

**Minutes Open Session
Allamuchy Land Use Board – February 25, 2016**

The Allamuchy Township Land Use Board held their regular meeting on Thursday, February 25, 2016 at the Municipal Building. The meeting was called to order at 8:10 p.m., by Chairwoman Gibbs and she led the Board in the Pledge of Allegiance.

STATEMENT: Board Secretary Alfia Schemm announced that adequate notice for this meeting has been provided according to the “Open Public Meetings Act.”

SWEARING IN: Board Attorney Thomas administered the oath of office to Stacy Bockbrader and David Berkenbush.

ROLL CALL:

PRESENT: Cristianna Gibbs, Adam Baker, Rick Lomonaco, David Berkenbush, James Cote, Stacy Bockbrader, and Keith DeTombeur

ABSENT: Jeff McDonnell, Clara Bajc, Robert Hunt and Scott Churchill.

ALSO PRESENT: Board Attorney Roger Thomas, Planner John Madden, and Board Secretary Alfia Schemm.

ANNOUNCEMENTS:

Chairwoman Gibbs stated that she has no announcements for this evening.

APPROVAL OF MINUTES:

The minutes of the January 28, 2016 meeting were distributed prior to the meeting.

Mr. Lomonaco made the motion to adopt the minutes of January 28, 2016. Motion seconded by Mr. Cote. In a roll call vote, all were in favor, except for Mr. Berkenbush and Ms. Bockbrader, who were not present at the January meeting and they abstained.

OPEN TO THE PUBLIC:

Chairwoman Gibbs opened the meeting to the public for non-agenda items. With there being no public comment, the meeting was closed to the public.

Chairwoman Gibbs noted that she will have to step down at this time and Vice-Chairman Baker, will be chairing the remainder of the matters on the agenda

OTHER BUSINESS:

Allamuchy Board of Education, Block 401, Lot 100

Board Attorney Thomas stated that the Board of Education is present this evening and he stated that the Board will need to determine if the application is for an informal review/informational hearing of a capital improvement project or if the proposed solar installation is a separate independent principal use.

Barry Marell, Esq. was present on behalf of the Allamuchy Board of Education and he stated that their position is that the proposed solar facility is only subject to an informal courtesy review. He stated that they are replacing the existing public electric utility with the proposed solar facility. He stated the proposed solar facility is sized to supply the needs of the school and will not be sold to the grid. He stated that application is incorrect as it states a day care center, the solar array will be on the same lot as the public school itself.

Robert Campbell, Esq. was present on behalf of his brother Patrick Campbell who is an adjacent property owner. He stated that he does not see the proposal as a "school project". He reviewed the legislation that pertains to Boards of Education. He stated although they are in communication with the Board of Education there is not an adequate buffer plan. He stated that the Contractor is going to own and operate the solar facility for 15 years and the School Board will be purchasing the electricity at a reduced cost. He stated that they are looking for a mechanism to protect Mr. Campbell's property for 15 years.

Board Attorney Thomas introduced John Madden who is present in lieu of Paul Sterbenz. He stated that although this is not a formal hearing; he swore in John Madden and Planner Madden provided his experience. Board Attorney Thomas stated the question is whether the proposed solar use is, an accessory use, a utility that will replace the existing utility or is it a second principle use, which will require a "D" variance. Planner Madden stated that he finds that the proposed solar use is an accessory use and not a second principle use. He stated that there may be an aesthetic impact based on the scale of the project and he feels that the Board can recommend mitigation measures if they are warranted. The Board continued to review the issues and if a solar array was installed at the Mountain Villa School.

Attorney Marell stated that they have presented a landscaping plan to the Campbells; however, it not satisfactory to them. He stated that the Land Use Board can make recommendations; however, that recommendation will go to the Department of Education. He stated that a wind turbine was installed at the Mountain Villa School.

Attorney Campbell questioned Planner Madden on solar projects at Schools, accessory use vs. a principal use, and whether the Land Use Board should require a hearing on the matter to safeguard the Township Residents by imposing conditions if necessary. Planner Madden stated again that he feels that the proposal is an accessory use. The proposal and the issues continued to be discussed. Attorney Marell addressed the landscaping being proposed. Attorney Campbell then addressed the landscaping being requested and the landscaping being proposed. Board Attorney Thomas stated that the Land Use Board needs to first make the determination as whether the presentation will be an informational courtesy presentation or a "D" variance application and then reasonable recommendations can be made by the Board. He reviewed the issues again and he stated that the Board needs to focus on the fundamental question first and make a determination of whether the proposal is an accessory use or a principle use, which the Board discussed.

Mr. Lomonaco made the motion that the proposal is an accessory use. Motion seconded by Mr. Cote. In a roll vote, all were in favor, except for Mr. Berkenbush, who abstained.

At 9:28 p.m., the Board took a brief recess. The meeting resumed at 9:41 p.m.

Board Attorney Thomas asked how the Board wishes to proceed this evening. Ms. Bockbrader suggested that the Board receive the plans addressing the buffering, prior to continuing this evening.

Board Attorney Thomas stated that he spoke with Board Engineer Sterbenz and he has not received any information pertaining to a buffering plan. He stated that the Board may wish to suggest that the two parties continue to discuss the landscaping and provide the Board with the plans so that they can be reviewed by the Board and the Board Professionals at least 10 days prior to the March 24, 2016 meeting. Ms. Bockbrader agreed. Attorney Campbell was in favor. Attorney Marell stated he would like to proceed this evening.

Ms. Bockbrader made the motion to defer this matter to March 24, 2016, to allow for a Resolution and/or a presentation of the Landscape Plan, at least 10 days prior to that March meeting. Motion seconded by Mr. Berkenbush. In a roll call vote, all were in favor.

ADJOURNMENT:

In a motion made and seconded the meeting adjourned at 9:46 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary
3/17/16