

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: Hughes, O'Leary, Leuthe, Van Sickle, Aikens, Potter, Madewell, Deller, Andersen, Taylor.

Members Absent: Suljic.

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

MINUTES: August 22, 2019

A motion to approve the minutes of the August 22, 2019 meeting, with the noted correction, was made by Mr. Hughes. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Hughes, O'Leary, Leuthe, Van Sickle, Aikens, Potter, Madewell, Deller, Andersen, Taylor.

COMPLETENESS / HEARINGS / CONCEPT:**1. Hughes, Jesse B: 20, L:4.03 VAR19-5**

Mr. Duveneck said the application was for a side yard setback. The applicant is proposing a 24' X 35' garage. He said the survey supplied with the application is from 1978 and is not signed by a surveyor and has a warning that it does not reflect the property. He requested the applicant get an updated survey. Mr. Duveneck recommended the application be deemed incomplete.

The Board Secretary advised the Board that Mr. Jesse Hughes noticed for this evenings meeting and had asked for the notice to be carried to the next meeting date.

A motion to deem the application incomplete per the Board Engineer's recommendation and to carry the notice to October 24, 2019 was made by Mr. O'Leary. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, O'Leary, Leuthe, Van Sickle, Aikens, Potter, Madewell, Deller, Taylor.

Mr. Richard Hughes put on the record that he is of no relation to Mr. Jesse Hughes.

2. Harmony Foundation of New Jersey B:7 L:25 PMSP19-3, VAR19-4

Mr. Duveneck went over his report with the Board. He said the applicant is requesting preliminary site plan approval to establish a medical marijuana growing and processing facility at the Schering Plough site. He said they are proposing a very large building, which will house the growing, and processing of the cannabis. The applicant will demolish two of the existing buildings and renovate one of the existing buildings. He said the applicant will employ 350 people. The property is in the Light Industrial zone. He went over the requested variances with the Board. Mr. Duveneck said he spoke to the Board Planner and they felt the use is not permitted in the zone. Mr. Duveneck felt the traffic study did not reflect the proposed use. He said the applicant did not submit an Environmental Impact Statement and felt it was necessary for this application.

Mr. Duveneck recommended the application be deemed incomplete. Mr. O'Leary felt the medical marijuana use fit the definition of the zone. Ms. Leo said the Township's ordinance requires an EIS for any major site plan application and noted the applicant agreed to apply for the use variance so that is how they should proceed.

Mr. Hughes asked what in their application was triggering the EIS. Mr. Duveneck said it is a requirement on the checklist. He explained that what the applicant supplied were comments and waivers to what the EIS asked for. Mr. Duveneck felt the size and use of the operation should warrant a full EIS.

A motion to deem the application incomplete, based on the recommendation of the Board Engineer was made by Mr. O'Leary. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Hughes, O'Leary, Leuthe, Van Sickle, Aikens, Potter, Madewell, Deller, Taylor.

3. DeVenezia Realty, LLC B:4, L:2.04

Mr. Duveneck gave a brief history of the application to the Board. He said the applicant is bifurcating the application for a second use on the property. He said they have a second use now, a residence, but will abandon that use and request a use for tenant storage. He said they did not supply the required checklist. Mr. Duveneck said the applicant still has outstanding taxes so they could not be deemed complete.

A motion to deem the application incomplete was made by Mr. O'Leary. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, O'Leary, Leuthe, Van Sickle, Aikens, Potter, Madewell, Deller, Taylor.

AUDIENCE:

Mr. Taylor opened the meeting to the public.

Mr. Nicholas Vene, owner of The Shoppes at Lafayette, located at 75 Route 15 and Mr. Ron Yando of EM Signs approached the Board. Mr. Vene said it was at the recommendation of the Economic Development Committee to have an informal discussion on their proposed sign. He proposed a monument sign that is larger than the ordinance allows as well as it being internally lit. He said the sign that was there before was a piece of plywood. Mr. Vene said they are looking for larger, name-brand stores to come to the mall and those stores do require a large sign with the business name on it. He said the sign would be turned on for just a few hours in the evening. They presented a rendering of a sign they felt was appropriate for the area and would meet their needs. Mr. Vene said the height will be 16 feet with a sign area of 150 feet and the lighting would be just where the letters are.

Mr. Yando explained the sign to the Board. He said the top will be the push through lettering with a gold vinyl on the face of the letters to dim them. The sign would be 16 feet from grade to the top of the sign. Mr. Vene said the stone base would mirror the existing stone walls. Mr. Yando said it will be 100 feet from the driveway and 25 feet from the road curbing. Mr. Vene felt the monument sign would work well in the grass area in front of the mall. He said the sign is needed for the tenants. Mr. Madewell asked about the size of the lettering to which Mr. Yando said about 12 inches. They will be putting only the major tenants on the sign. The smaller spaces will say eatery, shops, café, etc.... Ms. Deller asked if the lettering will all be of the same color to which Mr. Yando said yes. Mr. Duveneck asked if they are proposing just one sign on Route 15 to which Mr. Vene said yes.

Mr. Vene felt the sign was needed. He said the smaller shops want it even though they will not be on the sign.

Mr. Hughes felt the stone is in keeping with the look of Lafayette. Mr. Vene said they were in talks with the Post Office and if they become a tenant, they would get a spot on the sign. Mr. Yando said they would use LED lights. He explained the lumens to the Board. There was a discussion on the type of lights and the amount of light coming out of the sign. Mr. O'Leary asked about a timer. Mr. Vene said they will put a timer on the sign.

Mr. Duveneck suggested the applicant show the size of what is allowed in addition to what they are proposing. He said it could be in a table form.

With nobody else coming before the Board, Mr. Taylor closed the meeting to the public.

OLD BUSINESS:

1.) Signs

Mr. O'Leary started the discussion by noting that there are a few shopping centers in Lafayette. He felt the proposed changes to the sign ordinance was something that Board should consider. He felt the streamline process should be considered.

Mr. Hughes felt the Light Industrial and Highway Commercial zones should be allowed to have a larger, backlit sign. He felt the Village Commercial zone was not appropriate for the changes.

Mr. O'Leary suggested a definition for backlit versus internally lit signs. There was a discussion if backlit was different from internally lit. The Board agreed they wanted to control the amount of light coming out of the sign.

The was a lengthy discussion on the zones that should be included in the backlit sign feature.

There was a lengthy discussion on what would be allowed in the Village Commercial zone. The Board agreed that the backlit sign would not be allowed in the Village Commercial zone.

There was a lengthy discussion on what the allowable sign area increase should be. There was a discussion on how the Board Engineer or Zoning Officer would be able to measure the amount of light coming from the sign.

The Board discussed the sign variance procedure and what was an appropriate fee. The Board Secretary suggested adding an escrow to cover the cost of writing the resolution.

Ms. Van Sickle asked about the painted signs on buildings. The Board Secretary said the Zoning Officer had received a sign application requesting a painted sign on a building. The applicant and Zoning Officer were considering it as a "building identification." After reading Ordinance 13-17.9c, they felt it could be building identification. The zoning officer requested an interpretation from the Board.

The Board Secretary passed out pictures of the proposed sign.

There was a lengthy discussion on whether the painted sign is considered building identification. The Ordinance had no definition of building identification. Mr. O'Leary felt it was referring to a plaque or historical marker. He said he is not opposed to an applicant coming in with a painted sign on a building in the historical district but felt the picture presented was a sign and did not fit the meaning of the ordinance.

Ms. Leo said there is an application before the Zoning Officer and because there is no definition of building identification, the Board is charged with making an interpretation.

The Board took a straw poll to determine if the presented picture is building identification: Ayes: Hughes, Van Sickle, Potter, Madewell, Deller. Nays: O'Leary, Leuthe, Aikens, Andersen, Taylor. Ms. Leo will research how the tie vote is handled for an interpretation requested by the Zoning Officer.

Mr. O'Leary suggested removing the building identification from the ordinance. Mr. Hughes suggested defining the term as opposed to removing it.

NEW BUSINESS:

1.) Chapter XII Correction

The Board Secretary said Chapter 12 used to contain a section entitle "System Design and Placement" for septic systems. In 2013, it was accidentally removed when the Reserve Disposal Area Requirements ordinance was adopted. The new ordinance wording was "to delete in its entirety and replace with" the new ordinance. The Board Secretary will send a memo to the Township Committee to have the original ordinance added back into Chapter 12.

The Board agreed to have the Board Secretary send a memo to the Township Committee.

2.) Include Recycling in Applications

The Board Secretary said she was at a County Recycling meeting where it was asked that Land Use Boards be aware of recycling ordinances and to have the applicant be made aware of it. Mr. Hughes suggested recycling be added to the checklists. Ms. Leo will put that in ordinance form for the Board.

3.) NJDEP Compliance Advisory for Soil and Fill Materials

The Board Secretary handed out a copy of the N.J.D.E.P. Soil and Fill Compliance Advisory to the Board Members. Mr. Hughes said it further defines what the D.E.P. considerers when they do an investigation.

The Board Secretary noted that the approved Soil Ordinance makes mention of an application being attached however no application exists. The Board Secretary drafted an application to be used by the Zoning Officer. Mr. O'Leary said there was an application that existed. The Board Secretary also noted there was not fee approved. Mr. O'Leary asked the Board Secretary to check with the Township Clerk.

RESOLUTIONS: None.

ORDINANCES:

1.) Amendment to Chapter 12 – Sign Variance

This was discussed earlier in the meeting.

ZONING REPORT:

The Zoning Officer was not present, so there was no zoning report.

LIAISON REPORTS:

Open Space

Mr. O’Leary said the Open Space Committee met on 9/24/19. The Land Conservancy is preparing the updated ROSI. It will be presented to the Land Use Board in the near future. Both the Mayor and Land Use Board Chair need to sign it. The draft of the update Open Space Plan will be sent to the Land Use Board for comment.

The Recreation Commission has submitted an idea for a walking path at the Lawler property that will be included in the updated Open Space Plan as a potential goal. The trail would be a loop and used for walking or jogging. Mr. O’Leary said the Open Space Committee is looking at the feasibility of a referendum in 2020 to allow development as a use of local Open Space Trust Funds. There is still no word how the County will make their development funds available to the towns in Sussex County.

Township Committee

Mr. O’Leary said the Township Committee is considering the foreclosure of municipal tax liens on certain properties held in abeyance. They are reviewing cost proposals. The Township Committee will explore budgeting funds to proceed next year to try to get the properties back on the tax roll.

Mr. O’Leary said Mr. Spector will be holding a ground breaking ceremony for the first community solar project on October 9, 2019 on Fox Hill Road.

Mr. O’Leary said there will be a dedication of the John D’Angeli Memorial Bench on October 15, 2019.

Elizabethtown Gas is holding a town information meeting on November 7, 2019 at the Firehouse.

Economic Development

Mr. Hughes said the Post Office is looking at viable locations for a new Post Office in Lafayette. He said they do have funds to do an emergency facility. If they do not move forward with an emergency facility, it will be another year before Lafayette gets a Post Office.

Mr. Hughes reported the sidewalks should be started in October.

BILLS: Bills List # 10

Mr. Leuthe went over the bills with the Board.

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

CORRESPONDENCE:

- 1.) From: Sussex County Department of Engineering
Re: Demarest Holdings, LLC - Application is Approved
- 2.) From: Lafayette Township EDC – Celia Ostertag
Re: The Shoppes at Lafayette Proposed Signage

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
Secretary