

CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:31 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, section 4 & 13.

FLAG SALUTE

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

Members Excused: Hughes, Fette, Straub.

Members Absent: None.

Also Present: Michael Garofalo, Esq.
Gene Weber, PE
David Banisch, PP

EXECUTIVE SESSION:

A motion to go into executive session to discuss pending litigation with the minutes being released at the end of the litigation was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Luthman, Randazzo, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

A motion to come out of executive session was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Luthman, Randazzo, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

COMPLETENESS/ HEARINGS:

1.) Handweg Drive Realty VAR08-14 B:14 L:7

Mr. Brian Tipton, Esq. said he was representing the applicant. He gave a brief history of the remand from the court. Mr. Garofalo read the four conditions that were ordered by the court. The applicant agreed to remove the fireplace from building #10 within 3 months of a D.E.P. approval. Mr. O'Leary asked about the progress of the D.E.P. approval. Mr. Tipton said he will check and send a letter to the Board.

A motion to approve the application was made by Mr. Randazzo. It was seconded by Mr. Luthman and passed with a roll call vote. Ayes: Luthman, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, O'Leary.

RESOLUTION:

1.) Nouvelle Associates SP05-12, MJR05-13 B:9 L:6,7,17, & 21.01

A motion to approve the extension of the approving resolution for one year to August 23, 2012 was made by Mr. Randazzo. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Luthman, Didyk, Corcoran, Randazzo, Leuthe, Van Sickle, O'Leary.

COMPETENESS/ HEARINGS:

2.) Beaver Run Solar Farm SP11-3B:25 L:2 & 4.01

Mr. Corcoran stepped down for this hearing.

Mr. Kevin Kelly, Esq. said he was the attorney for the applicant. Megan Ward, Esq. went over her letter dated 7/28/11 which addressed the previous questions from the Board. There was a discussion on the draft conditions being proposed for the resolution. Mr. Weber requested a landscape design. Ms. Ward said they will provide that to the Board Engineer. Mr. Banisch requested the landscape plan be submitted prior to a vote. Ms. Ward said the applicant will plant a double row of six foot evergreen trees along Lewisburg Road. There was a lengthy discussion on the buffering of the property. Ms. Ward said they will not be able to plant in the wetlands area. Mr. Banisch required the buffering be of a deer resistant species and said the applicant can get a list of species from Rutgers Extension Service. Ms. Ward said the landscape plan will be prepared by a licensed architect. The Board agreed to make this a condition of approval.

There was a lengthy discussion on the easement area of the property. Mr. Leuthe expressed a concern that the open space could still be developed in the future. Mr. Banisch expressed a concern that the project was a typical use for the light industrial zone and not a residential zone. Ms. Ward said the project is not a permanent structure. She said the applicant can record the woodland management plan in a deed. Mr. Banisch felt this would not stop any further development of the land. Mr. Banisch felt that since this will be an electric generating facility and could be around for more than 25 years and felt that meeting the open space requirement is not unreasonable. Mr. Banisch felt this is a design waiver. Ms. Ward disagreed with this and said they will impose an agricultural easement. She felt this project was different than most because it is a unique structure since it can be dismantled unlike residential development. Mr. Weber felt that future development should be restricted because it is required by the ordinance. Mr. Randazzo felt it was not a temporary structure. Mr. Luthman felt the woodland management plan would not accomplish what an easement would. Ms. Didyk felt the woodland management plan would be very temporary and different from an easement. Mr. Banisch said the applicant does not want to file an easement deed because they do not want to restrict the property. Mr. Kelly agreed with this because he felt the project was not permanent.

There was a discussion on the taxes to the Township from this project. Mr. Luthman felt that nobody at this point knows if this will be subject to taxes or not. Ms. Ward said the land being used for the solar farm will be subject to roll back taxes and assessed at a commercial use but that is all they know at this time. Mr. Banisch said some assessors take an income based approach to taxing the facility.

Mr. Luthman requested as a condition of any approval that there be no advertising on the roof of the inverters or any of the equipment. There was a discussion on the size of the existing lines and poles and if they can handle the amount of electricity being generated. Mr. Taylor felt this could be a potential problem. Mr. Shotmeyer said he was told by Sussex Rural that the poles and lines would be ok.

There was a discussion on soil stabilization. Mr. Banisch felt it would be a hazard for the applicant to use chipping as a soil stabilizer. Ms. Ward said the site stabilization will be overseen by the Soil Conservation District.

Ms. Ward said if the application gets approved it will abandon all prior approvals for Phase I.

The Board had a discussion on the turnaround area for fire trucks and emergency equipment in the driveways. Mr. Weber said the ordinance requires a turnaround area. Ms. Ward said Mr. Kevin Jones gave testimony that he spoke to the fire chief who said he was not seeking a turnaround area for fire trucks and only requested a site visit after construction. Mr. O'Leary suggested as a condition of any approval that if the fire chief, after visiting the site feels a turnaround is needed, and then the applicant shall comply with the ordinance. Mr. Leuthe asked if a fire truck can turn around by the pond to which Mr. Knutelsky said yes. Mr. Luthman suggested a stand pipe be installed in the pond. The Board agreed to defer the requirement until final site plan with a letter from the fire chief at that time stating that no turnaround is acceptable. Mr. Banisch requested site plan details for circulation at the switch station.

Mr. Banisch requested a staging area and parking area for construction equipment. There was a discussion on the construction of the project. The Board agreed as a condition of any approval that no construction equipment will park on the public roadways. Mr. Charles Shotmeyer said the staging area could be at the adjacent quarry. Mr. Banisch suggested a sign be posted at the gate with owner and contact information. Mr. Kelly discussed the construction needs and time frame of the applicant. He felt the preliminary site plan approval would entitle them to start construction and the final site plan would be an as built. There was a discussion on what needs to be on the preliminary map. Mr. Banisch wants revised plans showing everything except the switch gear since the applicant will not have this information. There was a lengthy discussion on what needs to be on the preliminary plans and what items can be left for final site plan approval. Mr.

Banisch suggested the professional work out the details and the applicant's engineer provide a revised set of plans.

The Board went through the proposed conditions drafted by the Board Attorney. Mr. Luthman requested a condition that no clearing is allowed in the 50 foot buffer area.

Mr. O'Leary opened the meeting to the public. Mr. Dave Fiore of Newton discussed unemployment issues and said this project will create jobs.

Mr. Anthony Maciorski of Jefferson said he was a photovoltaic expert and discussed the benefits of solar farms.

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

Mr. Kelly suggested the professionals meet and revise the plans and the applicant will return on August 18, 2011. Mr. Kelly granted the Board an extension for their time to act on the application. Ms. Ward said she will send a letter to the Board granting the extension of time.

A motion to carry the hearing to the August 18, 2011 meeting date was made by Mr. Randazzo. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Luthman, Randazzo, Leuthe, Didyk, Straub, 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.) Outdoor Dining Ordinance

Mr. Luthman noted the revised ordinance that was sent down from the Township Committee used the term "facility" which is not a defined term. Mr. O'Leary said that Mr. Fette had drafted a list of concerns however he was not present to discuss them. The Board agreed to carry this matter to the meeting of August 18, 2011.

NEW BUSINESS: None.

ORDINANCES: None.

BILLS: Bills List #8

The Board discussed the hourly rate for Mr. Weber. Mr. Leuthe said the former engineer was billing at a rate of \$105.00 and Mr. Weber is billing at \$110.00. Mr. Weber agreed to bill at \$105.00.

A motion to pay the bills with the changes to the Engineer's bill with a rate of \$105.00 per hour was made by Mr. Randazzo. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Luthman, Randazzo, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary.

CORRESPONDENCE: None.

ADJOURNMENT:

With no further business coming before the Board, a motion to adjourn was made by Mr. Randazzo. It was seconded by Ms. Didyk and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Secretary