
CALL TO ORDER:

Mr. O'Leary called the meeting to order 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:** Fette, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary.

Members Excused: Hughes, Luthman.

Members Absent: None.

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

AUDIENCE:

Mr. O'Leary opened the meeting to the public. Mr. Nicholas Corrado of 61 Bunn Rd, Hardyston addressed the Board and said he felt Mr. Fette was selectively enforcing the ordinances. He said he felt there were problems with the outdoor dining ordinance. Mr. O'Leary advised Mr. Corrado that the Board will be looking at the Outdoor Dining Ordinance later in the meeting. Mr. Corrado accused Mr. Fette of not performing his duties as a Zoning Officer. Mr. Corcoran advised Mr. Corrado that he would need to take that matter up with the Township Committee. Mr. Corrado was told repeatedly to address this matter with the Township Committee.

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

COMPLETENESS/ HEARINGS:

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

Mr. Corcoran stepped down from the Board for this hearing.

Mr. Kevin Kelly, Esq. said the applicant's and Board's professionals met and the plans were revised as requested by the Board. Mr. Banisch went over his notes from the meeting with the applicant's professionals. He listed all of the items that needed to be on the revised plans. He said a landscape plan was provided and he felt it was acceptable. He said they also provided a staging plan which the Board had requested. Inverter blocks 10 and part of 11 were removed from the revised plans.

Mr. Kelly handed out a list of 60 conditions that have been identified by the Board. Mr. Garofalo suggested that if the Board takes a vote of approval, then he will bring everything together in a resolution for the Board approval. Mr. O'Leary asked about the three new conditions that were added to the list since the last meeting. Mr. Weber said he added three minor conditions and went over them with the Board. Mr. Banisch discussed the decommissioning plan condition. He said the decommission plan may need to be used at anytime during the construction or the life of the project. Mr. Weber suggested a restoration bond. Mr. Shotmeyer said if the bond is a requirement of the ordinance then they will comply with it. Mrs. Straub felt a performance guarantee is necessary. There was a discussion on how the decommissioning operates. Mr. Weber suggested the bond be posted now in the event the owner does not have the funds to post at a later date. Mr. Taylor said the abandonment of a solar farm is not a safety issue and felt it is not necessary to post a bond at this time. Mrs. Straub disagreed with Mr. Taylor. Mr. O'Leary said the equipment is recyclable and if needed, the Township could use the money from the recycling for the decommissioning of the site if the project were abandoned. Mr. Banisch felt this was not a safe approach to this matter.

Mr. Banisch felt the use of wood chips for ground stabilization was not appropriate. He suggested that the Board authorize the Board Engineer to make the determination if the chipping for ground stabilization is working. Mr. Weber said chipping is not a permanent type of stabilization. He said the Board should focus on permanent stabilization. Mr. Shotmeyer said if an area is identified as eroding, they will address it right away.

Mr. Banisch noted the applicant requested to install the security fence after construction is completed so it does not get damaged. He said the applicant also requested to do the planting in the spring so it has a better chance of surviving. The Board agreed with this.

Mr. O'Leary identified some changes to a few conditions. Mr. Banisch asked if the conservation easement in Phase I is within the woodland management area of Phase II to which Mr. Knutelsky said yes. Mr. Banisch felt the staging should be on the property the applicant submitted the site plan for. He suggested that if the applicant finds they need to have off site staging, then they can return to the Board for a minor amendment to any approval so the public has notice of this activity.

Mr. O'Leary opened the meeting to the public. Mr. Alan Henderson of 123 Beaver Run Road, Lafayette felt the application was dragging on and felt the Board should make a decision on the matter. Mr. O'Leary said the Board needs to take all issues into consideration since this is a major project.

Mr. William Macko of 20 Dennis Road, Lafayette asked how the temporary fencing will benefit the project. He felt it was unnecessary. He said the performance bond is unnecessary since the post can be pulled out of the ground and everything taken away.

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

Mr. Fette and Mrs. Straub said they were not present at the last meeting however they did listen to the recording.

Mr. Banisch noted the open space portion of the site can be handled in two ways. He suggested the woodland management plan become a design waiver and a condition of the approval. Mr. Randazzo noted the negative criteria needs to be considered in any decision and the negative criteria were not met.

A motion to approve the "d" variance which would permit a solar facility in the R-4 and R-5 zones were such a facility is not permitted was made by Ms. Van Sickle. It was seconded by Mr. Fette and passed with a roll call vote. Ayes: Fette, Leuthe, Taylor, Van Sickle, O'Leary. Ms. Didyk, Mr. Randazzo and Mrs. Straub voted no. Mr. Randazzo said he voted no because he felt the negative criteria has not been met.

A motion to grant preliminary site plan approval with a "c" variance was made by Mr. Fette. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Fette, Randazzo, Didyk, Straub, Leuthe, Taylor, Van Sickle, O'Leary.

OLD BUSINESS:

1.) Solar Application Fee

Mr. Banisch said he has dealt with this issue in another town and their Board came up with an amount of \$7,500.00 however the CFO in that town recommended it be reduced to \$5,000.00 because it would not require major bookkeeping with interest going back to the applicant.

2.) Gateway as Element of the Land Use Plan

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

3.) Reserve Septic Location Ordinance

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

NEW BUSINESS:

1.) Outdoor Dining Ordinance

The Board agreed to carry this matter to next week's meeting.

RESOLUTIONS:

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

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

ORDINANCES: None.

PENDING APPLICATIONS: None.

TRC REPORT: None.

ZONING REPORT: None.

BILLS: None.

EXECUTIVE SESSION: None.

CORRESPONDENCE: None.

Ms. Didyk said she felt it was wrong for a Board Member to sit in on a hearing when they are doing business with the applicant. She said it could be a perceived conflict of interest.

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Secretary