

CALL TO ORDER

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

Members Excused: Corcoran.

Members Absent: None.

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

MINUTES: March 26, 2015

A motion to approve the minutes of the March 26, 2015 meeting was made by Ms. Van Sickle. It was seconded by Ms. Aikens and passed with a roll call vote. Ayes: Hughes, Cutler, Didyk, Taylor, Van Sickle, Aikens, Allison, Leuthe.

COAH UPDATE:

Mr. Hughes advised that the Township Committee was in the process of setting up a sub-committee to give feed back to the Planner with the new COAH regulations. Mr. Banisch explained two options that the Township can pursue. He explained the third round COAH numbers to the Board and suggested the sub-committee be formed quickly so they can get started. Mr. O'Leary volunteered for the sub-committee. Mr. Luthman asked if the RCA program was still in effect. Mr. Banisch explained that the RCA program was abolished however; there is an Affordable Housing Partnership Program in place that works in a similar manner. Mr. Allison also volunteered for the sub-committee.

COMPLETNESS / HEARINGS / CONCEPT:

1.) 56 Sunset Inn Road, LLC B: 9 L:18.03 PSP14-4 (Deemed Complete 10/23/14)

Mr. Hughes stepped down from the Board for this hearing since it is a use variance application.

Ms. Didyk stepped down from the Board for this hearing since she had retained the same attorney as the applicant.

Ms. Debra Nicholson, Esq. addressed the Board and explained the need for healthy food sources. She noted eating healthy and green is a trend that is continually growing. She read Mr. Banisch's definition of farm to table. She felt it was applicable to their application.

Ms. Nicholson said they will give different testimony than what was testified to at the December 18, 2014 meeting and change some of their positions based on research that they have conducted since the last meeting. She said that almost 100% of the items served will have some component of a local farm source.

Ms. Nicholson said they will address the issue of the signage and outdoor retail sales. She said any of the retail items sold will be of an agricultural nature. She said there will be some outdoor retail sales on the porch. She said they are proposing three small outdoor areas outside of the porch area such as pumpkins during the Halloween season.

Mr. Jason Wesling, of 56 Sunset Inn Rd., Lafayette, NJ, owner and operator was sworn in by Ms. Leo. Mr. Jason Wesling explained to the Board that he is a farmer and cook and has always wanted to own and operate a restaurant. He explained that the products will come from his farm and will offer healthier options to the public.

Mr. Jason Wesling presented a document entitled Wessel's Farmside Restaurant which was marked and entered as exhibit A-8. He also presented a landscape and sign plan which was marked and entered as exhibit A-9. Mr. Jason Wesling explained the interior of the proposed

structure. He said they will have a maximum seating of 51 seats. He said that during the winter he will have indoor seating only and then during the summer months he will have seating on the porch not to exceed 51 seats in total. Mr. Luthman asked how the applicant came up with 51 seats. Ms. Nicholson said it was calculated by the square footage of the building. Mr. Jason Dunn, PP said it was determined by the size of the septic as well. He said that if there were more seating, there would be a need for a treatment plant. Mr. Leuthe asked if there was sufficient parking for 51 seats to which Ms. Nicholson said yes. Mr. Luthman asked how they proposed to control the number of patrons being served. Ms. Nicholson said that they will only have 51 chairs so that is how they control the seating limit.

Mr. Banisch asked if the parking could be expanded to which Mr. Dunn said it could be expanded to the rear of the property. Mr. O'Leary asked if there will be booths or tables. Mr. Jason Wesling said they are proposing tables so that they can be moved as needed. Mr. O'Leary asked if the applicant had looked at the outdoor dining ordinance to which Ms. Nicholson said yes. Mr. O'Leary noted that the maximum outdoor dining allowed by the ordinance is 20 seats. Mr. Dunn said they would probably have about 12 seats on the porch. Mr. O'Leary suggested that the outdoor dining be confined to the porch. He felt the noise issue is important in the residential zone.

Mr. Jason Wesling explained his proposed sources of local meats and produce. He went over his concept menu with the Board. He said he will be producing pasta sauces and jams that will be used during the non-growing season.

Mr. Jason Wesling explained his hours of operation to the Board. He said he wants to start off with seven days a week. He said he will be open to the public from 6:00am to 10pm and may adjust the hours of operation by lessening them. He said it will not be a late night operation and the operation will have a minimal impact on the surrounding neighbors.

Mr. Jason Wesling explained the décor of the restaurant. He said it will have minimal décor featuring seasonal produce as decorations such as flowers, cornstalks and pumpkins.

Mr. Jason Wesling presented a color version of an alternate landscape and sign plan dated 4-23-15 which was marked and entered as exhibit A-10. He explained that the decorations will be flower pots and Easter Baskets with local produce that will be for sale. Mr. Dunn said the indoor retail sales area is 288 square feet.

Mr. O'Leary asked about the signage and noted that it will need a variance. Ms. Nicholson said the signs on the fence will change with the seasons, advertising the seasonal produce available. The size will stay the same however the wording will change.

Ms. Nicholson said as a condition of approval the restaurant can only exist if it is tied to the surrounding farm. She said the surrounding farm is permitted to have signs relating to the farm stand that it will have. There was a discussion on the need for a sign variance.

Mr. Jason Wesling discussed the restaurant waste handling. They will contract for the removal of non-organic matter to be hauled away at a reasonable hour since they are located in a residential zone. All of the green waste will be composted on the surrounding farm. He said he will use best practices in using bear proof garbage containers. He felt the bears will be more inclined to eat the vegetables in the farm than the garbage in the dumpsters.

Mr. Jason Wesling discussed the lighting on the property. He said the lighting will be minimal and will not have an impact on the surrounding houses. He said they are proposing adding landscaping to buffer the light from leaving the property. He noted there are wetlands across the street. He said the surrounding farm is in Farmland Protection. Mr. Luthman noted that there is an approved subdivision across the street. Mr. Dunn explained the impact of the lighting to the neighbors across the street. He said the lighting is behind the proposed restaurant and the structure will be blocking most of the light from going across to the Bubalo home. He explained what the proposed restaurant will look like from the Bubalo home. He said it will not change much and will still appear to look like a home. Mr. O'Leary noted that since the Bubalo subdivision was approved, the Township has approved a Ridgeline View-shed Protection Area and felt that some of those homes would now need to be moved down the ridgeline. Ms.

Nicholson said there are wetlands in the front of the Bubalo property and the homes could not be placed there. Mr. Dunn explained the line of site to the Bubalo home across the street.

Mr. Dunn went over the positive and negative criteria with the Board. He said the site is suitable for this use, it would serve the good of the public and it would add value to the community. The environmental impact is minimal as the structure exists and the septic is in place already. Local farms will be able to supply goods to the restaurant. He said the agriculture and retail is good for the town and the design will be fitting with the surrounding area and complies with the ordinance and the overlay zone. The negative criteria would be the traffic and the waste removal however it has a minimal impact on the neighborhood. Mr. O'Leary noted that the Master plan intent was not to put retail or a restaurant into a residential zone. He felt the application was putting two non-residential uses in the residential zone; retail and restaurant. Mr. Dunn clarified that the Master Plan encourages agriculture and that is what he was testifying to. Ms. Nicholson said the retail part is selling the same products they are using in the restaurant. She felt it was not two different uses. Mr. O'Leary felt that conditions need to address the type of products sold in the retail portion of the use.

Ms. Nicholson suggested that a condition that the use for the restaurant be tied to the surrounding farm. Mr. Luthman asked if the farm is preserved to which Ms. Nicholson said yes. Mr. Luthman had a concern that much of the testimony has changed since Mr. Dunn had originally submitted his report. He went through the Planner's report and noted the testimony that has changed. Ms. Nicholson said they will resubmit the report with the changes indicated so the Board can see what has changed. Ms. Nicholson felt the application and concept is so unique and tied to the surrounding farm that it fits into surrounding neighborhood.

Mrs. Aikens asked if the restaurant will be a B.Y.O.B. type facility. Mr. Wesling said maybe in the future but not at this time.

Mr. O'Leary opened the meeting to the public. With nobody from the public coming forward, the meeting was closed to the public.

Ms. Nicholson requested to have the Board vote to direct Ms. Leo to draft a resolution of approval for the use variance and have it available at the next meeting so if the Board approves the use variance they can move forward with the site plan application.

Mrs. Aikens asked to have the word local defined.

Ms. Nicholson granted the Board an extension to act.

A motion to direct the Board Attorney to draft a non-binding resolution of approval on the use variance and a motion to carry the application to the May 28, 2015 without further notice and with the Board being given an extension to act by the applicant was made by Mr. Allison. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Cutler, Luthman, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

2.) Northwest Jersey Development Co.:14 L:27.01 MNR15-2 (Deemed Incomplete 3/19/15)
Nobody was present for this application.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS:

1.) Sidewalks and Parking Lot

This matter is carried until further notice.

Mr. O'Leary reported that the Township Committee has passed a property maintenance ordinance for commercial properties. He also noted that the Township has been looking at purchasing the old Lafayette House to take it down and make it into a parking lot.

NEW BUSINESS:

1.) Ridgeline Ordinance -Section 13-13 E.3

Mr. Duveneck gave the Board an update on what he has been working on. He had spoken to Mr. Banisch about the Ridgeline View Shed Protection Area. Mr. Duveneck said there are areas within the ridgeline protection area that are below the roadway. He felt that was not the intent of the ordinance. Mr. Banisch agreed that it did not make sense to look down into the ridgeline area. Mr. Duveneck suggested the ordinance allow the Board Engineer the authority to make an exemption when the property is located below the street line.

2.) Zoning Map

Mr. Duveneck reported that he is working on the zoning map issues.

Mr. O'Leary reported that the Township Committee met with Tammy Horsefield from the County Chamber of Commerce and discussed streamlining applications and promoting business in Lafayette Township.

RESOLUTIONS:1.) Annual Update-2015 Recommendations

A motion to approve the Annual Update Recommendations for 2015 was made by Mr. Leuthe. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Cutler, Luthman, Leuthe, Taylor, Van Sickle, Aikens, Allison, O'Leary.

2.) Quick Chek B: 9 L:25 SPW15-1

A motion to approve the resolution in the matter of Quick Chek was made by Ms. Van Sickle. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Leuthe, Taylor, Van Sickle, Aikens, Cutler, Allison.

3.) Fusco, Edward B:18 L:12.02 VAR14-1

A motion to approve the resolution in the matter of Edward Fusco was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Leuthe, Taylor, Van Sickle, Aikens, Allison, Cutler.

ORDINANCES: None.

ZONING REPORT:

Mr. Cutler went over the zoning permits he had issued since the last meeting.

BILLS: List #4

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

CORRESPONDENCE:

- 1.) From Ursula Leo, Esq.
Re: COAH

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