

FRANKLIN TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
October 5, 2011

FLAG SALUTE:

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, October 5, 2011 at the Franklin Township Municipal building at 2093 Rt. 57, Broadway, NJ 08808. Chairman Henry Meltzer called the meeting to order at 7:40 p.m. and declared all aspects of the Open Public Meeting Act had been met by posting notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star Gazette of Hackettstown, NJ and the Express Times of Easton, Pa.

ROLL CALL:

Members Present: Ms. Payne, Mr. Meltzer, Mr. Onembo, Mr. Van Sadlers, Ms. Kantor, Mr. Santini, Mr. Hart, Mr. Corde, Mr. Schnorrbusch
Members Absent: Mr. Banes, Mayor DeAngelis, Mr. Sigler
Also Present: Engineer M. Finelli, Attorney R. Schneider, Planner J. Kyle

MINUTES: Minutes from the September 7, 2011 meeting.

A motion to approve the September 7, 2011 minutes was made by Mr. Meltzer, seconded by Ms. Payne, Vote: Meltzer, Payne, Onembo, Van Sadlers, Kantor, - Ayes, 0 - Nay, 0 - Abstain, motion carried.

CORRESPONDENCE: None

RESOLUTIONS:

1. Docket 2011-03 - Santini/EffiSolar Energy Corp. - Resolution of approval for a Use Variance and Site Plan application for Block 26 Lot 2.
A motion to approve with revisions as stated by Attorney R. Schneider was made by Mr. Van Sadlers, seconded by Ms. Kantor, Vote: Van Sadlers, Kantor - Ayes, 0 - Nay, 0 - Abstain, motion carried.

DISCUSSION AND PUBLIC HEARING ITEMS:

1. Highlands Plan Conformance update - Planner J. Kyle gave an update for the board on the status of the Highlands Plan Conformance.
2. Docket 2011-06 - S. Bloom - Continuation of a public hearing for a Variance application for Block 51.01 Lot 20 located at 31 Halls Mill Road.
Eligible to Vote: Corde, Meltzer, Onembo, Santini, Tietz, Van Sadlers, Payne
Board member S. Kantor stepped down for the application.
Mr. Bloom read the definition of a beneficial use to the board.
Attorney R. Schneider explained the difference between a "Use Variance" and

a bulk variance. Attorney R. Schneider swore in Mr. Brian Duncan, Project Manager for Solar City. Planner J. Kyle asked Mr. Duncan why the applicant needs such a large system. Mr. Duncan explained a larger system is required because of night time use. Mr. Kyle stated he has issue with the size of the system. Mr. Duncan stated the system is sized appropriately based on the amount of usage. Mr. Corde asked the if there was a reason the ground based was chosen vs. the roof based system. Mr. Onembo asked if the size could be reduced with respect to his electrical use. We tried to make the system smaller and keep the size down. Mr. Onembo asked what were the intentions regarding buffering, Mr. Bloom stated a row of hedges the same height will be planted so it won't be visible to the nearest neighbor. Mr. Van Sadars asked what the buffer was like for Mr. Leyburn, the buffer for Mr. Leyburn was existing buffering no change. Engineer M. Finelli suggested the applicant submit a plan for landscaping review.

PUBLIC COMMENT:

Mr. Rajat Shukla of 33 Halls Mill Road.

Mr. Shukla stated he spoke with Steve regarding the project and told him he would like him to expand the buffer and provide a secondary buffer, he had no problem with the project as long as he can't see it.

Ms. Sudha Kantor of 26 Halls Mill Road.

Ms. Kantor stated she had not spoken with Mr. Bloom regarding the project. Ms. Kantor stated the proposed project will impact the light, air and open space. Ms. Kantor stated the proposed project will take up his entire side yard and exceed the allowable square footage. Ms. Kantor stated the project does not promote desirable visual and if his roof can not accommodate all of his usage but could meet some of his usage.

Attorney R. Schneider stated Ms. Kantor's view was given as a private citizen.

Secretary of the homeowner's association:

HOA board for Valley Green Estates would like to keep open to light air and view of properties, no above ground pools or solid fences are allowed.

Attorney R. Schneider stated the board is not in a position to get involved with violations with any home owner's association this is not the board's issue.

Ms. Maria Costa of 28 Halls Mill Road.

Ms. Costa stated her view will not be impacted but she was not properly notified.

Board member Mr. Corde explained the definition of accessory structure according to the new Solar Ordinance.

Attorney R. Schneider asked for clarification regarding the pool and if the panels could be located in the rear of the property and if there is an alternative location.

Mr. Bloom stated he would like to put the pool in the rear of the property.

Engineer M. Finelli asked if the applicant could put the panels behind the house or behind the pool.

Mr. Bloom stated there were huge trees in the rear of the property.

Mr. Onembo asked Mr. Bloom if he could meet his needs with panels on his roof. Mr. Bloom stated twenty four panels would max out the roof.

PUBLIC COMMENT: No further public comment was offered, the public hearing was concluded at this time.

A motion to deny bulk variance relief was made by Mr. Corde, seconded by Mr. Meltzer, Vote: Corde, Meltzer, Payne, Onembo, Santini, Tietz, Van Sadars, - Ayes, 0 - Nay, 0 - Abstain, motion carried.

3. Docket 2011-05 - Alethea Cleantech Advisors LLC. Public hearing for a Use Variance & Preliminary & Final Major Site Plan for a Solar Farm application for Block 39 Lot 5 and Lot 5.13. Mr. Hart, Mr. Santini and Ms. Payne stepped down for the application. The applicant was represented by Attorney M. Peck and Engineer J. Schwenker of Innovative Engineering. The applicant Engineer reviewed Exhibit A-1 A photoset of plans dated 8/22/11. The property location was reviewed and was eighty seven acres in size and is located in the RC zone. The applicant has applied for an LOI for the category I stream 300ft. buffer. Engineer J. Schwenker stated to the north and south of the site are agricultural fields an existing barn and paved access. Ms. Schwenker stated the main access road to the site is off of Stewartsville Road. Ms. Schwenker stated the farm will be a fixed tilt system with a 20 degree angle and will not exceed 12ft. in height. Planner J. Kyle asked if the height could be reduced if the board should request it, the applicant explained. There will be 13ft. between the rows with a 20ft. wide center access road. The site will be enclosed by a 8ft. perimeter fencing and gravel access off of Stewartsville, Road. The site will have solar lighting and a gate for maintenance. The applicant provided a support panel for the board to see. Ms. Schwenker stated the invertors are enclosed to cover any noise from them. Ms. Schwenker reviewed sheet #12 of 23 an overall grading plan. The public hearing was concluded at this time due to the full agenda and will be continued at the November 2, 2011 meeting.
4. Docket 2011-07 - Carpenter Realty Corp./Skyworks LLC - Public hearing for a Minor Site Plan application for Block 15 Lot 11.02. Mr. Santini and Mr. Hart returned to the board at this time. Attorney C. Stevenson and Engineer G. Steckel represented the applicants. Attorney R. Schneider swore in applicant Engineer G. Steckel. Ms. Steckel gave a brief review of the proposed site and the 24,160sq. ft. building. The proposed site is for rental, sales and service of construction equipment. The site is presently enclosed by a chain link fence and existing gate,

the gate will be increased to 14ft. width and there will also be an enclosed dumpster. Ms. Steckel stated she would revise the plan to remove what is no longer there. Ms. Steckel stated the applicant will resurface and re-use the existing signage. Ms. Steckel stated the application is exempt from the Warren County Planning Board approval and the septic has been approved for use.

Attorney R. Schneider swore in W. Weller representative of Skyworks, LLC. Mr. Weller reviewed the cleaning process for the equipment including powerwashing of the equipment to blow off mud from use. Mr. Weller stated the hours of operation will be Monday through Friday 7:30am to 4:30pm. The only parking in the front of the building would be for the next day rental pick up. Mr. Weller stated there would also be two tractor trailers parked in the building when not in use. The front area of the site would be for pick up and delivery only. There would be no permanent storage in the front yard area and no display of

vehicles.

Attorney R. Schneider swore in applicant Planner J. Miller. Mr. Miller stated the site was pre-existing and was suited for the use. The existing site currently has lighting on the building and pole lighting in the parking lot.

PUBLIC COMMENT: No public comment was offered, the public hearing was concluded at this time.

A motion to approve with conditions as stated was made by Mr. Meltzer, seconded by Mr. Corde, Vote: Meltzer, Corde, Hart, Onembo, Santini, Tietz, Van Saders -

Ayes,

0 - Nay, 0 - Abstain, motion carried.

BILL LIST:

A motion to approve vouchers submitted for payment was made by Mr. Van Saders, seconded by Mr. Meltzer, all ayes motion carried.

ADJOURNMENT: 10 :45 P.M.

With no further business before the board and no public comment offered the meeting was adjourned.

Respectfully Submitted,

Margaret Housman, Secretary
Franklin Township Land Use Board

