

CALL TO ORDER

Mr. O'Leary called the meeting to order at 7:35 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, Luthman, Randazzo, Corcoran, Didyk, Taylor, Van Sickle, O'Leary, Leuthe (7:37pm).

Members Absent: None.

Members Excused: None.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE

EXECUTIVE SESSION: None.

COMPLETENESS / HEARINGS / CONCEPT:

1.) Alptekin, Ismail VAR12-1 B: 6 L:17

Mr. Duveneck referenced his memo of July 19, 2012 and recommended the application be deemed complete. A motion to deem the application complete was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, Leuthe, Taylor, O'Leary.

Mr. O'Leary noted that the engineer's report identified the need for a second variance. In addition to the requested variance for side yard setback, the applicant would need a variance for impervious coverage.

Mr. Ismail Alptekin, property owner and Mr. Tahsin Tom Kalakiz, contractor for the project were sworn in by Ms. Leo.

Mr. Alptekin said he was seeking a variance to construct an attached two car garage which would violate his property setbacks. Mr. Duveneck questioned why the drawing for garage was not symmetrical. Mr. Alptekin said the garage should be 24' X 24'.

Mr. Alptekin said he needs the garage to park his classic cars. He said he cannot build the garage behind the house because the property is not flat and he would need to bring in a lot of fill. He said there will be no commercial use in the garage. It would be for storage only.

Mr. Duveneck noted the current driveway does not meet the driveway standards. He said it is an existing driveway and there are no planned changes to it. Mr. Duveneck felt emergency vehicles will be able to reach the house. The driveway is about 50 feet in length. The garage doors will be oriented towards the roadway. Mr. Duveneck noted that the cars parked in the garage or driveway would have to back out onto Valley View Road. Mr. Duveneck said that no additional stormwater management will be needed.

Mr. Alptekin presented a picture of his house which he took last month and which was marked and entered as exhibit A-1. Mr. Duveneck noted that a car would not be able to get into the left bay of the proposed garage. He explained how the existing retaining wall will prevent a car from getting into that bay. He noted the drawing was not engineered and it should be. Mr. Fette agreed with Mr. Duveneck. He felt it would be dangerous to back out onto Valley View Road. He said there is no site distance to the left of the existing driveway. He said the Board will have a hard time making a decision and drafting a resolution without knowing what the impervious coverage is and the exact setbacks are. Mr. Fette suggested the applicant come back to the Board with an engineered drawing.

Mr. Corcoran noted the variance carries with the property and he felt the lack of site distance is a major issue.

Mr. O'Leary noted the regulations and ordinances that address safety need to be addressed and the applicant needs to show a hardship. Mr. Luthman asked why the drawing was incorrect. He asked what the existing garage is being used for to which Mr. Alptekin said he is using it for storage. Mr. Luthman asked if the existing garage will be used for living space to which Mr. Alptekin said he did not know at this time. Mr. Luthman said this is important information and the applicant will need to advise the Board accordingly. Mr. Luthman asked if Mr. Alptekin will be cutting down trees to build the garage to which he said no. Mr. Luthman felt the proposed asphalt is 10" from the property line which is not an existing condition. He felt there is a lot of missing information and detail. Mr. Hughes felt the applicant needed to provide clear information on the setbacks and the impervious coverage issues. He said he wanted to see how much fill would be needed in order to build the garage in the back of the house. Mr. Hughes felt more development to this property will make an already dangerous situation worse. He requested more information the safety issues that were raised.

A motion to carry the application to the September 27, 2012 meeting without further notice was made by Mr. Fette. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, Leuthe, Taylor, O'Leary.

2.) Gernat, Chris VAR 11-2 B:18.06 L:6

Mr. O'Leary gave a brief history of the application for the benefit of the public.

Ms. Megan Ward, Esq. said she was the attorney for the applicant. She said the proposal before the Board was for one ground mounted solar array as per the submitted plan. She explained the variance for the side yard and rear yard relief. The solar system will be used just to power the house. Ms. Ward discussed case law with the Board. She said solar is an inherently beneficial use. She noted there is no negative impact from the solar array. She said the only objectors were the Clark's who lived next door. They were objecting to their view of the array. Ms. Ward said the Board needs to consider only the objectionable factors.

Mr. Leuthe stepped down from the Board for this hearing. Ms. Didyk also stepped down from the Board for this hearing.

Mr. Gernat acknowledged he was still under oath. He explained the revised plan to the Board. There was a lengthy discussion about the line of site from the Clark's property to the proposed solar array. Mr. Gernat presented a display of five photos of the Gernat property taken by Mr. Gernat with a date of 8/23/12 which were marked and entered as exhibit R-1. Mr. Gernat explained the photos to the Board.

Mr. Gernat presented a display of three photos of various locations on the Gernat property taken by Mr. Gernat with a date of 8/23/12 which were marked and entered as exhibit R-2. Mr. Gernat explained the photos to the Board.

Mr. Gernat presented a display of two photos of the Gernat property taken by Mr. Gernat with a date of 8/23/12 which were marked and entered as exhibit R-3. Mr. Gernat explained the pictures to the Board.

Mr. Duveneck asked about the height of the proposed trees.

Mr. Randazzo asked about the color of the panels. Mr. Gernat said they would be a blue-black color and would be darker than his existing shed.

Mr. O'Leary opened the meeting to the public. Ms. Debra Nicholson, Esq. said she was representing the Clark's. Ms. Nicholson presented a letter she wrote to the Mayor of

Lafayette Township. She read the letter to the Board. The letter was marked and entered as exhibit Clark-3. Mr. Gernat read his letter to the Clarks to the Board.

Mr. John Mc Dermot, Esq. said he was representing the Jansens. He said the Jansens were the neighbors on the other side of the Gernats. Mr. Mc Dermot presented a schematic of the solar array for the backside and the shielding of the back of the array which was marked and entered as exhibit Jansen-1.

Mr. Richard Kreppel of 6 Jonathan Drive, Frankford asked if the array on the house was producing 1/3 of the power and the array would produce another 1/3 of the power to which Mr. Gernat said yes. Mr. Kreppel asked if the trees would cover the line of site from the road. Mr. Gernat said it would somewhat cover the view from the road. Mr. Kreppel asked if the array was moved to inside the setback lines would Mr. Gernat still need a variance to which Mr. Gernat said no.

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

Mr. Gernat presented a cross section of the proposed grade and solar array which he prepared himself and which was marked and entered as exhibit R-5. There was a discussion on the proposed grade.

Mr. Luthman expressed a concern with the type of trees being proposed. He said you cannot trim a Norway spruce. Mr. Luthman asked Mr. Gernat to address the fencing of the array.

Mr. McDermot requested a photo of the back of the array. He said it would be ok for the applicant to do a line of site calculation from the Jansen's property. Ms. Nicholson said it would be OK for the applicant to do a line of site evaluation from the Clark's property as well. She said it should be done from the garden and the kitchen window as well. She requested the landscape architect testify as well.

A motion to carry the hearing without further notice to the September meeting date was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Taylor, Van Sickle, O'Leary.

Mr. Leuthe and Ms. Didyk returned to the Board.

3.) Beaver Run Solar Farm SP10-11 B: 25 L: 2, 4.01

Ms. Ward, Esq. said she was the attorney representing Beaver Run Solar Farm. The applicant was requesting an extension of two of the conditions of approval.

A motion to grant an extension to August 25, 2014 was made by Mr. Luthman. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Didyk, 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.

OLD BUSINESS:

1.) Proposed Sewer Service Areas

Mr. Hughes said the Township can still propose changes with phase II of the plan. He asked the Board to look at the map and see if there were areas they felt needed a sewer service

area. Mr. Duveneck noted changes can trigger a change to the Wastewater Management Plan. The matter was carried to the September meeting date.

2.) Lighting Ordinance

Mr. Duveneck will look into the code to see if the ordinance needs to be revised. The Board identified that exhibit A in Chapter 12 of the Township ordinance will need to be revised.

NEW BUSINESS: None.

RESOLUTIONS:

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

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

ORDINANCES: None.

ZONING REPORT:

BILLS: Bills List #6, #7

A motion to approve bills list 6 and 7 was made by Mr. Luthman. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Fette, Luthman, Randazzo, Corcoran, Leuthe, Didyk, 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 Mr. Fette and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo