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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, sections 4 & 13.

**FLAG SALUTE**

**ROLL CALL:           Members Present:** Fette, Luthman, Corcoran, Straub, Leuthe, Taylor, O'Leary.

**Members Excused:** Randazzo, Didyk.

**Members Absent:** Hughes, Hahn.

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

**MINUTES:** May 27, 2010.

A motion to approve the minutes of the May 27, 2010 meeting with the noted corrections was made by Mr. Corcoran. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Fette, Corcoran, Straub, Luthman, Leuthe, Taylor, O'Leary.

**AUDIENCE:**

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

**CONCEPT:** Beaver Run Solar Farm

Mr. Kevin Kelly stated he was the attorney for the project. Mr. O'Leary advised Mr. Kelly that the Board has been working on a renewable energy ordinance and it was close to being voted on to be sent to the Township Committee for their consideration.

Also present was Mr. Chuck Shotmeyer, president of Shotmeyer Brothers which owns the property in question and Mr. Troy Henson, CEO of SUR Technology. Mr. Kelly said they are presenting a concept for a solar farm at 238 Beaver Run Road. Mr. Kelly felt the use would be inherently beneficial in nature. He said it will not be visible. He asked the Board to comment on any negatives issues they felt towards the project.

Mr. Kelly said the timing of the project is very important because of government funding. They will need a certain level of approvals in order to comply with the government's rules. Mr. Kelly said they will be presenting this to the governing body as well.

Ms. Leo advised the Board that nothing discussed at tonight's meeting is binding if and when the application comes before the Board. Mr. O'Leary announced that Mr. Banisch had joined the Board. Mr. Kelly handed out an informational packet for the project.

Mr. Henson explained his company's business. He said they develop solar energy projects across the country. He said they also help get the financing for the applicant. He explained a project they did in Utah. He explained that solar systems are very safe. The solar panels are in a fixed location with a fence around it. He explained that the project will be able to provide enough power to power 3000 homes and it will cover about 125 acres on the Shotmeyer farm and will not be seen from the road. Mr. Henson said there will be a need for an upgrade to the existing power lines. He said it will not interfere with traffic and will not create any noise. There are no moving parts. Mr. Henson said their project will offset the electrical costs of Beaver Run Farms quarry. Mr. Henson explained the safety system to the Board. He said the system will shut down if it needs to. Mr. Henson explained the two phase project. They are planning on installing a 410 kilowatt system this year. He showed the Board the extent of Phase II in a diagram on page 5 of the handout. Mr. Henson explained the federal grant process.

Mr. Chuck Shotmeyer explained the farming on the property over the last 40 years. He said they will be creating green jobs.

Mr. Duveneck expressed a concern with the proposed time frame for phase I. He advised the applicant there is a 21 submission requirement for an application to be considered. Mr. Henson said phase I could be done easily. He said they are drafting up an application at the present time. Mr. Duveneck asked if there were environmental constraints on the property. Mr. Shotmeyer said none that he was aware of.

Mr. Duveneck said the visual effects will be a problem as well as the noise. He said they do hum when operating.

Mr. O'Leary had a concern with the height of the panels and the visibility of them. Mr. Henson said the panels are 3' X 5' and will be 7 1/2' in height. Mr. Banisch asked if they can be located within 4' off the ground to which Mr. Henson said no because of snow. Mr. Henson explained to the Board what the panels were made from. Mr. Banisch asked about the ground cover and soil conditions at the site. He asked Mr. Shotmeyer what the grounds were like to which Mr. Shotmeyer said there are fields, farms and a forested area they harvest. He said there are a variety of slope conditions. There was a discussion on the proposed ground cover under the panels. Mr. Banisch felt grass would be the best ground cover and had a concern with runoff if something else were to be used. He asked if the applicant had given consideration to the removal of the proposed gravel if the project is no longer needed. He said the panels will change the stormwater flow. He asked if there will be stormwater management facilities. Mr. Shotmeyer said there is no change in the runoff with the proposed project.

Mr. Banisch asked about the offsite visual impact of the project and suggested berms and landscaping be added. Mr. Shotmeyer noted that not many homes can be seen when he walks the property.

Mr. O'Leary asked if trees will be removed. Mr. Shotmeyer said yes but he did not know the number of trees at this time. Mr. Luthman noted the presented diagram on page 4 of the handout shows a significant amount of trees that need to be removed. Mr. Duveneck said the removal of the trees will change the runoff of the property.

Mr. Fette noted there is not a lot involved with the building permits however he shared Mr. Duveneck's concern with the time frame.

Mr. Duveneck asked how the property will be taxed. Mr. Kelly said the improvements are taxable. He said the tax for a utility is sent to the State and then it comes back to the municipality. He said he will provide this information to the Board. He said the property will be subject to roll back taxes.

Mr. Banisch asked if they are proposing to build the project within the setbacks. He asked that the Board be presented with a visual impact study for the project.

Mr. Luthman expressed a concern with the financial stability of the project. He did not want to see trees cut down and then the funding does not come through. Mr. Shotmeyer said it is also a concern of his. Mr. Henson explained the funding to the Board.

Mr. Luthman suggested the applicant come in with a completed project for phase I. He also noted that phase II will have significant issues because it contains a pond on it that will need to be dealt with. He expressed a concern with the amount of trees that will need to be removed. He said he did not want to see the panels coming up to the property line. Mr. Luthman asked if the applicant would consider selling some property to the township for open space.

Mr. Luthman asked what type of situations would cause the applicant to construct phase I and not move forward with phase II. Mr. Henson said it would mostly be because of funding.

Mr. O'Leary asked about the fencing of the property. Mr. Henson said they would propose a chain link fence. Mr. Henson suggested the road that is closed off be abandoned.

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There was a discussion on the timeframe for the applicant to get a submission to the Board.

**COAH and Master Plan Reexamination**

Mr. Banisch presented two maps for discussion. Mr. Banisch explained his proposed build out analysis to the Board. He said he attempted to characterize all of the farmland preserved land, open space and preserved land in town. He explained the maps to the Board. There was a discussion on the draft version presented to the Board. He asked the Board to look over the maps he presented to determine if they are accurate.

Mr. Banisch explained the inclusionary zoning to the Board. He explained the D.E.P. and build out procedures. He said the analysis looks at the constrained lands and removes them from the inventory. Then the calculation looks at what is buildable and if it is feasible to construct the 70 affordable units that are required by COAH. He said the build out is characterizing what is developable and what is not. There was a discussion on the watersheds in town.

Mr. Fette asked for an update on COAH. Mr. Banisch gave an update to the Board. He said the Board needs to move forward with their obligation to COAH. He explained to the Board what Lafayette needs to consider in its affordable housing obligation. He explained the D.E.P. build out and the errors he found in those numbers.

Mr. Banisch explained the two charts he presented to the Board. There was a discussion on what approach the town could take to be compliant.

**EXECUTIVE SESSION:**

A motion to go into executive session to discuss pending litigation with the minutes being released upon conclusion of the litigation was made by Mr. Corcoran. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Fette, Luthman, Corcoran, Straub, Leuthe, Taylor, O’Leary.

A motion to come out of executive session was made by Mr. Corcoran. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Fette, Luthman, Corcoran, Straub, Leuthe, Taylor, O’Leary.

Mr. O’Leary asked the Board to review the analysis material and get any suggestions or comments back to the Board Secretary so she in turn can get them to Mr. Banisch.

Mr. Taylor noted two errors on the maps presented by Mr. Banisch.

Ms. Leo asked the Board to treat the information given to them by Mr. Banisch as confidential work product.

**OLD BUSINESS:**

1.) Zoning Ordinance Review

The Board agreed to carry this matter.

2.) Renewable Energy Ordinance

The Board discussed adding the issue of restoration to the ordinance. Mr. Banisch suggested that ground cover be addressed also. Ms. Leo said the ordinance talks about abandonment. Mr. Banisch suggested adding the requirement for a restoration plan and a bond to cover the cost if not done. Mr. Duveneck noted the ordinance is for small projects however Mr. Banisch’s proposal will be a condition for any large project. Mr. Taylor felt the bond was not appropriate as a condition. Ms. Leo said a performance bond is a normal condition of approval on large projects.

A motion to recommend the ordinance with the noted changes to the Township Committee was made by Mr. Fette. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Fette, Luthman, Corcoran, Straub, Leuthe, Taylor, O’Leary.

**NEW BUSINESS:**

Mr. O’Leary asked if the Township Committee was going to replace Mr. Hahn on the Board since he expressed an interest in resigning from the Board. Mr. Corcoran said the Clerk will call Mr. Hahn to see what his intent is.

**RESOLUTIONS:** None.

**ORDINANCES:**

No.	Name	Citation	Memorialized	Date to Clerk	TC Agenda	First Reading	Adopted	Sent to County/ Coded Systems
1	Clothing Bins	3-11	5/27/10	9-10-10				
2	Home Occupation	13-8	7/15/10	7/21/10				

Mr. O’Leary noted the clothing bin ordinance has not been adopted by the Township Committee. Ms. Leo said it is a State law that if anyone wants a clothing bin they have to get a permit from the municipality. The law states what information is required on the bin. The permitting is handled by the Clerk. The Board Secretary said it had been sent to the Committee once before.

**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 Will be on next week’s agenda</i>

**TRC REPORT:** None.

**ZONING REPORT:**

Mr. Fette reported that Olde Lafayette Village is looking into coming in with a permanent sign. They have taken down all of the banners from the lawn.

**BILLS:** List #7, #8.

There was a discussion on a contract for Mr. Banisch to handle the COAH issues. Mr. Corcoran said the Clerk will contact the Township Attorney to write the contract. Any bills for the work on COAH will be forwarded to the Township for payment.

A motion to pay bills list 7, 8 as presented was made by Mrs. Straub. It was seconded by Mr. Luthman and passed with a roll call vote. Ayes: Fette, Luthman, Corcoran, Straub, Leuthe, Taylor, O’Leary.

**CORRESPONDENCE:**

- 1.) From: EcolSciences, Inc.  
Re: Application for an Extension of Interpretation

**ADJOURNMENT:**

A motion to adjourn was made by Mr. Corcoran. It was seconded by Mr. Fette and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Board Secretary