

**Alexandria Township  
Land Use Board  
Meeting Minutes November 21, 2019**

**Chair Phil Rochelle** called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:30pm. The meeting was duly noticed.

**MEMBERS PRESENT:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Pauch, and Kimsey

**MEMBERS ABSENT:** Hahola

**OTHERS PRESENT:** Kara Kaczynski – Attorney

**Approval of the October 17, 2019 Regular Meeting Minutes**

A motion to approve the minutes of the October 17, 2019 Regular Meeting was made by **Papazian** and seconded by **Freedman**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Pauch and Kimsey. Abstain: Giannone. No Nays. Motion Carried.**

**New and Pending Matters**

- McPherson 2019-03 – Resolution  
Block 21.04 Lots 20 & 49  
200 Race Street & 206 Race Street

A motion was made by **Papazian** and seconded by **Kimsey** to approve the resolution as amended for a typo in the spelling of a LUB Members name. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle and Pauch. No Nays. Motion Carried.**

**Special Events**

**Chair Rochelle** advised the board that Tom and David are working on the ordinances brought before the board by the Township Committee. **Kaczynski** advised the Board that **Banisch** made some changes to the ordinances for Special Events and Cannabis. She wanted to review the Special Events ordinance changes with the Board to get comments prior to the next meeting with the Township Committee. She advised there are two issues. The first issue in question is: does the Board want to establish some sort of two-tier system to be able to differentiate between a small 30-person baby shower versus a 100-person wedding and the cost of applying for a small event versus the cost of applying for a larger event? The second issue is the make-up of the actual review itself. The thought is to help keep these applications from going before the board. Ultimately if the license is denied and the applicant still wants to have an event, then they would need to come before the Board. These licenses should not be used to inadvertently grant use variances. The idea would be to do an entire overlay over the whole township that allows for special events in any zone subject to compliance with this license. She explained the process would be to submit an application to the township clerk. The clerk would then elicit input from the fire official and zoning officer and any other professionals that the township would want to weigh in on what the applicant is asking for. At this point the clerk and the engineer would sit

down and review the application; at that point they could ask for more information, grant or deny the application. Any appeals would go to the township committee. Some questions before the Board are: do they want it to be an annual license with a maximum of 15 events and then how do they present to you what each of those events are? If the yearly license was granted then you don't know what would happen with each event. One way the ordinance could be written would be to say that the applicant is approved for one type of event and then would need to apply if they would like a different type of event. It could be vetted out with a tier system concept or having a sliding scale if you are going to go in for separate permits. Example being the first one is \$200 and the others would be \$50 for each additional. **Chair Rochelle** felt that if someone is doing a one-time event that should be taken into consideration. If the clerk is considering an application that is a one-time event it should be fast tracked as long as it is not a huge event. **Fritsche** asked about events on preserved farms since the county was discussing it at the Ag Board meeting which brought up the question of right to farm and what would supersede. **Kaczynski** advised that the ordinance would only be concerned with the use which would be allowed everywhere. She doesn't want the license to allow a use variance. By allowing it everywhere, it would be subjected to whatever terms are put in the ordinance. If it looks like a site plan is needed for the application then it would be denied and subject to getting approval from the LUB. **Fritsche** advised his concerns are with health and safety. He is concerned that right to farm is too broad. **Canavan** concerned that originally this was only for farm assessed properties. **Kaczynski** advised this is food for thought because what the board instructs and what their thoughts are on this will greatly affect the way the ordinance is structured. **Committeeman Pfefferle** advised that the point of the ordinance is to help promote agro-tourism. **Mayor Garay** advised the Board that the county is helping to fund this through a grant. This would be a template for other townships. **Kaczynski** advised that the idea is to promote it on any property that might be fit for this. Any right to farm has to comply with the rules and are not offered any protection with this. Discussion ensued regarding the purpose of the special event ordinance and the intent of the grant that has been provided by the county. **Chair Rochelle** advised this is to help create a path that can be taken with review by the municipality and the professionals, and that this meeting is to open up the discussion and hear different opinions for the next meeting to help develop the ordinance. **Chair Rochelle** asked if granting a license would cause a liability to the town if something bad were to happen at one of these events. **Kaczynski** advised this is one of the reasons why we need all of the information and why there needs to be standards in order to ensure enough information is available for review by the town engineer so that he is comfortable in making a determination. She advised that's why there needs to be flexibility in the review process, in case there is not enough information to properly make a determination. In that case, it would need to come before the Board to vet out. We wouldn't have any liability after the review and the best decision has been made. **Canavan** asked who would be responsibility for overseeing this. **Kaczynski** advised it would be the clerk, town engineer, and town attorney. Discussion ensued regarding people suing when something goes wrong. **Committeeman Pfefferle** recently took a class on this issue and advised that it's based on foreseeability. **Giannone** felt that we are broadening this too far. He feels promoting agro-tourism on farm assessed properties makes sense. He feels a one-off party is fine, more than that makes it a business. He also is concerned because the ordinance has no say on non-commercial properties. **Kaczynski** advised we are not talking about private parties; the minute you charge money that's when it changes to a special event. **Giannone** feels that businesses should not be in residential zones. He advised that as a fire official a commercial farm can have an event up to 15 times per year; beyond that changes the scope of what the property is and it changes the requirements of his code. He would like to see it remain on farm assessed properties. **Canavan** advised we still have the issue with parties regarding noise and parking. All of those issues will still exist for a portion of events outside of this. **Giannone** advised that the division of fire safety calls a commercial farm as one that is over 5-acres and earns more than \$2,500 a year. **Tucker** advised that we want to keep it as broad as possible right

now for as many people as possible. The Board discussed that properties over 5-acres are most likely farm assessed and that limiting this to farm assessed properties makes sense. **Mayor Garay** felt that a concert with a tent is not agro-tourism. Discussion ensued whether or not this should only be limited to farms with a barn. **Kaczynski** reminded the Board of the definition of Special Event, “dually municipally licensed commercial agro-tourism and/or on the farm commercial activity conducted on farm-assessed land that is incidental to agricultural use of the property and does not result in a significant impact on the agricultural viability of the farm and the rural and residential character of neighboring properties”, and then there are a number of conditions after that. The Board concluded that the special event could be on farm-assessed properties and does not need to be on a commercial farm. The Board asked what the layman’s term for “incidental” is. **Kaczynski** advised to take the typical definition from a planning perspective as an accessory use, which is defined as customary and incidental, more clarity could be taken from case law with what that exactly constitutes. **Kaczynski** thinks there still needs to be an overlay allowing special events in all zones and the restriction is that the property needs to be farmland assessed. **Canavan** felt the board should also discuss the two-tier possibility to help make it less complicated for the people that are doing something pretty straight forward and having only one, smaller event versus the people that would be holding larger and multiple events. **Papazian** felt a tier would be someone having outdoor music and so many people. **Canavan** felt it could be size and number of events. **Papazian** advised a second tier could be corporate meetings or corporate retreat as long as it isn’t obnoxious to the neighbors. **Kaczynski** advised as long as there is an understanding of what is going to happen and gave an example of what the parameters would be, for example no more than 50 people, so that there is some control going back to the liability issue and they could get up to 15 similar events with restrictions. She advised the county brought up that if this is going to be for profit and people will reserve the place then they need to know what the place is going to be reserved for. So, if you come in for a blanket one-year license for up to 15 events, you may not know what someone wants to use your place for. If a customer comes in and wants something a little different then you have to come back and register a different event. She advised there needs to be a mechanism for that. Discussion ensued that the point is to promote agro-tourism however there needs to be a path to that. **Freedman** advised she spoke with **Banisch** after the last meeting, and they spoke about the size of the event having an impact on the complexity. We could have tiers and have guidelines to advise the applicant of the criteria. For example, if there are over 50 then they will need to meet certain guidelines but if over 150 for example, then it would need to meet other guidelines. **Committeeman Pfefferle** felt that would be eliminating some of the people. For example, a farm that would like to have a pumpkin patch over Halloween and which would have over 100 people, he felt putting numbers on it would limit other things. **Freedman** advised looking for a guideline to simplify the process. Discussion ensued about tying it to the number of people may not work. **Canavan** advised he thinks limiting the events to 15 may not be necessary depending on the event. It could be a small event but more frequent. **Papazian** advised this could be part of the tier process. **Giannone** advised his laws are in parallel to whatever the township does and that he has a set of rules that he has to enforce for assembly uses, examples being a bar or a church, etc., which has about 30 tiers of various activities that the division of fire and safety regulates. They decided for commercial farm buildings that are used for assembly purposes can simply get a fire permit Type-1 but no more than 15 times per year. He looks at it as if that is in parallel. **Kaczynski** said if someone had met the criteria and did 10 events outside during warm weather but then had 10 events inside, then it could be over 15 as long as you run the two concurrently and then you’re allowed as many, subject to the permitting requirements for fire code. **Giannone** felt the ordinance could be written that as long as it meets applicable state laws. Discussion ensued regarding how to handle complaints and issues, it was decided that if there are issues, then the license holder may be denied. **Chair Rochelle** asked the definition of an event, is it one day or three days? **Kaczynski** advised it is no more frequently than 3 consecutive days or over a continuous period of

time than greater than 72 hours of duration, excluding preparation and cleanup, and operate no more than 3 days in a row. A weekend retreat would be one event. **Chair Rochelle** asked about how a corn maze would work as a question for thought and how long the duration is considered. **Committeeman Pfefferle** advised maybe to look at a seasonal event. The Board agreed to consider all issues brought up and to table it for a meeting next year.

NJPO Membership – All Board members agreed to renew the Membership.

#### **Approval of Bills**

A motion was made to approve the bills for the professionals of the Land Use Board by **Committeeman Pfefferle** and seconded by **Mayor Garay**. **Vote: All Ayes. No Nays. Motion Carried.**

#### **Comments**

**Committeeman Pfefferle** advised he would like to see an agenda for the discussion of special events and cannabis with bullet points and timelines.

A motion to adjourn was made by **Committeeman Pfefferle** and seconded by **Tucker at 8:37pm**. **Vote: Ayes: All Ayes. No Nays. Motion Carried.**

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**Leigh Gronau, Board Secretary**