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**CALL TO ORDER:**

Mr. O'Leary called the meeting to order at 7:35 p.m. and stated the meeting was open to the public in compliance with Public Law 1975, Chapter 231, section 4 & 13.

**FLAG SALUTE**

**ROLL CALL:           Members Present:** Fette, Luthman, Randazzo, Corcoran, Hahn, Taylor, O'Leary, Leuthe (7:37pm).

**Members Excused:** Didyk, Straub.

**Members Absent:** Hughes.

**Also Present:** Ursula Leo, Esq.  
Nevitt Duveneck, Esq.  
David Banish, PP

**SCMUA Presentation:**

Mr. William Shiminske from Energenic and Mr. Bob Dunn from SCMUA were present to give a presentation to the Board on their renewable energy project. Mr. Thomas Varrow, chief engineer for SCMUA clarified that Energenic will be installing the equipment and then sharing the profit with SCMUA.

Mr. Shiminske explained the history of his company and gave a brief overview of other projects they have done in the past. He explained the landfill gases and how his company will collect the gases and turn it into electricity. Energenic will lease the land from SCMUA.

Mr. Bob Dunn, project manager for SCMUA gave details on how the site will work. He said the project will not impede access to the landfill for residents. He said the area will be fenced in within the landfill site and the equipment will be built to EPA standards. They received an air permit from the D.E.P. for this project. He said they will meet the noise standards and there will be no increase in the noise level. The building that will house the equipment will be insulated and have fire detection in it. The building height will be 22 feet high. He said they have applied for permits with the town and have received County approvals. Mr. Shiminske showed the Board a map of the landfill and indicated where the project will be located within the landfill.

Mr. Varrow explained how the gases are collected on the site at the present time. He said they are installing new gas collection wells. He explained that if the collection unit is shut down for maintenance, then the existing flare will be used as a backup until the collection unit is back up and running.

Mr. O'Leary asked if there will be personnel onsite to monitor the unit or handle problems. Mr. Varrow said there is an automatic trigger mechanism to ignite the flare if there is a problem however there will be an operator on staff 8 hours a day 5 days a week. He said there are automatic monitoring systems in place to notify the appropriate party needed. Mr. O'Leary asked if the fire department would need to see this project. Mr. Dunn said they will bring the fire department in to see the plant however there are no hazardous gases except what is in the pipeline. The flare will automatically take over if there is a problem. They will invite the fire chief to visit the site after it is completed.

Mr. Duveneck asked if it will be a 24 hour operation to which Mr. Dunn said yes.

Mr. Taylor asked about the length of the contract with SCMUA to which Mr. Shiminske said it is 20 years. He explained that the landfill gases will continue after the landfill is closed.

Mr. Luthman expressed a concern with the noise level. Mr. Varrow said they have a silencer and they will be taking readings before and after the unit is built to make sure the noise level does not increase.

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Mr. Luthman asked where the contaminates will go after the gas is burned. Mr. Shiminske said they will go back into the leachate tank.

Mr. O'Leary asked if Energenic will own the equipment to which Mr. Shiminske said yes.

Mr. Banish asked if there are additional sound proofing that can be added if there is a problem to which Mr. Dunn said yes.

Mr. Duveneck asked if Energetic installed the Warren County site to which Mr. Shiminske said yes. Mr. Duveneck noted a problem with the Warren County site. There was a discussion on the Warren County landfill and some of the other sites Energetic has worked on.

Mr. O'Leary opened the meeting to the public. With nobody being present, the meeting was closed to the public.

Mr. O'Leary asked that the Land Use Board Secretary be contacted when the project is finished so the fire department and OEM can be notified and take a tour of the site. Mr. Varrow said they will be putting together an emergency management plan which will be onsite.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With nobody being present, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Master Plan Reexamination – David Banish

Mr. Banish handed out a draft copy of the reexamination report and went over his recommendations with the Board. The Board discussed the elimination of the special “grandfathering” zoning provision for the smaller tracts on land in town. The Board agreed to remove this provision.

Mr. Banish discussed wastewater disposal in the Gateway zone. He suggested the Land Use map be updated. Mr. Banish suggested the Board update the Golf Zone because some of the requirements of the zone are outdated. He suggested the Board look at the lot sizes in the residential zones in accordance with D.E.P. nitrate dilution standards and the build-out model. Mr. Banish explained why the lot sizes are inconsistent with D.E.P. rules.

There was a discussion on environmentally sensitive lands. Mr. Banish said the unit yield on a parcel can be tied to the amount of unconstrained land.

Mr. Banish recommended the Board look at what are acceptable uses in each zone. Mr. O'Leary said the Board is doing this at the present time. Mr. Banish will revise his reexamination report to reflect this.

There was a lengthy discussion on the COAH rules. Mr. Banish explained where he felt COAH was heading. Mr. Banish feels COAH will stay in business for a while.

Mr. Banish recommended the Board update its Land Use plan. There was a discussion on the stormwater management plan. Mr. Corcoran suggested Mr. Banish speak to Mr. Hughes on this matter.

Mr. Banish discussed the need for a renewable energy provision. Ms. Leo said the Board was working on one at the present time. Mr. Banish said the legislature has designated solar energy installations as inherently beneficial uses. He suggested solar energy installations be a conditional use. He said there are different characteristics of the land that have legitimate public interest needs and these needs should be considered by the Board.

Mr. Banish discussed the historic preservation grants available from the State.

Mr. Banish discussed the COAH order dated April 2010. He went through his draft on the different issues that will need to be addressed.

There was a discussion on sewer service areas.

Mr. Banish discussed lot averaging and cluster development and why COAH looks favorably on this. He pointed out that in lot averaging everything is taxable where as in cluster development the large area of open space is not taxable. He suggested the Board consider a hybrid of the two. Mr. Banish wanted to see how the Board felt about this concept. He suggested the Board revisit this matter in the ordinance.

There was a discussion on the height of accessory structures. The Board agreed to leave it at 15 feet. Mr. Banish suggested the Board consider low income apartments attached to moderate income housing as a way to address the affordable housing requirement. He felt this would be an incentive to the developer.

There was a lengthy discussion on design standards for the various zones. Mr. O'Leary noted the Gateway Zone has design standards and the residential zones states houses can not be of similar appearance with 600 feet of each other. The Board noted that there are some areas in the highway commercial zone that are not covered by the gateway zone and therefore need to be analyzed for design standards.

Mr. Banish discussed the traffic generation in non-residential areas and the Board's desire for more access control. Mr. O'Leary expressed a concern over the way the traffic reports do not take into consideration other projects in the area. Mr. Randazzo said the Board reached out to the D.O.T. regarding the Route 15 and Route 94 intersection and received no response. Mr. Banish will include this in the reexamination report.

Mr. Randazzo expressed a concern about the parking in the downtown area and felt the Board should evaluate it. Mr. Banish suggested the Board evaluate the rehabilitation of certain buildings in town and felt this should be included in the reexamination report.

Mr. Banish will revise the report for the Board's review at the August workshop.

#### 2.) Zoning Ordinance Review – Discuss Yard Definition Diagrams

Mr. Duveneck suggested the diagrams he presented to the Board be adopted and entered into the ordinance.

A motion to have Ms. Leo draft an ordinance for yard definition incorporating the proposed pictures was made by Mr. Fette. It was seconded by Mr. Luthman and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Hahn, Leuthe, Taylor, O'Leary.

#### 3.) Wind Energy Ordinance

Ms. Leo said she combined the proposed wind energy ordinance with the solar energy ordinance. She noted the statutory requirements so the Board was aware of what they were. She gave the Board a choice of definitions to review.

The Board agreed to carry this matter to the August workshop meeting.

#### 4.) Home Occupation Ordinance

A motion to recommend the home occupation ordinance to the Township Committee was made by Mr. Corcoran. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Hahn, Leuthe, Taylor, O'Leary.

#### 5.) Kimber Site

Mr. O'Leary advised the Board that when Kimber Petroleum merged their two lots and then did not move forward with their proposed plans, it created a situation where there are two structures and two septic systems on one lot. Ms. Leo said she would need to read over the resolution. There was a discussion on how the two lots got merged. Mr.

Fette said the approval may fall under the permit extension act. The Board Secretary will check with the Tax Assessor as to how the lots were merged.

**6.) Casagrande**

Mr. O’Leary wanted to see if there was an update on this matter. The Board Secretary said the property owner; Sue Van Sickle had been in with her attorney looking over some files. Ms. Leo said she will call the attorney to see where they are with the application.

**7.) AES – Developers Agreement and Bond**

Mr. Duvneck noted that AES Property Holdings does not have a developer’s agreement or bond in place for its project. The Board asked the Secretary to write a letter to the Township Committee recommending they obtain these items from the applicant.

**NEW BUSINESS:**

Ms. Leo discussed the mediation report received from COAH which summarizes what took place at the April meeting.

**RESOLUTIONS:** None.

**ORDINANCES:**

| No. | Name  | Citation | Memorialized | Date to Clerk | TC Agenda | First Reading | Adopted | Sent to County/<br>Coded Systems |
|-----|-------|----------|--------------|---------------|-----------|---------------|---------|----------------------------------|
| 1   | Signs |          | 4/15/10      | 4/27/10       | 5/4/10    | 5/4/10        |         |                                  |

The Board Secretary noted the sign ordinance has been adopted and should be removed from this chart. Mr. Fette said he has been enforcing the ordinance.

**PENDING APPLICATIONS:**

| No. | Name         | Application Number | Complete Date | Time to Act | Status  |
|-----|--------------|--------------------|---------------|-------------|---|
| 1   | Barnside Inc | VAR09-14           | n/a           | n/a         | <i>Deemed incomplete 12/17/09</i>   |
| 2   | D’Agostino   | MNR09-16           | n/a           | n/a         | <i>Granted waivers 3/25/10. Carried to July meeting. Needs to be deemed complete.</i> |

Mr. Duvneck advised the Board the newly submitted documents for the Barnside application did not meet the submission timeframe. The Board Secretary will send the applicant a letter advising the application and notice will be carried to the August meeting date.

**TRC REPORT:** None.

**ZONING REPORT:** None.

**BILLS:**

At the last meeting, Mr. Hahn had an issue with the Lafayette Asphalt bill as presented by Finelli Consulting. Mr. Hahn said he went over the bill and was agreeable to pay the bill as presented.

A motion to approve the Lafayette Asphalt escrow bill for engineering services was made by Mr. Randazzo. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Corcoran, Hahn, Leuthe, Taylor, O’Leary.

**EXECUTIVE SESSION:** None.

**CORRESPONDENCE:**

- 1.) From: SC Soil Conservation District  
To: Robert & Colleen Siegel

Re: B:31 L:1.01

**ADJOURNMENT:**

With no further business to handle, a motion to adjourn was made by Mr. Hahn. It was seconded by Mr. Randazzo and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Board Secretary