

CALL TO ORDER:

Mr. O'Leary called the meeting to order and stated the meeting was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

FLAG SALUTE

ROLL CALL: Members Present: Fette, Luthman, Leuthe, Didyk, Straub,
Taylor, Van Sickle, O'Leary.

Members Absent: Hughes, Corcoran.

Members Excused: Randazzo.

Also Present: Ursula Leo, Esq.
Gene Weber, PE
David Banisch, PP

MINUTES: February 24, 2011, March 17, 2011, March 24, 2011, April 21, 2011,
April 28, 2011.

A motion to approve the minutes of the February 24, 2011 meeting was made by Ms. Didyk. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Fette, Luthman, Didyk, Straub, Leuthe, Taylor, Van Sickle, O'Leary.

A motion to approve the minutes of the March 17, 2011 meeting minutes was made by Mr. Luthman. It was seconded by Mr. Taylor and passed with a roll call vote. Ayes: Luthman, Straub, Taylor, Van Sickle, O'Leary.

A motion to approve the minutes of the March 24, 2011 meeting minutes was made by Ms. Didyk. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Fette, Didyk, Straub, Taylor, Van Sickle, O'Leary.

A motion to approve the minutes of the April 21, 2011 meeting minutes was made by Ms. Didyk. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Luthman, Didyk, Straub, Leuthe, Taylor, Van Sickle, O'Leary.

A motion to approve the minutes for the April 28, 2011 meeting minutes was made by Mr. Fette. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Fette, Leuthe, Van Sickle, O'Leary.

COMPLETENESS/ HEARINGS:

1.) Daura, Damon SP11-4, FSP11-5 B:16 L:8.03 Deemed Complete 4/28/11

Mr. William Hinks, Esq. said he was representing the applicant. Also present were Mr. Bill Moran, PE, Mr. Damon Daura, applicant and Ms. Davina Daura, applicant. The applicant had purchased the property at 156 Route 15, Lafayette which is in the Village Commercial zone. They are proposing to put their physical therapy practice at that location. Mr. Hinks said they will need a variance for the parking. They are not proposing any changes to the structure except for some interior renovations. They will need to add a handicap parking area.

Mr. Daura who was previously sworn in explained the operation of his business to the Board. He said they conduct mostly orthopedic care and post surgical care. He said Ms. Davina Daura is an occupational therapist who specializes in autism special needs. She deals mostly with children from 2 years of age through 17 years of age. He said they do not see more than two or three patients per hour per therapist. They do not have any more than five patients at one time. He said the number of parking spaces at this location is more than he had at his previous location so he felt it was plenty of parking for his needs. He said his staff can park in the back of the property.

Mr. Daura said there is a total of five staff members with only four working at one time. The hours of operation are from 7:00 a.m. to 8:00 p.m. Monday, Wednesday, and

Thursday. Mr. O'Leary noted the VC zone has a limit of no more than 4 employees at any one time and asked if the applicant would be agreeable to a condition of no more than 4 staff at any one time. Mr. Hinks said the ordinance states this limitation for store, shops or markets. He said professional uses did not have that limit.

Mr. Daura said the interior of the building will be an open floor plan. He explained the layout to the Board. He will be adding a ramp for wheelchair patients.

Ms. Davina Daura said she will be working on one child per hour. Mr. Hinks presented a brochure from Performance Rehabilitation at its existing location which was marked and entered as exhibit A-1.

Mr. O'Leary asked about the existing apartment. Mr. Daura said his mother-in-law will be living there. Mr. Luthman asked if there were two apartments since the plans were labeled in that manner. Mr. O'Leary asked if the applicant was amendable to having only one apartment above the facility to which Mr. Daura said yes.

Mr. Luthman asked if the four total number employees included his wife. Mr. Daura said he cannot guarantee the number of employees will be limited to four all of the time. He said it is based on the volume of business and he was not aware there was a restriction on the number of employees he could have. Mr. Luthman asked what the maximum number of employees Mr. Daura could have at any one given time. Mr. Daura said six. He said this facility will be a secondary facility for him and a primary facility for his wife. He is not closing his operation in Totowa. There was a lengthy discussion on how Mr. Daura will split his work time between his two facilities and the hours of operation. Mr. Banisch felt there needs to be a set number of employees so they can address the parking.

Mr. Moran explained the layout of the site to the Board. He explained the proposed handicap parking space and ramp to the entrance. He said they are going to reconfigure the parking. Additional lighting will be added.

Mr. Weber went through his report with the Board. There was a discussion on the existing driveways. The applicant agreed to get a letter from the D.O.T. approving the existing driveway configuration or a D.O.T. letter of non-interest. The applicant agreed to remove the existing shed. The sign will comply with the township's ordinance. There was discussion on the lighting. All new lighting will comply with the ordinance. There was a discussion on the landscaping. The Board agreed the existing landscaping was sufficient. Mr. Weber asked about the applicant's proposed recycling. Mr. Daura said they produce minimal amounts of recycling which would consist of office paper and household recycling from the apartment. They do not produce any medical waste. All garbage and recycling will be stored in the existing garage until it is taken away by the hauler. Mr. Weber went over the waivers for the application. There was a discussion on the requirement to buffer the commercial property from the adjacent residential property. Due to the location of the existing building the applicant cannot meet the buffer requirement and asked for a variance. Mr. O'Leary felt it was a low impact use and felt the variance would be fine to grant. Mr. Banisch said it is a hardship variance and felt there is no negative impact with the granting of the variance.

Mr. Weber noted the ordinance requires a separate septic for the two uses. He requested the applicant provide information on the proposed use and if it will produce any more discharge into the system than the previous use. He was looking for confirmation from the Board of Health. Mr. Moran felt the proposed use was a low intensity use and would not produce any more discharge than the previous retail operation. Ms. Didyk said she did not agree with this. She felt there would be more employees. Mr. Luthman agreed. Mr. Weber asked if there were any types of therapy that would use a large amount of water to which Mr. Daura said no. There will be no whirlpools. Mr. Moran will get this information to the Board. As a condition of approval, the applicant will need to get a sign off from the County Board of Health prior to the issuance of a certificate of occupancy.

Mr. Weber discussed the parking lot configuration. There was a discussion on the need for more than one handicap parking space. Mr. Daura said one is all he would need based on his experience with his existing facility.

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

Mr. Luthman asked about the existing billboard. Mr. Hinkes said it is a preexisting non-conforming use. Ms. Leo noted that if the billboard is being used it is two principle uses on one lot. She suggested the applicant could request a variance. Mr. Banisch cautioned that if the Board grants a variance for the billboard then it can remain there forever. Mr. Luthman said the billboard was originally used by the Lafayette Lamplighter however now it has other advertising. Ms. Leo suggested the Board grant the second principle use for the physical therapy use on this lot for this application. That way it will not run with the land only for this application.

Ms. Leo said that only the testimony presented at this meeting will be used to support the variance and site plan application. Mr. Hinkes agreed to this. Ms. Leo went over the seven identified variances. She went over the conditions of approval. Mr. Fette suggested that a condition be that the applicant come back to the Board if it is determined there is a parking problem. If the zoning officer gets complains it will require the applicant to come back to the Board. Ms. Leo went through the identified waivers that will need to be granted.

A motion to approve the minor site plan with the identified variances, waivers and conditions noted was made by Mr. Fette. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Fette, Luthman, Didyk, Straub, Leuthe, Taylor, Van Sickle, O'Leary.

2.) Beaver Run Solar Farm, LLC SP11-3 B:25 L:2 & 4.01 Deemed Complete 4/21/11

Ms. Megan Ward, Esq. said the use has been found to be inherently beneficial by the State. She said they are seeking a use variance because the property is in a residential zone. She said the benefits of this project will outweigh any negative impacts. She said they are proposing a 17.4 megawatt system. Mr. Allen Gregg who was previously sworn in said the panels are constructed from glass and aluminum. They do not emit any hazardous material. He said the panels do not reflect light. He said he designed the system for this particular site. Mr. Gregg described the unit that will house the electronics and transformers. He said noise is generated by the power switching devices and the cooling fans. He said the transformers do have a low hum. He explained the noise levels to the Board. He explained the shutdown process to the Board. The System can be remotely shut down. Mr. Gregg said the project was not designed to level the property. They are using the slope of the land to achieve a bleacher effect. He discussed the reduction in carbon monoxide with the use of solar as opposed to fossil fuel even with the loss of trees. There will be an overall reduction in carbon monoxide. He discussed how the power companies are managing the power that is coming from the sunlight. There was a discussion on the total amount of megawatts that the property could handle. Ms. Ward said the applicant will have to work around constraints such as wetlands and slopes. Mr. Gregg discussed the impacts of sound and visual effects.

Mr. O'Leary asked how the inverter blocks would be secured. Mr. Gregg said they are locked with a key. Mr. O'Leary expressed a concern with injury if the box were to be vandalized. Mr. Gregg said if someone were to get the door open, the unit would arch and shut itself down. He said they meet UL requirements. Mr. O'Leary asked if Mr. Gregg felt it would be necessary to have additional fencing around it to keep someone from vandalizing it. Mr. Gregg said he did not feel it would be necessary in this area. Mr. O'Leary asked about safety to the employees. Mr. Gregg said he only knew of one issue where a worker got a shock from the system however it was not serious.

Mr. O'Leary asked where the employees and workers will be parking. Mr. Gregg explained that there will not be many workers at the site once it is built. There was a

discussion on the vegetation to be grown under the solar panels. The applicant will use the suggested type of seed mixture that was used on the solar farm in Tinton Falls, NJ.

Mr. Luthman felt that if inverter blocks # 7,8,10 and 11 were eliminated the applicant could reduce the deforestation by 75%. He felt the project could still be commercially viable. Mr. Gregg said if the system is reduced, then the positive impact on the environment is reduced. Mr. Luthman felt there were better suited parcels of land for this project. Ms. Didyk felt the positive impact from the existing trees was left out of the testimony. She felt the sound from the inverters would be an issue. She said sound in this area travels from 6 to 10 acres away. She asked if the sound levels from the inverters would be the same in an urban area as it would in a rural area. Mr. Gregg said the inverters cannot be heard from 50 feet away. Mr. Weber asked what needs to be done offsite to connect power from this site to the power company. Mr. Gregg said they have not worked out those details with Sussex Rural Electric Cooperative.

Mr. Charles Shotmeyer was sworn in and explained the PJM threshold application process. Mr. Gregg explained that the inverter being in a shed is safer than leaving it exposed.

Mr. Banisch asked Mr. Gregg if he had experience with a project this large being in the proximity of a residential zone. Mr. Gregg said he knows of projects right next to residential building and schools however he was not the designer of those. Mr. Gregg said the neighbors to the north will see the back of the panels. There was a discussion about the removal of the growth under the panels. Mr. Banisch felt that if it were left behind it could be a cause for fire during the dry season.

Mr. O'Leary opened the meeting to the public. Mr. Dave Norrie of Newton asked if there would be any diesel generation to handle any fluctuation of power to which Mr. Gregg said no.

Mr. Sean Mayer of 18 Lewisburg Road, Lafayette asked if the manufacturing of the panels and equipment offsets the environmental impact of the solar system. Mr. Gregg said the energy required to make the solar panels today is a tiny fraction of what it was years ago. He felt the system outweighs the impact of the production of the panels. Mr. Mayer asked if they have chosen a manufacturer. Mr. Mayer asked if there were any hazardous materials in the solar panels. Mr. Gregg explained what the panels were made of. He said the end product was not considered hazardous.

Mr. Conforth of Pelletown Road asked what percentage of the sun's energy hitting the panel is turned into electricity. Mr. Gregg said it is about 16 to 18 percent. Mr. Gregg explained the process to the Board.

Mr. Jim Heston of Ogdensburg asked if this solar project would help reduce the need for the power lines being proposed by JCP&L. Mr. Gregg said all solar power systems would help reduce the power lines. This one system will not eliminate the proposed transition lines.

Mr. Tietez of Hardyston asked how many homes a system of this size will power. Mr. Gregg said it will power about 2200 to 2400 homes of average size and power use. Mr. Tietez asked how many homes were in Lafayette to which Mr. Gregg said about 2400. He said the power goes into the grid and then gets sent out everywhere.

With nobody else coming forward, the meeting was closed to the public.

Ms Didyk asked that the applicant get some information about the horizontal reflection of polarized light. She said she asked Mr. Gregg earlier because he was an expert on the solar panels. Ms. Didyk said the panels do reflect horizontal polarized light.

Mr. Luthman asked if the Board can get a copy of the power point presentation that was shown at an earlier meeting. Ms. Ward will send it to the Board Secretary.

A motion to carry the hearing without further notice to the June 16, 2011 meeting date was made by Mr. Leuthe. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Fette, Luthman, Didyk, Straub, Leuthe, Taylor, Van Sickle, O'Leary.

AUDIENCE:

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

OLD BUSINESS:

1.) Reserve Septic Location Ordinance

The Board agreed to carry this matter to the next meeting date.

NEW BUSINESS: None.

RESOLUTIONS:

1.) Lafayette Asphalt ASP11-1 B:1.02 L:1

A motion to approve the resolution with the noted changes was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Fette, Straub, Leuthe, Van Sickle, O'Leary.

2.) Gernat, Chris VAR11-2 B:18.02 L:6

A motion to approve the resolution with the noted corrections was made by Mrs. Straub. Ayes: Straub.

ORDINANCES: None.

ZONING REPORT:

Mr. Fette advised the Board that he received a call from the Lafayette House requesting a sign just for the Lafayette House. Mr. Fette said they could not have their own sign and advised them it was a landlord-tenant issue.

BILLS: None.

EXECUTIVE SESSION: None.

CORRESPONDENCE: None.

ADJOURNMENT:

A motion to adjourn at 12:13 a.m. was made by Mr. Fette. It was seconded by Ms. Didyk and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Board Secretary