

August 7, 2018

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, August 7, 2018 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

Members Present: Mayor Hughes, Committeemen Henderson, Corcoran, Bruning

Members Absent D'Angeli (excused)

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

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

Minutes - Motion by Bruning, seconded by Corcoran, to accept and place on file the minutes of July 3, 2018 and to accept and place on file the Executive Session minutes of July 3, 2018 and not to release them to the public until the issue is finalized. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

Tax Collector - For July 2018

Lieu of Tax	\$461.21
Miscellaneous	\$10.00
Tax Map Fee	\$100.00
Prior Year Taxes	\$15,283.34
Current Year Taxes	\$498,507.54
Prepaid Taxes 2019	\$12,431.30
Interest	\$2,271.34
Total	\$529,064.73

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

Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND OF \$1,575.39 TO THE ESTATE OF ROSE BORDIGA DUE TO AN OVERPAYMENT OF TAXES FOR THE YEAR 2018, AS A RESULT OF A COUNTY BOARD TAX APPEAL

WHEREAS, on May 9, 2018, the Sussex County Board of Taxation granted a tax appeal for property known as Block 24, Lot 9, owner of record the Estate of Rose Bordiga, reducing the assessment from 105,200.00 to 5,200.00; and

WHEREAS, the deduction of the assessment resulted in an overpayment for the year 2018 in the amount of \$1,548.55; and

WHEREAS, Statutory interest pursuant to N.J.S.A. 54:3-27.2 in the amount of \$26.84 is also due to the owner, making the total refund due \$1,575.39.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, in accordance with State Statutes that the Tax Collector be authorized to make the necessary refund, payable to the Estate of Rose Bordiga, in the amount of \$1,575.39.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, Township Attorney, and Township Auditor for their records.

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

Treasurer's Report Cash Report for June 2018

Cash Balances as of May 31, 2018	\$3,862,304.88
Cash Receipts for June 2018	\$248,770.31
Total	\$4,111,075.19
Cash Disbursements for June 2018	\$629,368.52
Cash Balances as of June 30, 2018	\$3,481,706.67
Account Balances as of June 30, 2018	
Current – Checking	\$984,238.95

Capital – Checking	\$1,597,260.55
Escrow – Checking	\$58,957.66
COAH - Developers Fees	\$14,001.96
COAH - Rehab Reserves	\$29,862.15
Open Space Municipal Tax	\$191,319.55
Snow Trust	\$12,737.92
Environmental Contingencies	\$76,174.24
Trust Accounts for Developers Agreement	\$494,235.71
Special Rec. – Checking	\$6,239.23
Special Donations	\$7,546.98
Fire Prevention	\$8,524.26
Green Acres Trust	\$100.08
Dog Trust Account	\$507.43
Total Account Balance	\$3,481,706.67

Motion by Bruning, seconded by Corcoran, to accept the Treasurer’s report as submitted.
 Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

Committee Reports

Streets and Roads - Bruning reported the new Township signs will be installed soon and reviewed the Road Foreman’s report.

Motion by Bruning, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of September 4, 2018:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF A 2019 “MASON DUMP” GMC MODEL TK36003-3500 4x4 REGULAR CAB-CHASSIS AND/OR ITS SUBSTANTIAL EQUIVALENT INCLUDING 60” CAB TO AXEL, DURAMAX DIESEL ENGINE, ALLISON AUTOMATIC TRANSMISSION, WESTER SNOW PLOW 9’ WITH TIMBREN BLOCKS, RUNNING BOARDS, SPLASH GUARDS, VENT VISORS, STAINLESS STEEL DUMP BODY WITH TAILGATE SPREADER AND APPROPRIATING \$88,660.00 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1. The funding for the purchase of a 2019 “Mason Dump” GMC Model TK36003-3500 4x4 regular cab-chassis and/or its substantial equivalent including 60” Cab to Axel, Duramax diesel engine, Allison automatic transmission, Western Snow Plow 9’ with Timbren blocks, running boards, splash guards, vent visors, stainless steel dump body with tailgate spreader is hereby authorized; and the cost is not to exceed \$88,660.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$88,660.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

EMS - Corcoran reported the EMS wants to revise their by-laws to allow membership be granted to non-residents to help with day time calls. It was the consensus of the Township Committee to allow this revision.

Corcoran reported the EMS responded to 31 calls in July, with 16 being to group homes.

Board of Health - Corcoran reviewed the meeting of July 23, 2018.

Recreation Commission - Corcoran reviewed the meeting of August 6, 2018. He reported the Knights of Columbus fishing contest was approved; and no stocking of fish will take place.

Fire Department - Henderson reported the Fire Department responded to 10 calls in June and 15 in July.

USDA Sidewalk Grant - Hughes reported a grant of approximately \$26,000 was awarded to the Township. The project will include the properties of Sheep Thrills to the Sonnenberg lot and be completed in 2019.

County ID Cards - Hughes reported the County ID cards program for emergency services is proceeding.

The Shoppes at Lafayette - Hughes reported businesses have opened at the Shoppes at Lafayette; and a grand opening will be held next month.

Elizabethtown Gas - Hughes reported an update will be made at the meeting scheduled for September 18, 2018.

Land Use Board - Hughes reported proposed ordinances are on the agenda for action by the Township Committee.

Correspondence

- a. From David Messineo re: Emerald Ash Borer warning
- b. Vernon Township Resolution Supporting Highland Region Enterprise Zone
- c. Hampton Township Ordinances re: Affordable Housing
- d. Woodbridge Township - 2018 NJ Senior Olympics

Vouchers

1 st Alarm Security	315.00
Action Drives & Bearings, Inc.	339.00
Adolph Kiefer & Assocs.	28.94
Agra Environmental Services, Inc.	80.00
American Wear	605.50
Andover Township	13,557.13
Aquatic Analysts, Inc.	380.00
Arthur J. Gallagher Risk Management	500.00
Bergey's Inc.	125.00
Campbell Supply Company of Sussex County	8.28
CenturyLink	599.59
Chelbus Cleaning Co., Inc.	275.00
Chemung Supply	1,254.20
Constellation New Energy, Inc.	128.49
Custom Docks, Inc.	217.00
Deborah Johnson	413.80
E.A. Morse & Co., Inc.	92.91
EMSL Analytical, Inc.	130.00
Estate of Rose Bordiga	1,575.39
Frankford Township	14,300.62
Gail D. Magura, Cashier	75.59
Glasscar Auto Glass	275.00
Griffith-Allied Trucking	4,139.08
High Point Regional High School	145,282.00
Home Depot Credit Services	582.33
JCP&L	1,188.97
Jesse Hughes	203.00
Joan Thiel	176.00
Johnny-On-The-Spot, LLC	209.25
Lafayette Auto Parts Supply, LLC	154.26
Lafayette Twp. Board of Education	517,558.50
MacMillan Oil Co. of Allentown	59.00
MCANJ, Inc.	100.00
Montague Tool & Supply Co.	260.18
Moonlight Imaging, Inc.	220.00
Newton Trophy & Sports Center, LLC	27.00
NJ Dept. of Health & Senior Services	9.00
North East Parts Group, LLC	178.66
Peace by Piece NJ	2,736.00
ReadyRefresh by Nestle	10.58
Rileighs Outdoor Décor	6,873.00
Roy E. Kurnos	5,000.00
Service Electric Cable TV of NJ, Inc.	19.95
Ronetco Supermarket, Inc.	291.79
SK Office Supply, Inc.	20.98
Sparta Lanes	146.00

Staples Business Advantage	151.41
Statewide Insurance Fund	25,116.25
Stavola Beaver Run Quarry, LLC	820.39
Stavola Beaver Run Quarry, LLC	2,024.73
Sussex County Treasurer	2,924.16
Syncb/Amazon	144.49
Team Life	350.00
Teresa Maegerlein	50.00
The Land Conservancy of NJ	2,625.00
The New Jersey Herald	178.20
Thomas Loucks	375.00
Tire King	210.00
Township of Wantage	2,196.50
TruGreen Commercial	1,100.00
USPS	225.00
Verizon Wireless	263.91
WeatherWorks	1,600.00
Weldon Quarry Co., LLC	919.04

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

Old Business

“Morgan” Property Acquisition Ordinance - Mayor Hughes opened the public hearing for the following Ordinance:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LISTED ON THE TOWNSHIP’S OFFICIAL TAX MAPS AS A PORTION OF BLOCK 20, LOTS 2.01 and 2.02 IN THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY (“THE MORGAN PROPERTY”)

With there being no comments from the public, Mayor Hughes closed the public hearing. Motion by Henderson, seconded by Corcoran, to adopt the “Morgan” Property Acquisition Ordinance.

A lengthy discussion ensued regarding obtaining a right-of-way. Bruning said the right-of-way has been discussed a number of times and feels it is the responsibility of the Township to secure right-of-ways when possible. He said this should be done before closing on the property as the road is narrow, at some points, making it difficult for two (2) vehicles to pass.

Road Foreman Macko said he has had to back up the snow plow when a vehicle was going through. Also, no other vehicle can pass when the school bus travels the road. School buses are not permitted to back up to let vehicles pass.

Hughes said this was discussed with Ms. Glosinski of The Land Conservancy; and this should have been made a part of the contract.

Further discussion ensued regarding a right-of-way being obtained in Frankford Township for the length of the “Morgan” property by the Frankford Township governing body.

Henderson amended the motion that on the advice of the Township Attorney the acquisition proceed and that it include a thirty-three (33’) foot right-of-way and be surveyed; and Corcoran seconded it. Attorney Kurnos will contact Mr. Morgan’s attorney and Ms. Glosinski (The Land Conservancy) regarding the right-of-way. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

Hughes noted the survey needs to be completed; and the Township will pay the cost, which will be funded through the Open Space Trust Fund. If it is determined later that The Land Conservancy was in error, they will be contacted for payment.

“Sonnenberg” Property Acquisition Ordinance - Mayor Hughes opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF BLOCK 8, LOTS 7 AND 29 (87-89 ROUTE 15) AND ALL RELATED APPURTENANCES INCLUDING ENGINEERING AND APPROPRIATING \$165,000.00 FROM THE CAPITAL IMPROVEMENT FUND

With there being no comments from the public, Mayor Hughes closed the public hearing. Motion by Corcoran, seconded by Henderson, to adopt the “Sonnenberg” Property Acquisition Ordinance. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

Amend Salary Ordinance - Mayor Hughes opened the public hearing for the following Ordinance:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS IN THE TOWNSHIP OF LAFAYETTE FOR THE YEAR 2018” WHICH WAS ADOPTED DECEMBER 19, 2017

With there being no comments from the public, Mayor Hughes closed the public hearing. Motion by Henderson, seconded by Corcoran, to adopt the Amend Salary Ordinance. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

Lifeguards - Henderson said a background check was not done for this year’s lifeguards and feels this should be done before the hiring of the lifeguards for next year’s swim season as it can be a liability to the Township if not done.

Copier - Bruning recommended offering the old copier to Township groups as it has no real value. If it is not accepted by a group, it will be disposed of.

Group Home Emergency Services Stats - Corcoran will speak to the EMS Captain about group home emergency calls and relay the information to Henderson.

Foreclosures - The Zoning Officer is inspecting properties.

New Business

Raffle Licenses

Lafayette Township PTO - Motion by Henderson, seconded by Corcoran, to approve two (2) raffle and one (1) bingo licenses for Lafayette Twp. PTO for November 2, 2018 and waive the local fee. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

American Three Quarter Midget - Motion by Bruning, seconded by Henderson, to approve a raffle license for American Three Quarter Midget Vintage Club for December 8, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, Hughes-yes.

Budget Appropriation Resolution - Motion by Bruning, seconded by Corcoran, to adopt the following Resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, the following:

Budget Amendment Certification/Appropriations Offset by Revenue

1913 - Lafayette Township – County of Sussex

Calendar Year 2018

Revenue Description - USDA, Rural Development \$26,175.00

Appropriation Description - USDA, Rural Development \$26,175.00

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

Sunrise House TWA Consent Resolution - Motion by Bruning, seconded by Corcoran, to adopt the following Resolution:

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

The Lafayette Township Committee of the Township of Lafayette hereby consents to the submission of the Sunrise House TWA application to the Department of Environmental Protection for approval.

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

Amend Chapter XIII-Ridgeline Ordinance - Motion by Bruning, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date of September 4, 2018:

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE ZONING PROCEDURES, SPECIFICALLY SECTION 13-13E ENTITLED “RIDGELINE AND

HILLSIDE VIEWSHED PROTECTION OVERLAY ZONE” TO REVISE REVIEW REQUIREMENTS

WHEREAS, the Governing Body and Land Use Board of the Township of Lafayette have determined that revisions to Section 13-13E “Ridgeline and Hillside Viewshed Protection Overlay Zone” are necessary to allow certain activities that have little or no effect on the Ridgeline to be permitted, without cost to property owners; and

WHEREAS, the Governing Body and the Land Use Board of the Township of Lafayette have reviewed the current Ordinance and determined to allow for additional activities and development within the Ridgeline and Hillside Viewshed Protection Overlay Zone, without requiring additional review and/or a Certificate of Compliance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII, Section 13-13E, of the Revised General Ordinances of the Township of Lafayette, “Ridgeline and Hillside Viewshed Protection Overlay Zone”, shall be and is amended as follows:

Section 1. Section 13-13E.6(d), “Exemptions”, shall be revised by deleting subparagraph (d) in its entirety and replacing it as set forth below:

d. No certificate of compliance shall be required for an addition to an existing dwelling or garage five hundred (500) square feet or smaller located within the Ridgeline and Hillside Viewshed Protection Area except when such addition shall increase the footprint and/or gross floor area of a dwelling by more than thirty-five (35%) percent. Incremental additions occurring after the date of adoption of this section (February 16, 2010), which result in a cumulative increase in footprint or floor area of five hundred (500) square feet beyond the footprint or floor area of the dwelling as of February 16, 2010, shall be permitted only when such certificate of compliance has been received. Construction of new accessory structures such as detached garages in excess of five hundred (500) square feet on existing developed lots of record as of February 16, 2010, within the Ridgeline and Hillside Viewshed Protection Area shall require the issuance of a Ridgeline and Hillside Viewshed Protection Area certificate of compliance prior to the issuance of a building permit.

Section 2. Section 13-13E.6 “Exemptions”, shall be revised by addition of a new subparagraph (f), as set forth below:

f. Removal of ten (10) or fewer trees with a four (4”) inch caliper (dbh) or less shall be exempt from the requirements of this Ordinance.

Section 3. Section 13-13E.6 “Exemptions”, shall be revised by addition of a new subparagraph (g), as set forth below:

g. Decks and patios added to existing residences that are less than five hundred (500) square feet in size and swimming pools capable of installation without removal of any trees or within the exemption of Ord. 13-13E.6.f shall be exempt from the requirements of this Ordinance.

Section 4. 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 5. 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 6. This Ordinance may be renumbered for codification purposes.

Section 7. 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 8. This Ordinance shall take effect after publication and passage according to law.

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

Amend Chapter XIII-Signs Ordinance - Motion by Corcoran, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of September 4, 2018:

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ZONING, SECTIONS 13-14.1(f), 13-17.2(e), AND 13-17.8(m) REGARDING LED SIGNAGE, SECTION 13-17.10(b)(2) REGARDING TEMPORARY SIGNS, 13-17.12 and 13-17.13 REGARDING SIGNS IN THE

VILLAGE RESIDENTIAL (VR) ZONE, AND SECTIONS 13-17.13(b), (c) AND (g) REGARDING SIGN SIZE IN THE HC AND LI ZONES

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed it's current zoning ordinances and determined that: LED lights are more visible to travelers; Motor Vehicle Fueling Stations do not need to manually change pricing on signage, which can happen daily with new LED sign technology that allows the stations to control the signage from inside the store; and LED lights are more environmentally friendly; and

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed current sign regulations and determined that temporary sign regulations should be simplified; larger signs should be permitted within the HC, Highway Commercial, and LI, Light Industrial, Zones; and sign regulations need to be established in the Village Residential (VR) zone consistent with the other residential zones;

NOW THEREFORE, BE IT ORDAINED by the Township Committee that Sections 13-14.1(f), 13-17.2(e), 13-17.8(m), 13-17.10(b)(2), 13-17.12, 13-17.13, 13-17.13(b), 13-17.13(c), and 13-17.13(g) of the Revised General Ordinances of the Township of Lafayette, regarding signs, shall be and are hereby amended as follows:

Section 1. §13-14.1(f) regarding Signage of Motor Vehicle Fueling Stations, shall be deleted in its entirety and revised as follows:

f. *Signage.* Motor vehicle fueling stations shall comply with the Sign Ordinance located at Section 13-17, except that the petroleum price display portion of any sign related to a Motor Vehicle Fueling Station may be lit with energy efficient LED technology as per §13-17.2(e) provided the maximum number of grades of petroleum on the sign shall be four (4); and the maximum height of the pricing numbers shall be thirteen (13") inches, and shall be red, blue or green in color. The maximum brightness of such signs shall not exceed 0.2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the source. The sign brightness shall be reduced if the Board engineer determines that the light level exceeds the levels specified, and the sign shall be programmed to dim and brighten automatically in response to changes in ambient light. Prior to the issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been preset to automatically adjust the brightness to these levels or lower. In addition, customary lettering or other insignia which are a structural part of a motor fuel pump consisting only of the brand name, lead warning sign, price indicator and other information required by law is permitted.

Section 2. §13-17.2(e), Illuminated Signs, shall be amended by the addition of the following:

...Energy efficient LED technology lighting shall be permissible on the petroleum price display portion of a sign relating to a Motor Vehicle Fueling Station per §13-14.1(f).

Section 3. §13-17.8(m) regarding prohibited signs, shall be amended by the addition of the following:

...and energy efficient LED technology lighting on the petroleum price display portion of a sign relating to a Motor Vehicle Fueling Station per §13-14.1(f).

Section 4. §13-17.10(b)(2) regarding Special Promotion, Event and Grand Opening Signs, shall be deleted in its entirety and revised as follows:

2. Special promotion, event and grand opening signs may be displayed not more than fifty-six (56) days in any calendar year. Special promotion, event and grand opening signs shall be erected no more than thirty (30) days prior to the event, and shall be removed not more than fourteen (14) days after the event.

Section 5. The heading for §13-17.12 regarding signs permitted in the R-5, R-4, R-2.5 and AH-1 zones shall be deleted in its entirety and revised as follows:

13-17.12 Signs Permitted in the R-5, R-4, R-2.5, VR and AH-1 Zones.

Section 6. The heading for §13-17.13 regarding signs permitted in zones other than the R-5, R-4, R-2.5 and AH-1 Zones shall be deleted in its entirety and revised as follows:

13-17.13 Signs Permitted in Zones Other Than the R-5, R-4, R-2.5, VR and AH-1 Zones.

Section 7. §13-17.13(b) regarding business signs, shall be amended by the addition of the following:

Within the Highway Commercial (HC) and Light Industrial (LI) Zones only, the maximum area of a single sign may be a maximum of 30 square feet in size, and total maximum area of all signs on the lot shall not exceed 62.5 square feet.

Section 8. §13-17.13(g) regarding freestanding signs, shall be deleted in its entirety and revised as follows:

g. One (1) freestanding sign may be permitted on each lot, not exceeding thirty (30) square feet in area. Shopping centers and multi-tenanted light industrial use shall be permitted to have one (1) additional freestanding sign on each road frontage for the shopping center or multi-tenanted light industrial use, and the additional freestanding sign shall only list the shopping center or industrial park name and/or list the tenants, and shall be limited to four (4) square feet per tenant or a maximum of thirty (30) square feet, whichever is less. Within the Highway Commercial (HC) and Light Industrial (LI) Zones only, the maximum sign area shall be 37.5 square feet, or five (5) square feet per tenant, whichever is less.

Section 9. 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 10. 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 11. 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 12. This Ordinance shall take effect after publication and passage according to law.

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

Amend Chapter XIII-ECHO Housing Ordinance - Motion by Bruning, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of September 4, 2018:

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, SECTION 13-5, DEFINITIONS, AND SECTION 13-14, REGULATIONS GOVERNING CONDITIONAL USES, TO PERMIT ELDER COTTAGE HOUSING OPPORTUNITY DWELLING UNITS

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, being the Zoning Chapter, shall be and is hereby amended to allow Elder Cottage Housing Opportunity dwellings, as follows:

Section 1. New definitions are added to section 13-5 for “Elder Cottage Housing Opportunity (ECHO) Dwelling Unit”, as follows:

Elder Cottage Housing Opportunity (ECHO) Dwelling Unit shall mean a small, removable residential unit designed to provide temporary housing for immediate relatives who are 55 years of age or older or disabled in a movable accessory residential structure on a lot containing a principal residential structure.

Section 2. New Subsections 13-8.2 g and 13-13 B.2 e shall be adopted as follows:

13-8.2 g. Elder Cottage Housing Opportunity (ECHO) Dwelling Unit in accordance with § 13-14.b.10.

13-13 B.2 e. Elder Cottage Housing Opportunity (ECHO) Dwelling Unit in accordance with § 13-14.b.10.

Section 3. New Section 13-14.b.10, Elder Cottage Housing Opportunity (ECHO) Dwelling Unit, shall be adopted as follows:

10. Elder Cottage Housing Opportunity (ECHO) Dwelling Unit

An ECHO unit shall be considered an accessory conditional use to an existing residential structure on any residentially used lot containing a single-family detached dwelling unit as the principal residential structure on the lot. This use is designed to provide an affordable alternative to assisted living, nursing home or boarding home care, so that immediate relatives, 55 years of age or older, or a disabled family member, may live nearby but not in the same dwelling unit. The ECHO unit shall be easily removable when it is no longer needed. A conditional use permit shall be procured from the Land Use Board to install the ECHO unit.

- (a) Occupancy standards. An ECHO unit is for the use and occupancy by not more than two persons, one of whom is an immediate relative, related by blood, marriage or adoption to the owner of the primary single-family detached dwelling unit and who shall occupy the primary single-family detached dwelling unit on the premises. The ECHO unit may also house one professional caregiver if the unit is only occupied by one qualified individual. One of the ECHO unit-related occupants shall be at least 55 years of age unless the immediate relative is disabled. Should the qualified occupant vacate the unit, the caregiver and/or nonqualified occupant must also vacate the unit within 90 days.
- (b) The owner of the primary single-family detached dwelling unit shall file an annual letter with the Township Zoning Officer certifying continuing compliance by the permittee with the conditions of the original conditional use permit. In the event of a permanent change of address of the occupant(s) or vacancy of the ECHO unit, the owner of the primary single-family detached dwelling unit shall give written notice to the Township Zoning Officer within 30 days of the change. Within 90 days of a permanent change of address of the occupant(s) or vacancy of the ECHO unit, the ECHO unit shall be removed from the premises and written notification of such shall be given to the Township Zoning Officer. The Zoning Officer shall have the discretion to extend the time for removal upon written request and reasonable cause. Within 60 days of the removal of the ECHO unit, the lot shall be restored to the status prior to the installation of the unit. The owner of the primary single-family detached dwelling shall give written notification of such to the Zoning Officer within this time period.
- (c) The applicant for an ECHO unit shall submit a conditional use application to the Land Use Board.
 - i. The fee for the ECHO conditional use application shall be \$250.
 - ii. The escrow fee for the conditional use application shall be \$500.
 - iii. Public notice of the ECHO conditional use application shall be provided by the applicant at 10 days prior to the Land Use Board meeting at which the application shall be heard, which notice include:
 - a) Notice to the owners of all real property as shown on the current tax duplicates, located in the State and within 200' in all directions of the property which is the subject of the Conditional Use application; and
 - b) Public notice by publication in the official newspaper of the municipality.
 - iv. Upon finding of consistency with the standards set forth in this section, the Land Use Board shall cause a letter to be issued to the Zoning Officer indicating approval of the ECHO conditional use application, which approval shall be conditioned upon any terms the Board may require, the requirements of this section and all applicable building and health codes for a residential dwelling.
- (d) An ECHO unit shall be subject to the following conditions:
 - i. Only one ECHO shall be permitted per lot, and it shall meet the following requirements.
 - ii. ECHO units shall meet the setbacks for the principal structure.
 - iii. ECHO units shall be located within the rear yard. The Land Use Board may permit an ECHO unit to be placed in the side yard, area, provided that landscaping or other buffering approved by the Board screens the unit from view from the street and adjoining neighbors. The preferred location is within the rear yard, behind the existing single-family detached dwelling unit. ECHO units shall not be located in the front yard.
 - iv. The Land Use Board may require landscaping, buffering or treatments such as skirting or other foundation treatments, when, in the opinion of the Board, such measures are determined to enhance visual compatibility of the ECHO dwelling unit with the neighborhood or neighboring uses.
 - v. The ECHO unit shall be federally or state labeled pursuant to the National Manufactured Home Construction and Safety Standards Act of 1994 or N.J.A.C. 5:23-4A, whichever is applicable, and as may be amended.
 - vi. The ECHO unit shall not exceed 720 sq. ft. of gross floor area.

- vii. The ECHO unit shall contain a kitchen, living facilities, not more than two bedrooms, and a single bathroom equipped with low flow plumbing fixtures as required by the Plumbing Subcode of the Uniform Construction Code.
 - viii. The ECOH unit shall be self-contained, barrier-free, energy efficient and capable of being moved to another site.
 - ix. There shall be one additional parking space provided on site that is dedicated to the ECHO unit, which shall be in addition to parking otherwise required.
- (e) Written approval of existing well and septic systems by the Board of Health shall be submitted along with the conditional use application to the Land Use Board. The existing septic system may be expanded if necessary, but a separate septic system shall not be created for the ECHO unit.
- (f) At such time as the ECHO unit is no longer occupied as required herein, an ECHO unit may be relocated within Lafayette Township in accordance with the requirements of this section upon reapplication to the Land Use Board in accordance with the procedures and requirements set forth herein.
- (g) Applicants for ECHO units shall submit 16 copies of the application form and site plan which illustrates conclusively that all conditions for the conditional use have been met. The site plan, at a scale easily readable and with dimensions clearly indicated, shall include the following:
- i. Location of existing and proposed building and structures.
 - ii. Location of existing and proposed parking.
 - iii. Proposed lighting, signs and landscaping.
 - iv. Existing and proposed pedestrian and vehicular circulation.
 - v. If additional impervious surfaces are proposed to be added, the applicant should indicate how stormwater management for the ECHO unit is proposed to be accommodated.
 - vi. An interior layout shall be included so as to permit the Board to determine that the maximum percentages of floor area will be complied with.
 - vii. Location of existing structures on surrounding lots.
 - viii. Driveways on surrounding lots and lots across from subject property.

Section 4. 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 5. 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 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 may be renumbered for codification purposes.

Section 8. This Ordinance shall take effect after publication and passage according to law.

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

Amend Chapter XIII-Cannabis Ordinance - Motion by Bruning, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date of September 18, 2018:

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, SECTIONS 13-8.2 AND 13-14.B, REGULATIONS GOVERNING CONDITIONAL USES, TO PERMIT CANNABIS GROWING, PRODUCTION AND MANUFACTURING AS A CONDITIONALLY PERMITTED USES IN THE R-5 ZONE

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, being the Zoning Chapter, shall be and is hereby amended to allow cannabis growing, production and manufacturing, as follows:

Section 1. Section 13-8.2, Conditional Uses Permitted, shall be revised by the addition of a new subparagraph 13-8.2(g) as follows:

g. Cannabis Growing, Production and Manufacturing, in the R-5.0 Zone only, subject to the requirements of Section 13-14.b.9.

Section 2. A new Section 13-14.b.9 Cannabis Growing, Production and Manufacturing, shall be adopted as follows:

9. Cannabis Growing, Production and Manufacturing, in the R-5.0 Zone only.
 - (a) Minimum lot size: Fifteen (15) acres
 - (b) Access and Setback: Access shall be provided via a driveway located on a County or State road, with all growing, production and/or manufacturing structures setback a minimum of four hundred (400') feet from the road.
 - (c) Visibility: No structure shall be visible from any State or County road.
 - (d) Landscaped Buffer: A minimum landscaped buffer at least one hundred (100') feet in width shall be established and maintained, adjacent to any County and State road.
 - (e) Fencing: All structures utilized for any growing, production or manufacturing shall be enclosed by a fence at least seven (7') feet high.
 - (f) Security: All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures.
 - a. 24-hour human security shall be provided on site.
 - b. There shall be no direct sales to the public from the property.
 - c. There shall be controlled access to the site, with on-site video monitoring.
 - (g) Maximum number of buildings: Ten (10)
 - (h) Maximum building height: Thirty-five (35') feet
 - (i) Compliance: All growing, production and manufacturing shall be in compliance with all applicable New Jersey State requirements, licenses and permits.
 - (j) Noise: All Cannabis Growing, Production and Manufacturing operations shall operate in compliance with State and local noise laws and regulations.
 - (k) Odor: All Cannabis Growing, Production and Manufacturing operations shall utilize available technology to recirculate air, so that odors are not emitted outside of any structure(s).
 - (l) Location: All Cannabis Growing or manufacturing buildings shall be located at least four hundred (400') feet from the nearest residential building located on a lot assessed as Class 2 Residential and a minimum of one thousand (1,000') feet from a school building.
 - (m) R-5.0 Zone Requirements: All newly constructed Cannabis Growing, Production and Manufacturing structures shall abide by all setback and Code requirements in effect for the R-5.0 Zone.
 - (n) Generator: All Cannabis Growing, Production and Manufacturing operations shall have a backup generator, which shall maintain all electronic security systems in the event of a power failure.
 - (o) Signs: Cannabis Growing, Production and Manufacturing operations shall only be permitted to have one sign, displaying the site address only, in compliance with sign requirements for the R-5.0 Zone.
 - (p) Lighting: No light generated by any Cannabis Growing, Production or Manufacturing structures shall result in measurable light changes at the nearest property boundary to each structure. Interior light shades may be required by the Board on greenhouse structures to manage potential lighting impacts. Lighting shall be subject to a Board engineer night lighting test.

Section 2. 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 3. 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 4. 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. 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 5. This Ordinance shall take effect after publication and passage according to law.

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

CFO Retirement - The Township Committee recognized Mrs. Gail Magura's retirement and presented her with flowers and a \$100 gift certificate to wheelHouse Restaurant and Bar.

Audience

Road Foreman Macko stated the Sheep Thrills employees are parking in the municipal lot instead of using their parking spaces on the side of their building. Hughes will speak to the owners of Sheep Thrills.

Kevin O'Leary, Land Use Board Chairman, recommends buffering from residents should be included in the cannabis Ordinance, if it's not already included.

Mr. O'Leary discussed the "Morgan" property right-of-way. He said Ms. Glosinski was to let the surveyor know about doing the survey but did not because the Township did not pursue the issue.

Road Foreman Macko indicated a telephone pole with wires would need to be moved; however, the barn's placement is fine.

Mrs. Carol Bonito, 41 Snover Road, explained she received a grant from the Township for repairs; and a lien was recorded it must be paid back if the property was sold within ten (10) years. She is applying for a reverse mortgage; and the bank is requiring that the lien be subordinated. Attorney Kurnos noted this means the Township would be second to the reverse mortgage bank.

Hughes said the funding was within State regulations and would need to be confirmed as to the affordable housing requirements. Attorney Kurnos will pursue this issue.

Josh Aikens, Lafayette Board of Education representative, explained the school is working on improvements. Per the insurance company, the wood playground equipment needs to be replaced. Mr. Aikens noted the State reduced the school's aid; and school cuts would be necessary if reductions continue.

Adjournment

With there being no further business, motion by Bruning, seconded by Corcoran, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk