

**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, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Henderson, Allison, O'Leary.

**Members Excused:** None.

**Members Absent:** None.

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

**MINUTES:** July 24, 2014

A motion to approve the minutes of the July 24, 2014 meeting as presented was made by Mr. Corcoran. It was seconded by Mr. Allison and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Leuthe, Taylor, Van Sickle, Henderson, Allison, O'Leary.

**COMPLETENESS / HEARINGS / CONCEPT:**1.) Fusco, Edward    B:18 L:12.02 VAR14-1 (Deemed Incomplete 2/27/14)

Mr. Duveneck went over his report dated August 14, 2014. He noted several missing checklist items however he said the main one is the lot coverage. He said the lot coverage could generate a variance. He felt this was important information for the Board and he recommended the Board deem the application incomplete until the information is supplied.

Mr. Hughes asked if the applicant's professional had received Mr. Duveneck's report. Mr. Duveneck said he sent it to her as well as the applicant. He said it appeared they did receive the report because they had addressed some of the issues.

A motion to deem the application incomplete based on the comments in the Board Engineer's report was made by Mr. Hughes. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

2.) Sheep Thrills    B:8 L:2      MNRSP14-2 VAR14-3 (Deemed Complete 3/27/14)  
(Carried to September Meeting)

Ms. Didyk stepped down from the Board for this matter.

Mr. O'Leary read a letter to the Board from the applicant's attorney. The applicant's attorney asked to have the hearing carried without further notice to the September 18, 2014 meeting date. Ms. Leo explained the situation and the notice requirement to the Board.

A motion to carry the hearing to the September 18, 2014 meeting date without further notice was made by Mr. Corcoran. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Taylor, Van Sickle, Henderson, O'Leary.

Ms. Didyk returned to the Board.

3.) Beaver Run Solar Farm B: 25 L: 2 & 4.01 SP11-3 (Request for Extension)

Mr. Kevin Kelly, Esq. was representing the applicant. Mr. Charlie Shotmeyer was also present. Mr. Kelly gave a brief history of the project and the other agency approvals the applicant had been pursuing since their Board approval. He said they were seeking a two year extension of the approved application. Mr. Kelly said they are in constant discussions with government agencies and Sussex Rural Electric Cooperative.

Mr. Charlie Shotmeyer was sworn in by Ms. Leo. He testified that they had been working to get approvals from different agencies and that they are still aggressively pursuing some of those required approvals.

Ms. Leo explained the extension process and statute to the Board. She said the Board can grant up to a two year extension.

Mr. Taylor said the P.J.M. is not a government agency. Mr. Shotmeyer agreed; however, the project cannot move forward without their approval. Ms. Leo clarified this matter and said P.J.M. is still holding up the project.

Mr. Luthman asked if the project requires a revised site plan because the project has been reduced in size. Mr. Kelly said it did not require a new site plan. Mr. Luthman asked the applicant give the Board an annual update on the project. Ms. Leo clarified that the applicant was asking for an extension on the entire approval.

Mr. O'Leary opened the meeting to the public. Mr. Sean Mayer of 18 Lewisburg Road, Lafayette had a question about the connection line to the sub-station. He wanted to know if the lines would run along Lewisburg Road. Mr. O'Leary said that Mr. Shotmeyer addressed this and the applicant will have this information when they come back for final approvals.

A motion to grant a two year extension of preliminary site plan approval with the associated variance relief through August 26, 2016 was made by Mr. Hughes. Mr. O'Leary noted the section of the land use law that was being considered as section 4:55D-49c. Mr. Hughes agreed to amend his motion to reflect this section. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Henderson, O'Leary. Mr. Cutler Abstained.

#### **AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With no public present, the meeting was closed to the public.

#### **OLD BUSINESS:**

##### 1.) Sidewalks

Mr. Hughes said he did not have any updates on the sidewalks from the Township Committee.

##### 2.) COAH

Mr. Luthman asked if there was any further information on Mr. Banisch's COAH report. Mr. Hughes said the Township Committee sent a letter to COAH seeking information on how they came up with their numbers and timeframes. Mr. Luthman asked if the Township Committee was looking for anything from the Land Use Board. Mr. Hughes said they were not at this time.

#### **NEW BUSINESS:**

Ms. Leo said she had received a letter from Mr. Oriolo's attorney requesting the Township withdraw it complaints since the D.E.P. will not have its decision prior to the September hearing date. Mr. Cutler said he was notified of the request also. Ms. Leo said the Township Attorney was handling the matter.

**RESOLUTIONS:** None.

#### **EXECUTIVE SESSION:**

A motion to go into executive session to discuss a contract before the Open Space Committee was made by Mr. O'Leary. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

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

#### **ORDINANCES:**

##### 1.) Ordinance to Amend Chapter XIV

Ms. Leo went over the changes made to the proposed ordinance changes.

A motion to recommend the proposed ordinance to the Township Committee was made by Mr. Leuthe. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, O'Leary.

**ZONING REPORT:**

Mr. Cutler reported to the Board that he had sent a Notice of Violation to the owner of the strip mall for the abundance of signs on the lawn.

Mr. Cutler approved applications for a single family dwelling, an outdoor boiler and several temporary sign permits.

**BILLS:** List #8

Mr. Leuthe went over the bills with the Board.

A motion to pay the bills as presented was made by Mr. Luthman. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Hughes, Cutler, Luthman, Corcoran, Leuthe, Taylor, Van Sickle, Henderson, O'Leary.

**CORRESPONDENCE:**

- 1.) From: Ursula Leo, Esq.  
Re: Beaver Run Solar Farm
- 2.) From: Debra Lynn Nicholson, Esq.  
Re: 99 Route 15 LLC

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Secretary