

CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:33 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

FLAG SALUTE

ROLL CALL: Members Present: Hughes, Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, Van Sickle, O'Leary.

Members Excused: Luthman.

Members Absent: Leuthe.

Also Present: Ursula Leo, Esq.
Gene Weber, PE

COMPLETENESS/HEARINGS:

1.) Lafayette Asphalt ASP11-1 B:1.02 L:1 Deemed Complete 1/27/11

This application had been carried to the April 28, 2011 meeting.

2.) O'Connor, John & Carolyn MNR10-14, VAR10-15 B:14 L:4,5,6

Ms. Debra Nicholson, Esq. stated she was representing the applicant. She said the application was for a minor subdivision with variances. Mr. Weber noted that item number 7 on his report needed to be addressed. Mr. John and Mrs. Carolyn O'Connor were sworn in by Ms. Leo. Mr. Bernard Caffery, PP and surveyor was sworn in by Ms. Leo and gave his qualifications which were accepted by the Board. Mr. Caffery explained sheet 3 of 3 from the maps that were submitted to the Board. He explained the unconstrained land. Ms. Nicholson said they have two waiver requests and went over them with the Board. Mr. Weber recommended the application be deemed complete.

A motion to deem the application complete with the requested waivers was made by Mr. Corcoran. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, Van Sickle, O'Leary.

Mr. Caffery explained sheet 2 of 3 which was a boundary survey to the Board. He explained the property to the Board. He said the applicants wanted to merge all three of the lots into one lot and then subdivide it into two lots. He said if approved, one lot would have the existing home on it and the other lot would have a new home built on it. He said there would be a dedication of lot frontage for the widening of the roadway.

Mr. Corcoran asked for a technical review by the Board Engineer. Ms. Nicholson said the former Board Engineer said they could have a completeness hearing and then move right into a hearing. She said they were seeking a Board decision and would work with the Board Engineer on any matters that could not be handled at this meeting. The Applicant proceeded with testimony.

Mr. Weber expressed a concern with the proximity of the driveway to the intersection. Mr. Caffery said it was the best site for the driveway and they do have the required sight distance. There was discussion on the wetlands on the property. Mr. Caffery said he will revise the map to show the wetlands as a conservation easement. Mr. Weber expressed a concern about the gore and who owned it. Ms. Nicholson said they filed a quitclaim deed to resolve the issue of ownership. She said they were including it in their calculations. Mr. Fette noted the existing pole barn was encroaching on the wetland buffer area. Mr. Caffery said the applicant will remove it if the D.E.P. requires it. He said they were waiting for the footprint L.O.I. from the D.E.P. Mr. O'Leary asked about installing a guiderail since it was a requirement of the ordinance. There was a discussion on the installing of the guiderail.

Mr. O'Leary opened the meeting to the public. Mr. Donald Oriolo of 139 Old Beaver Run Road, Lafayette, NJ came forward and presented a portion of a survey of the property dated December

1, 2009 by Koestner and Associates and marked it as exhibit N-1. He asked if the widening of the road would force him to remove the small existing barn he has on his property that is close to the road. Ms. Leo said no since they could only widen the road in front of the O'Connor property. Mr. Oriolo said there are two small sheds on the O'Connor property that are too close to his property line and were built without permits. Mrs. O'Connor said the sheds have been there for about 18 years. There was a discussion about the gore. Mr. Oriolo will work out the gore situation with Ms. Nicholson.

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

Mr. Caffery discussed the fencing with the Board. Mr. Hughes questioned the existing sheds and said the ordinances were revised in 1991 so the building setbacks would have been in place. Mr. O'Connor said he will remove or relocate the sheds. There was a discussion about the 2 sheds that were on the side of the property. Mr. O'Connor will relocate them. He said the larger one will be removed and the smaller one will be relocated.

The Board went over some conditions of approval.

A motion to approve the application with conditions was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, Van Sickle, O'Leary.

3.) Gernat, Chris VAR11-2 B:18.06 L:6

Mr. O'Leary and Mr. Randazzo disclosed that they both knew the applicant however it would not affect them hearing the application.

Mr. Chris Gernat and Mr. Neil Weiss a solar energy consultant from REC Solar and of 26 Woods Fair Drive, Somerset, NJ were sworn in by Ms. Leo.

A motion to deem the application complete was made by Mr. Corcoran. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, Van Sickle, O'Leary.

Mr. Gernat explained the map he presented to the Board Members. He was requesting relief from a side yard setback so he can install solar panels along the side area of his property. He said he has a permit for the existing pool and shed. He explained the constraints of his property. He pointed out the mature trees and septic field to the Board. He explained the slope on the property to the Board. Mr. Gernat presented and marked as an exhibit an aerial of the property downloaded from the Sussex County website which was printed by REC Solar as A-1. A photo location key was entered and marked as exhibit A-2. Various photos of the property were marked as exhibits A-3 through A-11. Mr. Gernat explained the exhibits to the Board.

Mr. O'Leary said the Board needed to determine if this was a use variance because if it was determined to be then Mr. Hughes and Mr. Corcoran would need to step down. There was discussion as to if this was a use variance. It was determined it was not and Mr. Hughes and Mr. Corcoran remained on the Board.

Mr. Weiss explained the proposed system to the Board. He said it will offset about 91% of Mr. Gernat's electric bill and there would be no sale of excess electricity. Mr. Hughes felt this was a large capacity system. Mr. Weiss said it is typical for this area. He said Mr. Gernat will not be making money off of the system. Mr. Gernat said the wiring will be in conduit under the ground. The wiring will be far away from the propane tank. Mrs. Straub asked for the total area of disturbance. There was a discussion on what is considered disturbance with the installation.

Mr. Weiss said the life expectancy of the panels was about 30 to 40 years. All of the components are from the U.S.A. which are then sent to Singapore to be assembled and then returned to the United States. Mr. Hughes asked about the number of piers to which Mr. Weiss said about 8. Mr. Hughes asked what the diameter of the piers would be to which Mr. Weiss said 2 feet. Mr. Hughes expressed a concern that the lot coverage would increase. There was a discussion on the lot coverage. Mr. Hughes felt a variance would also be needed for the increase

in lot coverage. Mrs. Straub asked about the number of houses in the neighborhood to which Mr. Gernat said 22.

Mr. O'Leary asked if the panels could be placed anywhere else on the property. Mr. Weiss said the only other place they could locate the panels so they were within the setback was in the front yard. There was nowhere in the back yard they could be placed and still be within the setbacks. If the panels were placed in the front yard, they would have to be over constructed to compensate for the wind. Ms. Leo asked about the height of the proposed roof mounted panels. Mr. Weiss said they will be 1 to 2 inches above the roof with no overhangs. The size of the panel will be 5' X 3'.

Mr. Corcoran asked what the neighbor's view would be of the panels. Mr. Gernat explained this to the Board. Mr. Taylor felt the letter written by Mr. Gernat with a date of 3/3/11 and submitted as part of the application contained errors and pointed them out to the Board.

Mr. Randazzo asked if the panels could be moved further away from the property line. Mr. Gernat said they could but it would require the removal of some pine trees. Mr. Weiss presented a graphic of the Series 200 braced option mounted system and marked it and entered it as exhibit A-12. Ms. Leo asked if landscaping could be added to help conceal the view from the neighbors yard. Mr. Gernat agreed to include landscaping so long as it does not impede on production.

Mr. O'Leary opened the meeting to the public. Mrs. Herta Clark and Mr. Donald Clark of 18 Meadow Ridge Lane, Lafayette, were sworn in by Ms. Leo. The Clark's felt the solar panels would ruin the beautiful scenery. They felt it was wrong to have the panels facing their property. They would have to see them and the Gernats will not have to look at them. They expressed a concern their property value would decrease. They felt the panels could be placed somewhere else on the property. They asked the Board not to grant the variance. Mrs. Clark felt there was no hardship. Mr. Clark suggested the applicant move the panels to the other side of their property. Mrs. Clark suggested the Board look at the property before considering the request for a variance.

Mr. Weiss said the other side of the property is flat and there would need to be 4 separate arrays. The arrays would still be facing the Clark's house and they would be higher off of the ground. With no further comments from the public, the meeting was closed to the public.

Mr. Fette felt the arrays could be moved to the other side of the property and the back of them could be screened with shrubs. Mr. Weiss said if they moved the arrays, they would need to be higher in order to function. He said they could be 7 to 9 feet in height and then the wind could be a problem. Mr. Fette felt they should at least look into the suggestion.

Ms. Natalia Rusak of 20 Meadow ridge Road, Lafayette, N.J. was sworn in by Ms. Leo. Ms. Rusak said they did consider the feelings of their neighbors and did look at other areas in the yard for placement. She said it would be more expensive to place them elsewhere and there was a concern about the wind. They wanted to use the slope and said they will do anything to make it less obtrusive. Mrs. Straub asked if the panels could be placed on the other side of the yard with a screen to block the wind. Mr. Randazzo asked Mr. Weiss about the amount of wind the panels can withstand. Mr. Weiss said they can withstand hurricane force.

Ms. Van Sickle asked if the panels are safe and are they climbable. Mr. Weiss said they are on enough of a slope that they are not easily climbable. He said the wires are safety protected.

Mr. O'Leary suggested the applicant explore other locations for the panels and some screening options. Ms. Didyk agreed. She suggested a berm be built to help shield the panels from view and wind. Mr. Gernat was opposed to the creation of a berm.

A motion to carry the application to the April 28, 2011 meeting without further notice was made by Mr. Fette. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, 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.) Renewable Energy Ordinance

The Board went over the revised ordinance. The Board Secretary will send the proposed ordinance to the township committee along with a cover letter written by Mr. O'Leary and a copy of the pending legislation for their review.

NEW BUSINESS: None.

RESOLUTIONS: None.

ORDINANCES: None.

BILLS: List #4

Mr. Leuthe had expressed a concern with the Master Plan bills submitted by Mr. Banisch to the Board Secretary in the beginning of the week. The Board Secretary advised the Board of this conversation however she said Mr. Leuthe did not have a problem with any of the other bills submitted for payment.

A motion to pay the bills for Laddey, Clark and Ryan as submitted and to pay the escrow bills only for Banisch and Associates was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Randazzo, Corcoran, Didyk, Straub, Taylor, Van Sickle, O'Leary.

EXECUTIVE SESSION: None.

CORRESPONDENCE:

1.) From: SC Division of Planning

Re: Application for Roseline Farm & Bakery – Lafayette Property not Noticed.

2.) From: Kevin Kelly, Esq.

Re: Beaver Run Solar Farm Application – Request to carry notice

3.) From: Megan Ward, Esq.

Re: Lafayette Asphalt, Inc. – Request to carry notice

ADJOURNMENT:

With no further business to conduct a motion to adjourn at 11:05 P.M. was made by Mr. Randazzo. It was seconded by Mr. Fette and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo