

**CALL TO ORDER:**

Mr. O'Leary called the meeting to order at 7:37 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 13, sections 4 & 13.

**FLAG SALUTE**

**ROLL CALL:**                   **Members Present:** Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

**Members Excused:** Luthman, Randazzo, Didyk, Taylor.

**Members Absent:** None.

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

**COMPLETENESS/HEARINGS:**1.) Daura, Damon    SP11-4, SP11-5            B:16 L:8.03

Mr. William Hinkes, Esq. said they were present to ask to be deemed complete and give some testimony on the waiver requests. Mr. Weber said he had no technical comments. He suggested the Board deal with the waiver requests and then he will work with the Applicant's Engineer. Ms. Leo suggested a waiver of resolution so no time is lost. Mr. Hinkes asked if they could amend the application to a minor site plan and be refunded the difference between a major site plan and a minor site plan.

Mr. Damon Daura and Ms. Davina Daura were sworn in by Ms. Leo. Mr. William Moran, PE was sworn in by Ms. Leo and gave his qualifications which were accepted by the Board. Mr. Weber went over the waivers on his report. Mr. O'Leary advised the applicant of the sign ordinance which was adopted in 2010. Mr. Daura discussed the proposed landscape changes. Mr. Weber said this could be a waiver for now. Mr. Daura explained deliveries to the site. He said it will be small boxes once or twice a month in a Federal Express type truck. Mr. Hinkes requested the Board consider amending the application from a major to minor site plan. The Board agreed.

A motion to deem the application complete and grant the requested waivers with the exception of item #69 was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

A motion to amend the application to a minor site plan based on the uniqueness of when the ordinance was passed and the application was filed was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

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

Ms. Megan Ward, Esq. said she was representing the applicant. They were before the Board for a height variance for a third silo. She said the lighting plan had been revised. Lafayette Asphalt is owned 100% by Mr. Anthony Lentini. Mr. Banisch gave a brief history of the application. He said the Board needs to determine if the application is for a use variance because of the percentage of material that is brought in from offsite. Ms. Ward explained why they need to import recycled material to the site. She said it is the law in N.J. It would be impossible for all of the material to come from the site. There was a discussion as to if the application was for a "d" variance.

Mr. Owen Dykstra, PE was sworn in by Ms. Leo and was accepted by the Board as an expert. The Board discussed the use and found it to be an accessory use.

Mr. Jason Dunn, PP and certified landscape architect, Mr. Chris Jennings, manager of Lafayette Asphalt and Mr. Timothy Murray, manager of Lafayette Asphalt were previously sworn in and still under oath. Mr. Dunn went through Mr. Weber's report and addressed his concerns. Mr.

---

Dunn explained the lighting plan to the Board. The new plan will serve the operational needs of the plant. They lowered the lights from 58 feet to 30 feet. Mr. Dunn said they were asking for a waiver from the height of the lights and the type of fixtures. Mr. O'Leary expressed a concern with the existing lighting. Mr. Weber said he discussed the lighting with Mr. Dunn and the lighting is now spread out over the site and less intense. There are three existing lights at 58 feet that would only be used for emergency situations or night repairs. Mr. Weber asked for a breakdown of the average intensity of light for the high traffic areas. Mr. Dunn will supply this to Mr. Weber. Mr. Hughes expressed a concern with night glow and overflow light. He requested the annual inspection include the lighting. The applicant agreed to have no night hours until the lighting plan was approved by the Board Engineer.

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

Mr. Murray explained the emissions from the site to the Board. He said the plant produces very residual odors. Ms. Ward said if there is a complaint about the odor then they will use an additive to control it. Mr. Dunn said the N.J.D.E.P. permit is being processed. There was a discussion on the spill containment area. Mr. Dykstra explained the containment area to the Board and said it has a 133% capacity. There was a discussion on truck traffic. Mr. Dykstra said the traffic is the same as was originally testified to. He said the additional tower will make the plant more efficient. It will not create more traffic.

Mr. Dunn explained the request for a variance for the height of the silo. He explained the buffer and why it was shortened by 17 feet. He said it is the same owner on the other side of the property line and it is only a buffer to the property line. Mr. Dunn said the tower does not stick up into the sky where it can be easily seen because of the topography of the land. It will sit in a small valley. The height and color will be the same as the other silos. He felt it was not a detriment to the zone.

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

Ms. Leo went over the existing conditions and action taken by the Board. Ms. Ward said they were requesting a variance for the height of the silo, and a waiver from the 200 foot buffer from the side yard setback. They were requesting a variance for the design of the lighting. They wanted to add paving, a concrete tank and put the "port-a-john" back in place. Ms. Leo went over a list of conditions the Board had identified. Ms. Ward asked for a waiver of resolution.

A motion to approve the application with the noted conditions and grant the variances and preliminary and final site plan with a waiver of the resolution was made by Mr. Hughes. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

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

Mr. Gernat, Ms. Natalia Rusak, and Mr. Weiss were previously sworn in and remained under oath. Mr. Gernat explained the changes made to the plans. One entire array of panels had been removed from the plans. Mr. Weber went through his report. There was a discussion on the existing shed and why it was within the setback. Ms. Leo suggested the applicant ask for a variance for the rear yard setback for the shed. Mr. Gernat felt there was no negative impact with the solar arrays because it was a renewable source of energy. Ms. Natalia Rusak explained why the array was in the most reasonable place in the yard. She discussed the type of proposed plantings they were going to use to buffer the array. Mr. Gernat presented 3 pages of photos of his property that he took which were dated 4/27/11 which were marked and entered as exhibit A-13. Mr. Fette felt the Gernats had compromised by removing one solar array. Mr. Hughes asked for clarification on the hardship. He felt the array could be moved so it was not in the setback. Mr. Hughes expressed a concern over lot coverage. There was a lengthy discussion on the lot coverage from the piers supporting the array. Mr. Weber said if the footings are buried then there would be no increase in lot coverage. Mr. Gernat said he would bury the footings. Mr. Weber said it would be a total of 8 square feet of increased coverage if they were not buried. Mr.

---

Gernat requested a variance for lot coverage if the Board felt it was necessary. Ms. Leo said the applicant's notice covered any additional variances so it was fine to request it.

Mr. O'Leary opened the meeting to the public. Mr. Clark of 18 Meadow Ridge Lane, Lafayette, felt the proposed Alberta Spruce trees would be very slow growing. Mrs. Herta Clark felt the Board should not grant the variance because they will have to look at the array. She felt the Gernats just wanted what was convenient for them. She said the dirt excavated from the pool is what was used to create the existing berm. Mr. Clark had a concern with the storm drain and the underground wires. He felt this could create electrified water. He also had a concern about the noise that would come from the system. Mr. Weiss said there is no noise because there is no inverter.

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

Ms. Rusak said she is willing to look into taller trees. She said she was willing to spend more money to satisfy her neighbors. She felt the existing berm was property that was not used by the Gernats and a good place for the array. She said the rest of the property is used by her family. If the array is moved it will still be seen.

Mr. Corcoran asked why the array could not be moved away from the property line. There was a lengthy discussion on how far off the property line the array could be moved. Mr. Corcoran suggested the array be moved to the rear of the property.

Ms. Leo explained the pending ordinance and as of May 5<sup>th</sup> there will be a new law enacted regarding the time of decision of an application. She said this will possibly affect the application if it is carried to the following month. She said the proposed ordinance before the Township Committee would affect the application.

Ms. Leo clarified for the Board what variances were identified. She said the applicant requested a side yard setback for the array, a rear yard set back, a variance for the shed and a variance for the maximum lot coverage. She reviewed the noted conditions for any approval by the Board.

A motion to deny the application for variances for the solar array, existing shed and lot coverage because there is no hardship and alternative places available was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Corcoran, Straub, Van Sickle. Those voting in the negative were Mr. Fette and Mr. 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:** None.

**NEW BUSINESS:**

1.) Request for Extension of Preliminary Major Site Plan Approval for Bubalo.

A motion to grant a one year extension on the major subdivision approval for Bubalo was made by Mr. Hughes. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

**RESOLUTIONS:**

1.) Master Plan Reexamination Plan

A motion to approve the resolution of the Master Plan Reexamination Plan was made by Mr. Corcoran. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

**ORDINANCES:** None.

**ZONING REPORT:** None.

**BILLS:** List #5

A motion to pay bills list #5 was made by Mr. Leuthe. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

**EXECUTIVE SESSION:**

A motion to go into executive session to discuss pending litigation with the minutes being released upon resolution of the matter was made by Mr. Hughes. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Fette, Corcoran, Leuthe, Straub, Van Sickle, O'Leary.

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

**CORRESPONDENCE:** None.

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Ms. Van Sickle. It was seconded by Mrs. Straub and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Board Secretary