

**Minutes Open Session
Allamuchy Land Use Board – March 24, 2016**

The Allamuchy Township Land Use Board held their regular meeting on Thursday, March 24, 2016 at the Municipal Building. The meeting was called to order at 7:31 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.”

ROLL CALL:

PRESENT: Cristianna Gibbs, Adam Baker, Rick Lomonaco, David Berkenbush,

James Cote, Clara Bajc, Scott Churchill, Stacy Bockbrader, and Keith DeTombeur

ABSENT: Jeff McDonnell and Robert Hunt

ALSO PRESENT: Board Attorney Roger Thomas, Board Engineer/Planner Paul Sterbenz, and Board Secretary Alfia Schemm.

ANNOUNCEMENTS:

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

APPROVAL OF MINUTES:

The minutes of the February 25, 2016 meeting were distributed prior to the meeting.

Ms. Bockbrader made the motion to adopt the minutes of February 25, 2016. Motion seconded by Mr. Baker. In a roll call vote, all were in favor, except for Mr. Churchill and Ms. Bajc, who were not present at the February 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 Board of Education matter. Also stepping down Mr. Churchill.

Mr. Lomonaco, the Allamuchy Fire Chief, announced that at this time the meeting room is beyond capacity. He stated that also present is Assistant Chief Berkenbush. He stated that they are going to allow this meeting to continue; however, future meetings may be held at the Fire House next door. He reviewed the location of the exit doors and he asked

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that everyone be as quiet as possible so that people can hear. He also asked that everyone exit calmly in the case of the emergency.

A member of the public stated a concern that all of the public cannot hear what is being said and he asked that this meeting be postponed. Ms. Bajc stated that there are several empty seats available and she asked that people fill into those spots.

There was a brief recess. Both Chairwoman Gibbs and Mr. Churchill resumed their positions on the Board. Chairwoman Gibbs stated that they are going to rearrange the agenda to resolve some issues pertaining to the Advanced Recovery Application.

Board Attorney Thomas stated that the Board is going to postpone the Advanced Recovery hearing for this evening; however, they are going to address completeness. He stated that because of the concerns that were raised in regards to the amount of people in attendance and to avoid a procedural defect, the application will be carried to the April 28th meeting, without further notice and it will be held at the Allamuchy Elementary School, 20 Johnsonburg Road, Allamuchy Township, NJ.

COMPLETENESS:

#16-001 Advanced Recovery Systems, LLC, Block 701.02, Lots 27 & 28

Mayor DeTombeur and Mr. Lomonaco recused themselves as the application is a "D" variance. Board Engineer Sterbenz reviewed the submission that was submitted in February. He stated that he deemed the application incomplete on February 19, 2016. Subsequently a resubmission was made and he is recommending that the application be deemed complete and a public hearing be scheduled.

Ms. Bockbrader made the motion to deem the application complete. Motion seconded by Mr. Cote. In a roll call vote, all were in favor.

Board Engineer Sterbenz then disclosed that in reviewing the application for completeness, it was determined that another Maser Office in South Jersey is doing work for Advanced Recovery Systems. He stated that he did disclose this information to both the Chair and the Board Attorney. He stated that he has worked for the Township for 25 years and he feels that he can be objective. He went on to state that if the Board is uncomfortable the Board will have to consider retaining another professional.

Richard Schneider, Esq. was present on behalf of the Applicant. He thanked the Board for scheduling the hearing for this evening. He stated that they have several representatives up from Florida this evening and they are disappointed that they cannot proceed; however, they do not want to proceed in any manner that infringes on the public's participation in this matter. He respectfully requested that this matter be carried to

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the Board's April 28th, 2016 meeting at the alternate location: the Allamuchy Township Elementary School, without further public notice. Board Attorney Thomas reviewed the Municipal Land Use Law and there is not a requirement to renotify. Attorney Schneider stated that they do have a court stenographer present and he reviewed the notice that was provided.

Board Attorney Thomas then asked if anyone in the public has a comment to make in regards to the disclosure provided by Board Engineer Sterbenz regarding conflict.

Tom Rasinski questioned the noticing provisions. Board Attorney Thomas stated that the Applicant has satisfied their noticing obligation.

Rich Peter asked if Board Engineer Sterbenz could repeat the "conflict" as he was in the back of the room and could not hear. Board Engineer repeated his conflict statement.

Robert Blank stated that he feels that there is a conflict of interest.

Rosemary Tuohy stated that she feels that there is a conflict of interest.

Terry Meola stated that she feels that there is a conflict of interest.

Ken Dunlap stated that Board Engineer Sterbenz has been a good representative of the Township and has worked for the Township for 25 years and he knows the history of the Township and Panther Valley. He stated that it is not unusual to have a large firm, like Maser, having projects going on throughout the State.

Paul Wardingley questioned the next scheduled meeting and he stated that he feels that there is a conflict.

Board Attorney Thomas asked if there was anyone else from the public wishing to comment. With there being no further public comment, the meeting was closed to the public.

Mr. Churchill stated that he has known Mr. Sterbenz for many years and has found him to be one of the most trustworthy professionals that he knows. He made the motion to allow Mr. Sterbenz to continue in his capacity as a Board Professional. Motion seconded by Mr. Cote. In a roll call vote, all were in favor, except for Mr. Berkenbush, who abstained.

Board Attorney Thomas announced that this matter is being carried to the Board's April 28th, 2016 meeting, without further notice. The meeting is being relocated to the Allamuchy Township Elementary Road, 20 Johnsonburg Road, Allamuchy Township, NJ.

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Board Attorney Thomas announced that there is another matter on the agenda. The Board took a brief recess at 8:19 p.m. The regular meeting resumed at 8:28 p.m. and Chairwoman Gibbs and Mr. Churchill recused themselves and sat in the audience. Mayor DeTombour and Mr. Lomonaco resumed their positions on the Board.

OTHER BUSINESS:

Allamuchy Board of Education, Block 401, Lot 100

Barry Marell, Esq. was present on behalf of the Allamuchy Board of Education. Board Attorney Thomas reviewed that the Board did determine at last month's meeting that the proposed use is an accessory use and tonight's hearing is an informal hearing where the Board can make recommendations. Attorney Marell stated that they have met with the adjacent neighbor and they feel that they have come up with an acceptable landscape plan.

Peter Sudano of Advanced Solar Products was present and he went on to review the solar facility being proposed. He stated that the proposal is net metering, where there is no power exported to the grid. He stated that the proposal will provide the power needed for the School, but not excess power. He stated that they are proposing a seven foot fence. Ms. Bajc recommended that a barrier be placed across the proposed access lane. The Board continued to discuss the proposal and safety.

The meeting was opened to the public.

John Davis questioned the degradation of the panels, which was addressed by Mr. Sudano.

With there being no further public comments, the meeting was closed to the public.

The following were marked as Exhibits:

- A-1 Aerial Site Plan drawing, dated 2-25-16
- A-2 Overall Landscape Plan, dated 2-9-16
- A-3 Note Plan Landscape Plan, dated 2-9-16
- A-4 Artist Rendering, dated 2-9-16

The Applicants reviewed the Landscape Plan negotiated with the Campbells. They stated that they are proposing 28 conifer trees in the 8ft - 12 ft range. It was stated that they will work with the Campbells in the placement of the trees and it was agreed to provide a full replacement warranty for a two year period and that the school has agreed to maintain/water the trees for the length of the 15 year agreement. Board Engineer Sterbenz stated that his Office did review the proposed plan both in the office and in the field. He stated that they feel that the Plan will adequately screen the solar array from the neighboring lot. He stated that they are pleased that the tree heights are being

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enhanced and he stated that they are deer proof trees. He noted that the only concern that was raised was making sure that the trees are not planted in the shade as the trees will need sun. He stated overall it is a good plan and meets the objectives of the two parties.

Robert B. Campbell, Esq. stated that they are satisfied with the Plan and the final planting locations will be fine tuned, when the actual arrays are being installed. He stated that he confirms that they are satisfied with the number of the trees and the mixtures and he feels that it is a good agreement. He stated that he has not seen the agreements and they want to make sure that the plantings are viable.

Board Attorney Thomas stated that the Board can favorably recommend the proposal and recommend the trees be planted and then maintained for 15 years. He stated that the access lane should have a chain barrier across it and the fence should have safety signs adhered to it. Board Engineer Sterbenz confirmed that there will be no barbed wire on the fence and the Applicants agreed that there would be no barb wiring.

Ms. Bajc made the motion to recommend the project as discussed and presented this evening. Motion seconded by Ms. Bockbrader. In a roll call vote, all were in favor.

ADJOURNMENT:

In a motion made and seconded the meeting adjourned.

Respectfully Submitted:

Alfia Schemm
Board Secretary
4/26/16