-yes.

Audience

Mr. Kevin O’Leary, Open Space Secretary, suggested farm leases being advertised for the “Lawler” and “Castimore” properties for 2017. Mr. Raj Sinha has not farmed the “Lawler” property for the two (2) years he has had the lease.

Mr. O’Leary said the ROSI needs to be updated. The Castimore/Moose property and buildable portion of the “Warbasse Junction Road” property need to be included. Hughes indicated the “Warbasse Junction Road” property was purchased in 2004 before Open Space was established; and a clarification from the Township Planner of the boundaries is needed.

Executive Session - Motion by D’Angeli, seconded by Corcoran, to adopt the following resolution:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey as follows:

A matter relating to land acquisition shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Exec. Session – Land Acquisition

Motion by Bruning, seconded by D'Angeli, to return to the regular meeting. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Mayor Henderson stated land acquisition was discussed in Executive Session.

Adjourn

There being no further business, motion by Hughes, seconded by D'Angeli, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk