

**CALL TO ORDER**

Mr. Taylor 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:**   Suljic, O’Leary, Leuthe, Van Sickle, Potter, Madewell, Deller, Andersen, Taylor, Hughes (7:33pm).

**Members Excused:**   Aikens

**Members Absent:**   None.

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

**MINUTES:** March 28, 2019

A motion to approve the minutes of the March 28, 2019 meeting with the noted correction was made by Ms. Van Sickle. It was seconded by Mr. Madewell and was passed with a roll call vote. Ayes: O’Leary, Van Sickle, Potter, Madewell, Deller, Andersen, Taylor.

**COMPLETENESS / HEARINGS / CONCEPT:**

1.) DeVenezia Realty, LLC   B:4, L:2.04    ASP18-6, VAR18-7 (Deemed Incomplete 12/20/18)  
There was no update on this matter.

2.) Mizracki, Serdar    B: 5, L: 7.03            Informal Concept

Mr. Ken Dykstra, PE, Mr. Serdar Mizracki, applicant and Mr. Leonard Van Wingerden, property owner were present for the informal concept presentation.

Mr. Hughes joined the Board at 7:33 p.m.

Ms. Leo advised the Board the informal concept is not binding on the Board.

Mr. Dykstra said Mr. Mizracki was under contract to purchase property from Mr. Van Wingerden. Mr. Dykstra said the entrance to the property is off Route 206 in Hampton Township. The property is a large farm with a 1 ½-acre greenhouse and residential house. The adjacent property is owned by Mr. Van Wingerden’s nephew and contains a house and various greenhouse.

Mr. Dykstra said Mr. Mizracki would be growing vegetables, mainly spinach, without pesticides. He is proposing a 3-acre greenhouse and a pole barn. The property is currently used for farming and is in the R-5 zone. Mr. Mizracki submitted a zoning permit but was sent to the Board for site plan because of the size of the proposed greenhouse. Mr. O’Leary felt the applicant would need a variance as well for the size of the greenhouse. There was a discussion as to whether a variance would be needed. Mr. Dykstra felt the permitted accessory uses would allow the large greenhouse. The applicant is not proposing the cutting of any trees. The proposed greenhouse will be in the open field however there is a shale ridgeline so the structure will not be seen from Route 206. The only angle of view is from Decker Road and the greenhouse would be hardly visible.

Mr. O’Leary asked what the existing house would be used for. Mr. Mizracki said they would use it as a residence with an office for the business. Mr. O’Leary advised the applicant the home occupation ordinance may come into play. Mr. Mizracki said once the pole barn is built, the office will be moved there. Mr. O’Leary noted the pole barn would require a side yard setback variance and asked if the barn could be moved to avoid that variance. Mr. Dykstra said it could be moved. Mr. Dykstra said they will not exceed the setbacks.

Mr. O'Leary asked about the Notary on the application being from Colorado and if there were plans for growing cannabis. Mr. Mizracki said he has no ties to Colorado; he was on vacation there when he got the papers notarized. He said he has no plans to grow cannabis. He will only grow hydroponic leafy greens. Mr. Mizracki said they have an operation in Bordentown, NJ and brought samples of his produce. They are renting a greenhouse that is owned by Burlington County and that does not give them room to expand. They want a bigger greenhouse to grow their business. He wants to bring salad greens production back to New Jersey from California.

Mr. Mizracki said this will be the first large scale hydroponic spinach production in the United States. He needs the greenhouses for climate control. He explained that he and his partner developed a method for producing baby leaf greens at a high density without the use of pesticides. They have a lot of interested retailers in the tristate area for the product.

Mr. O'Leary asked how the product will be moved. Mr. Mizracki said they use a third party to deliver the product. He said they use vans and in the future box trucks however no tractor trailers. They ship in smaller trucks more frequently. Harvest to shipping is less than 24 hours. Mr. Mizracki explained the growing process to the Board. He said it will use much less water than what Mr. Van Wingerden is currently using so there will be no issue with availability of water. Mr. Dykstra said they may use collected rainwater. Mr. Mizracki said they do use grow lights during the winter. Mr. O'Leary expressed a concern with light trespass. Mr. Mizracki will use energy curtains, which will block light from exiting the building.

Mr. Hughes asked if the construction of the proposed greenhouse is similar to regular greenhouses. Mr. Mizracki said it is similar however it will require some improvements such as HVAC and electrical standpoint. The pole barn that will be built next to the greenhouse will house the mechanicals.

Mr. Dykstra said they would construct a new septic system.

Mr. O'Leary asked about the number of employees and the need for a bathroom in the pole barn. Mr. Dykstra said they will have about seven employees and that is the reason for the bathroom in the pole barn.

Mr. Dykstra explained the surrounding area to the Board. He said the impervious coverage is about 23 % and will require a variance. Mr. Andersen asked if the floor will be solid concrete. Mr. Mizracki said the floor will be partially concrete; not the full floor.

Mr. Duveneck asked if this would be an amended site plan to which Mr. Dykstra said no. Mr. Duveneck asked if there is any stormwater management on the site currently. Mr. Dykstra said there is a swale around the existing greenhouse but no containment. Mr. Mizracki said they are proposing to capture the rainwater that falls on the greenhouse and use it in their farming operations. Mr. Dykstra said they will do stormwater calculation and part of that will be collecting as much of the rainwater as possible to reuse it. Mr. Dykstra will develop a stormwater management solution for the project.

Mr. Duveneck asked if the produce was for wholesale or retail to which Mr. Mizracki said wholesale. He said they do sell at farmers markets however; they will not have a stand on Route 206. Mr. Duveneck said he drove by the site and he felt the driveway was not in good shape. Mr. Dykstra said they were proposing improvements to the driveway.

Mr. Andersen asked if the property was flat. Mr. Dykstra said it is mostly flat however; they may need to do some cut and fill to flatten out some of the areas. Mr. O'Leary asked how the water gets to the plants. Mr. Mizracki explained the process to the Board.

Ms. Leo noted the Township code reads that if the greenhouse is the principal use, it limits the size of the greenhouse to 500 feet however if the greenhouse is an accessory use there is no size limit. Mr. Dykstra felt the property is a residence and the farming activity is an accessory use. He said they have been farming the property since 1987. The Board agreed the expansion of the farming is an accessory use to the primary use of a residence with farming activity. Mr. Mizracki said the expansion is critical to the business.

Mr. O'Leary asked about the packaging. Mr. Mizracki said they would package the product onsite. Mr. Mizracki said they want to start on the pole barn this summer and then build the greenhouse in a year or so. They will return with a site plan application soon.

**AUDIENCE:**

Mr. Taylor opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Taylor suggested the Board handle the ordinances next.

**ORDINANCES:**1.) Small Community Solar Systems

Ms. Leo went over the proposed ordinance and said she revised the definition given to the Board by Mr. Spector. Ms. Leo read the definition of community solar from the New Jersey regulations. Mr. Alan Spector said his proposed operation would be a not for profit and it would be on a leased piece of property. There was a discussion on the property size required for the number of panels needed. Mr. Spector said it would be about 150 panels and would power about 10 homes. Mr. Spector asked if the Township had a piece of land that is in the Sussex Rural Electric Cooperative area, he would want to consider leasing from the Township. Mr. O'Leary said he would have to look at the restrictions placed on the Open Space the Township owns.

A motion to recommend the ordinance to the Township Committee was made by Mr. O'Leary. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, O'Leary, Leuthe, Van Sickle, Potter, Madewell, Deller, Andersen, Taylor. Mr. Suljic abstained.

**OLD BUSINESS:**1.) Belgium Block Curbing Requirement

Mr. Duvencik felt curbing was important for site plans but relief could be granted for subdivisions. He will work with Ms. Leo to draft an ordinance revision.

Mr. O'Leary reported the Open Space committee had a tour of the town with Barbara Davis from The Land Conservancy. They started at Decker Road on the reforestation of the area. They have planted 25,000 trees. Then went around town to define open space goals. There will be a meeting at the May Township Committee meeting for public input.

Mr. Hughes met with the U.S.D.A. on the sidewalk grant. The sidewalk will go from the municipal parking lot on Morris Farm Road to the property with the foundation and it should be completed by the end of the summer. He said the parking lot project is moving forward as well. Mr. O'Leary said there is a possibility of streetlights as well.

Mr. Hughes reported the State Representative will be coming up for the Lafayette Business Symposium which will be held at The Shoppe of Lafayette.

Mr. O'Leary said the Township Committee is working on a soil importation ordinance because of the issue in Vernon Township.

**NEW BUSINESS:**

Mr. O'Leary reported the school is proposing to add an additional outdoor basketball court. He said he did check with Ms. Leo and the matter does not need to come before the Land Use Board.

Mr. Andersen asked about the trench and driveway on the Vaughn property across from the Baptist Church on Meadows Road.

Mr. Taylor opened the meeting to the public.

Ms. Celia Ostertag of 36 Van Sickle Road, Lafayette said it is a temporary road to get equipment over to the property at 108 Route 15 for a septic installation. Once the work is completed, the road will be removed. The temporary road cuts through Ms. Ostertag's property.

The meeting was closed to the public.

**RESOLUTIONS:** None.

**ZONING REPORT:** See Attached

Mr. Taylor asked about the sign permits. Mr. Suljic said one was for The Shoppes at Lafayette and one was for a banner for Fat Stevo's.

Mr. O'Leary asked about the cut trees on the Mulch Concepts property. Mr. Suljic said he read the resolution and he is working with the property owner.

Mr. O'Leary asked about the newly constructed house at 141 Route 15. Mr. Suljic said the plans depict what was built. Mr. O'Leary felt the topography was been changed and is now affecting the neighboring septic.

**BILLS:** Bills List # 6

Mr. Leuthe went over the bills with the Board.

A motion to approve the bills as presented was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, Suljic, O'Leary, Leuthe, Van Sickle, Potter, Madewell, Deller, Andersen, Taylor.

**CORRESPONDENCE:**

- 1.) From: Celia Ostertag, EC Chair  
Re: Harmony Foundation Facility

Ms. Celia Ostertag or 36 Van Sickle Road, Lafayette said the owners of Harmony Foundation along with Glen Kienz and Jason Dunn attended the EDC meeting. She said they are proposing a cannabis growing facility on the Merck-Schering Plough property. They are proposing a 25,000 square foot building. Ms. Ostertag said they will not be doing any retail or dispensing from the site. It will only be a wholesale operation. She said they do have their license however they just need to transfer the license to Lafayette. The proposed operation will add 300 jobs to the area. The EDC does support the business. Ms. Ostertag said the operation will recycle their air and water and she felt there was no detriment to the area. She said Harmony Foundation approached the property owner for the sale of the property. They are non-profit however they are not tax exempt.

- 2.) From Celia Ostertag, EDC Chair  
Re: Bullet Boots Lighted Sign

Ms. Ostertag, along with Mary and Diane Petrovski of Bullet Boots asked the Board to consider amending the sign ordinance to include lighted signs. Ms. Ostertag said most of the storeowners want a lit sign. Ms. Mary Petrovski said they moved to The Shoppes at Lafayette and her contractor applied for a sign that would be lit from overhead. There was a communication error because the sign was actually lit from behind. The sign was installed and now they cannot light the sign. Ms. Petrovski showed the Board a sample of the sign. She showed the Board photos of the sign lit taken from Route 15. She said the sign is part of their brand. Ms. Ostertag asked for the fees to be restructure so it is more affordable for a new business to apply for a variance if they need to.

Mr. Hughes said the EDC is asking the Board to revise the fee structure the fees for signs and sign variances.

Mr. Taylor said the Board will consider the recommendations.

**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. O'Leary and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo, Board Secretary