

## HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

**Time: 7:30 PM**

**Wednesday, August 3, 2016**

### **1. Call to Order**

The meeting was called to order at 7:30 PM by Mr. Katz.

### **2. Flag Salute**

All participated in the Flag Salute

### **3. Sunshine Law**

Notice of this meeting was published in accordance with the Open Public Meetings Act By posting on the municipal bulletin board, publication in The Burlington County Times and Courier-Post Newspapers, and by filing a copy with the Municipal Clerk

### **4. Announcement of “No new business after 11:00 PM”**

### **5. Roll Call**

Present: Mr. Dickinson, Mrs. Kelley, Mr. Dodulik, Mr. Krollfeifer, Mr. Lynch, Mr. Selb, Mr. Clauss, Mr. Katz

Absent: Mr. McKay, Mrs. Tyndale

Also Present: Robert Kingsbury, Esq., Board Attorney  
Rick Ragan, Board Planner  
Martin Miller, Board Engineer  
Kathy Newcomb, Zoning Officer  
Paula Tiver, Board Secretary

### **6. Items for Business**

**A. Case 16-07: Zeus Investments**  
**Block 98 Lot 2.04, 2.05, 2.06**  
**5 Mary Way**  
**Preliminary & Final Site Plan**  
**Attorney: Patrick McAndrew**

Mr. McAndrew requested a postponement until the September 14, 2016 meeting.

Mr. Krollfeifer motioned to continue the application.

Second: Mr. Lynch

**Roll call:** Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Dickinson, yes; Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to continue.

**B. Case 16-04: Hainesport 1910 Properties (Bradford Estate)**  
**Block 97 Lots 1 & 1.01**  
**1910 Marne Highway**  
**Preliminary & Final Site Plan/Use Variance**  
**Attorney: Douglas Heinold**

Proper notice was given.

Mr. Dickinson recused himself due to being a use variance.

Chuck Petrone, applicant's attorney, stated the application is for site plan approval, a bulk variance for a free standing sign, and a use variance to construct a wedding pavilion as an amenity offered to guests of Bradford Estate. The property consists of two lots in which the applicant has agreed to consolidate them into one lot. One lot is located in the industrial zone and the other is general commercial. A prior approval was given to them for a catering facility. The application was submitted with a larger plan which proposed an expansion of the parking lot. They changed it after discussions with the Board's engineer to minimize the impervious coverage and any affect construction the wedding pavilion would have on stormwater management concerns. The new wedding pavilion will be constructed where the weddings are currently located. They will also enclose an existing walkway to expand the cocktail room and include additional walkways. They will be eliminating 6 parking spaces to facilitate the wedding pavilion. This will be to have a minor increase to the impervious coverage. The landscaping at the present location of the weddings will be shifted about 30' and will plant similar landscaping to what is there now.

Mr. Kingsbury swore in the following witnesses: George Truesdale, Bradford owner, and Ronald Sadowski, engineer.

Mr. Sadowski stated his credentials and the Board accepted. He is the design engineer for the application and completed the revised plans dated June 14, 2016. He marked a colored rendering of the site plan as exhibit A1.

Mr. Petrone explained that the applicant is requesting a waiver of submission of traffic study, environmental impact statement, and percolation tests. What are the reasons for the request of those waivers?

Mr. Sadowski stated they are not proposing any additional traffic and there is barely over an increase of 1,000 sq. foot of impervious coverage. They are not modifying the existing parking lot other than to lose the 6 parking spaces for the new pavilion.

He continued with the improvements that are being proposed. There are 6 parking spaces between the banquet facility and the pavilion to allow for a landscape buffer between the parking lot and the pavilion. Currently there is a pergola that is surrounded by landscaping that secludes it from the area which they are trying to do with the new building. There will be a walkway between the banquet facility and the pavilion. They are also proposing to enclose the covered walkway in the back near the creek. The rest of the site will remain the same with the exception of a proposed new sign located at the access to the property. They wish to eliminate the northwest sign and relocate a new externally illuminated sign near the entrance of the facility.

Mr. Petrone commented that there would be 90 parking spaces remaining, with a 240 seating capacity, and the number of employees meets the ordinance requirement.

Mr. Sadowski stated that was correct.

Mr. Petrone questioned if there were any additional changes than what was stated.

Mr. Sadowski answered no.

Mr. Petrone commented that there will be an increase in impervious coverage of 1,030 sq. ft. Does this require any changes to the existing stormwater plan?

Mr. Sadowski explained that he did some calculations and due to the size and proximity of the improvements to the creek it is not noticeable. It is below the threshold that would require revisions. The site drains naturally, there are no catch basins or underground storm pipe on the site. There are some within the roadways of Marne and Mt. Laurel. He explained the different properties that surround the site.

Mr. Petrone explained that a use variance is required due to being an expansion of a nonconforming use because a catering facility is not a permitted use in the two zones. The planner has recommended the granting of the use variance because this is an amenity that is offered in conjunction of the exiting catering facility. She also recommends that that catering facilities be included in the permitted uses for the general commercial zoning district in the future.

Mr. Sadowski agreed.

Mr. Petrone asked him to explain the location of the sign.

Mr. Sadowski explained that the county has changed the right of way since their prior approval. They propose to install the sign 5 feet from the Marne Highway right of way where a 15' setback is required. There is no impact from the sign and in the future if the county decides to widen the road then the sign would appear closer to the roadway. They agree to move the sign should the county do improvements in that right of way.

Mr. Katz questioned how far is the old sign verses the new proposed sign and if there are any site issues.

Mr. Sadowski explained that the old sign is 10' further away from the road and will be eliminated. The new sign will not have any impact on site triangles.

Mr. Sadowski commented that the existing sign when heading west cannot be seen until you past the entrance.

Mr. Krollfeifer asked for clarification on the location of the new sign.

Mr. Ragan stated that they had asked the applicant to move it to the right side (when facing the property) of the entrance.

Mr. Petrone asked that he explain his conversation with the fire official regarding his letter.

Mr. Sadowski explained that they agree to the first two comments of his letter. The third comment had to do with the parking area and the first plan that was submitted when they originally planned to redo the parking area. The parking area was removed from the application. They will receive a new letter from the fire official when they submit the revised plans.

Mr. Petrone stated that it had to do with the fire pumpers turning radius.

Mr. Petrone addressed the outstanding items of the Alaimo and Ragan Design letters that testimony has not been given.

- Wooded areas not shown on plan. Mr. Sadowski stated they will place a line on the plans where the edge of the woods are.
- Existing water service. Mr. Sadowski stated the revised plans will show it.
- Any impact on easements for the identification sign. Mr. Sadowski stated there is a force main in the easement and the sign is located 5' off of it.
- Will the application require approval from Soil Conservation District? Mr. Sadowski answered yes. They will be submitting to them and will provide the Board with the applications and approvals.
- The lots will be consolidated into one lot and will provide a deed with new legal description.
- There is a comment from Alaimo regarding eliminating an accessible parking area and making the drive isle one way where 25' is not available with respect to 90 degree parking. Are we proposing any changes to what is already there? Mr. Sadowski explained they are keeping the drive isle widths exactly the same.
- Regarding the handicap parking space that is recommended to be removed. Mr. Sadowski explained it is in close proximity to where the 6 parking spaces are being eliminated. The traffic flow has been reduced in that area.
- Explain the light intensity and replacement of fixtures. Mr. Sadowski explained they would like to maintain the existing fixtures and poles since there are no improvements to the parking lot.
- They will provide a note on the plan for impervious coverage. The total is approximately 5,000. If they had gone over a quarter acre of impervious they would have had to conform to state regulations. Therefore they are exempt.
- The pavilion roof runoff drain directly to the creek which was recommended by the Board professionals. Will grade if necessary to allow for natural drainage to the creek.
- There are no inlets or grates on the property for stormwater management.
- As of the 2011 approval, all of the existing structures on the county roadways were brought up to county specifications.
- There are ADA accessible parking spaces on the property and will provide property signage and striping to bring to code.
- The identification sign will be externally illuminated with a flood light at the base. They will provide details to the board's professionals.
- The only landscaping changes will be the addition of mature shrubs in the site to act as a buffer for the pavilion.

Mr. Ragan explained that the applicant had to apply for a use variance due to the fact they are expanding a nonconforming use in the zone. The wedding chapel is a de minimis issue. It cannot be seen from the road. The structure currently will straddle two lots therefore requires a variance, when the lots are consolidated a variance is no longer

needed. The area of the sign meets code. A variance for setback of sign is needed as they have testified. No objection. He suggested that the sign be perpendicular so it can be read.

Mr. Sadowski stated they will change the sign to perpendicular.

Mr. Ragan reminded them there is a utility easement and should be careful. It is their responsibility they hit it. There is lighting details on the plan for the existing sign. Those lights would be discontinued and the plans will show the lighting with the new sign.

Mr. Sadowski stated will show new lighting.

Mr. Ragan explained that they have no objections to the plan, it is fantastic facility for the town. It appears there are 200 seats for the wedding chapel.

Mr. Truesdale commented that the average wedding is in the 150 range.

Mr. Krollfeifer asked for clarification on the seating capacities.

Mr. Petrone explained that the wedding chapel seats 220. The catering facility can accommodate up to 240 people because of the 90 parking spaces.

Mr. Ragan suggested that they only lose 4 parking spaces instead of 6 so that a parking ordinance is not required. That would then give you 91 spaces.

Mr. Petrone believes they could designate the spaces near the handicap be employee parking. The employees tend to come and go at times when there are no guests there.

Mr. Miller suggested they cut back the isle where the two handicap spaces are and it would give you more room.

Mr. Petrone stated they can work out with the Board's engineer and planner.

A discussion occurred regarding the parking lot lighting. There have been no complaints regarding existing lighting. Mr. Miller suggested that they ask for a waiver for lighting plan.

Mr. Miller stated the applicant should notify the utility that their sign is in the easement.

Mr. Truesdale explained the sign is hard to see at the present location. He really doesn't want to go in the easement but it is the best location. He understands that he has to move it if they need access to the easement. However, it is in the best location for the entrance and the ability to identify the property.

Mr. Petrone believes it is an old NJ Bell easement for underground cable. They will notify the utility.

Mr. Sadowski explained if it ever has to be moved it would be moved back further away from the street.

Mr. Truesdale explained that the business has been operating for ten years that he has owned it. He had a partner 4 years ago that he bought out. They have been consistently been improving it. It is a pleasure being in town. There is currently a big demand to have weddings on site. The site currently has a pergola outside where they hold weddings, but must move the wedding inside to the ballroom in the event of rain. The table and other items must be moved to hold an inside ceremony and then put back in place for the reception when they have cocktail hour. Exhibit A2 was presented showing the conceptual view. The building will seat up to 220, and believes it is larger than needs to be. The building is 32' at the peak. The cupola goes another 5 foot higher. It will be an open room with pillars and pews for seating. The people should be in there for an hour or less. They are proposing to enclose the patio behind the cocktail room. The pavers will be removed and replaced with concrete, new windows, climate control, and fire suppression. It will be maintained a porch look. There current room is a little tight.

Mr. Petrone explained there is currently no dedicated loading zone for the site.

Mr. Truesdale explained that their operation is basically Friday, Saturday, and Sunday. Thursday night weddings are becoming popular. They specialize more in weddings and occasional may do something on a week night. The delivers normally come in the am Monday thru Friday. The truck offloads the food to the kitchen area. There are 3 to 4 deliveries in a week. It is never a problem, the entire parking lot is available.

Mr. Petrone questioned if there currently are any noise or odor problems are anticipate any in the future.

Mr. Truesdale answered no.

Mr. Lynch questioned if the guest would come in the front door once the building is completed.

Mr. Truesdale explained that there would be staff directing the guests.

Mr. Petrone questioned if the facility is for only one wedding at a time.

Mr. Truesdale explained the building was designed to be only one wedding at a time.

Mr. Selb had concerns with item 20 of the Alaimo Miller stating that all grates shall be bicycle safe for Phase II stormwater compliant. He questioned if we are dealing with the same type grate that we are dealing with on Taft Court.

Mr. Miller stated yes it is similar. He put that in there because there are still grates that can accept a bicycle tire.

Mr. Selb explained that he is dealing with problems regarding these grates that the holes are so small that they are clogging causing puddling.

Mr. Miller explained the applicant does not have any grates. The ones referred to are County ones on Marne Highway.

Mr. Krollfeifer stated he has been in town for 23 years and the applicant has done a wonderful job with the site.

Mr. Katz opened public comment. None. Closed public comment.

Mr. Kingsbury stated the first vote would be for the requested submission waivers: traffic study, environmental impact statement, percolation tests, and parking lot lighting.

Mr. Lynch motioned to grant the waivers.

Second: Mrs. Kelley

**Roll call:** Mr. Lynch, yes; Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes;  
Mr. Krollfeifer, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries.

Mr. Kingsbury stated the next vote would be for the use variance to expand the catering facility.

Mr. Katz questioned if that would include the consolidating of the lots.

Mr. Kingsbury commented yes, it would be a condition of approval.

Mr. Lynch motioned to approve.

Second: Mr. Selb

**Roll call:** Mr. Lynch, yes; Mr. Selb, yes; Mrs. Kelley, yes; Mr. Clauss, yes;  
Mr. Dodulik, yes; Mr. Krollfeifer, yes; Mr. Katz, yes

Motion carries to approve.

Mr. Kingsbury stated the next motion would be for preliminary and final site plan approval subject to lot consolidation and recommendation in the planners and engineer's letter, except what has been modified, bulk variance for the identification sign, setback variance for sign, and notification regarding the utility easement.

Mr. Selb motioned to approve.

Second: Mr. Dodulik

**Roll call:** Mr. Selb, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. Clauss, yes;  
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Katz, yes

Motion carries to approve.

### **C. Case 16-05: Nolyn Real Estate, LLC. (Sonic)**

**Block 96 Lot 1.10**

**1498 Route 38**

**Amended Final Site plan with bulk variances and use variance for solar panels**

**Attorney: Dave Frank**

Mr. Dickinson recused himself due to being a use variance.

Mr. Frank, applicant's attorney, Sonic is seeking a use variance, bulk variance, and amended site plan approvals to allow solar array over the existing basin. It is located in the highway commercial zone district. The ordinance does not allow any accessory uses. This is an accessory and will be net metered. It will not produce any more power than necessary for the site. There is a growing perception that solar is like an appliance. It's

like a parking lot or ac. It is a low grade use variance. Legislation has stated that solar is inherently beneficial.

Mr. Kingsbury swore in the following witnesses:

Mark Malinowski, Engineer

Rob Hoxit, General Manager

Nolan Aspell, Principal Owner and Operator

Mr. Malinowski gave his credentials and the Board accepted. He supplied a color rendering (exhibit A1) of the site plan. The site is 1.4 acres located on Route 38 and is a fully developed site. They are proposing a solar panel system. There are 3 solar panel arrays. The first and second arrays are located on the top of the existing two canopies. The 3<sup>rd</sup> array is located at the south end of the site over the existing detention basin that is for stormwater control. The top of the Sonic building is not accessible to put solar panels due to the equipment on the roof. The supply of power will not be 100% but it is close to it. They do have setback issues in regards to the panels. The side yard setback requirement is 15' and they are requesting 6.63'. The rear yard setback is 25' and they are requesting 5.76' up to a 10.39' setback. That amount of panels are needed to make it economically feasible. There have been some concerns as to the impact of the solar panels within the basin. The structure in the basin are foundation. They are only 1 ½' in diameter. There is very minimum disturbance within the basin area. It is an infiltration basin and this will not affect it. The Foundations will not impact the basins at all. He explained the amount of cubic feet within the basin. There will be no impact in regards to stormwater and the solar field itself with the basin.

Mr. Frank explained that there are two pieces. One is the infiltration in the bottom of the basin and there is the capacity. The impact on both of these is minimal so the basin will continue to function.

Mr. Malinowski agreed. It will continue to function as it is, there may a de minimus increase in the water elevation for the 100 year storm. He does not believe it would be measurable.

Mr. Miller disagrees. The problem is the construction of it. Fill was brought in for the infiltration portion. He doesn't know how it can be constructed without compacting the bottom of it.

Mr. Malinowski commented that it is very sandy soil and the basin works very well. It does not retain any water. The foundation will be installed by a direct bore. There will be very minimal disturbance. If it is found that it becomes compacted it could always be racked up and tilled to loosen the material.

Mr. Frank stated that Mr. Miller's letter dated July 29, 2016 ask that we add a note to the plan regarding the use of light weight equipment in the basin. In addition he asked that they be a note of post construction permeability testing conducted to insure the basin continues to operate. If it appears that there is a lot of impact, do you agree that is something we can do. He believes we should wait to see what construction is before they do it. It certainly can be done and prove that the process works.

Mr. Malinowski agreed.



Mr. Miller has concerns with the amount of work that will be done in the basin. There is a deed restriction that limits the kind of work and his opinion is that this exceeds the limits.

Mr. Frank explained that is not a deed restriction, it is a notice of what the maintenance requirements are.

Mr. Malinowski stated that in addition to that there is no change in the function of the basin. Everything else is going to be the same. The foundations will cover about 113 sq. ft. combined, which is de minimus. It will not affect the function of the basin. If the construction affects the function of the basin, it can be repaired so that it functions properly. The bottom of the basin is approximately 4,000 sq. ft.

A discussion occurred regarding how they construct without affecting the bottom of the basin.

Mr. Frank believes were being bogged down on how this project is going to be done verses what it going to be. The engineers and usually figure out how they are going to solve the problem. The Board needs to hear what is going to be built here. What matters is the result.

Mr. Dodulik questioned what the maintenance schedule entails.

Mr. Malinowski explained the process.

Mr. Dodulik questioned if there is room to get people in there to maintain it.

Mr. Malinowski and Mr. Hoxit both stated there is.

Mr. Malinowski explained that they will have to remove some evergreen trees that inhibit the function and are in the way. They are proposing along the southern, eastern, and western perimeter an evergreen hedge that will screen the majority of the array system. They will also proposing to relocate and replace the larger trees that are being removed. They will coordinate it with the Board's planner.

Mr. Frank questioned if the ray itself extends beyond the current basin.

Mr. Malinowski stated that the southwest corner has 3½ panels that go beyond the basin.

Mr. Katz questioned if the site vision is affected to the solar panels being 8' to 13' high.

Mr. Frank presented exhibit A2, Solar System Column grade section.

Mr. Malinowski explained the grading and showed how the cars travel. It will not impede on the bend.

Mr. Dodulik had concerns with the tree line along the road.

Mr. Malinowski explained that the one may interfere but it is out of their control.

Mr. Ragan questioned if there is room to get maintenance equipment into the basin.

Mr. Hotix gave his credentials and the Board accepted.

Mr. Frank asked that he describe the access.

Mr. Hotix explained that there is a 10½' space from the edge of the panel to where the drain is that they can drive in. There would not be an issue getting down into the basin.

Mr. Ragan questioned where would the bottom of the panel from the basin bottom where one would enter.

Mr. Hotix stated about 13'.

Mr. Frank questioned why an array of this size is needed.

Mr. Hotix commented it did not make financial sense to only place the solar panel on the canopy because it would only give him 20% of his annual usage.

Mr. Frank questioned if they can go over the annual usage.

Mr. Hotix explained that NJ net metering laws you cannot produce more than you consumed in the past 12 months. They have to give their calculations to PSE&G when they apply.

Mr. Frank questioned why not place on the roof of Sonic.

Mr. Hotix stated that there are too many items on the roof, such as ducts, ac, and ventilation.

Mr. Frank ask that he describe what the foundations are made of.

Mr. Hotix stated the foundation is 18' round, 9' tall (2' out of ground, 7' in the ground), 6 rows of columns (about 8' to 9' apart). They would enter the basin with a track machine with an auger. The only need to make 3 passes to drill the holes. If there was any problems after the concrete is poured, they could get in there at this point and till the ground. Track machines make very little compression to the ground. It will be the only machine in the basin and then the rest is foot work. There are 4" x 4" steel columns that go onto the foundation set at various heights depending where you are. It is basically a carport structure. It is a kit that is being constructed. There are many different kits, this kit has the less disturbance of ground. The panels are the standard sand panels that have no environmental concerns. The panel have a warranty of 25 years but last about 40 years. The inverters are good for about 20 years. The northeast does not recommend washing the panels due to having enough rain.

Mr. Frank questioned how the electricity make it to the restaurant.

Mr. Hotix explained the panels make DC electricity, the wires get put into 5 inverters (hidden behind the dumpster). The location was recommended by the Board's planner. Each inverter is a lot smaller than a refrigerator. The power will be underground from the panels to the inverters and then underground to the building.

Mr. Frank questioned what the maximum disturbance would be to go underground.

Mr. Hotix commented no more than 500 sq. ft. which includes from the columns to inverters.

Mr. Frank questioned how big of a gap is there between panels.  
Mr. Hotix stated there is a 1" gap all the way around the panel.

Mr. Frank questioned if there is any damage to the ground from the runoff of water from the panels.

Mr. Hotix is not aware or seen any erosion issues on projects he has done.

Mr. Frank asked if those projects were able to maintain vegetation coverage under the array.

Mr. Hotix brought a photograph (exhibit A3) of the vegetation under the solar panels on the MUA site which he took the other day.

Mr. Dodulik questioned the number of holes that have to be done on the floor of the basin. What will happen to that soil?

Mr. Hotix stated 27 on the basin floor out of a total of 64. They will remove the soil.

Mr. Clauss questioned if the conductors from the arrays that are above in conduit.

Mr. Hotix stated that it is not feasible.

There was a discussion the voltage.

Mr. Clauss had concerns with the voltage in the event a child gets in there and would like to see it in conduit.

Mr. Hotix agreed to put in conduit where it is possible. It is not possible where you plug in panel to panel.

Mr. Miller still has concerns with the rain runoff from the panel to the ground.

Mr. Malinowski explained this a detention facility. According to calculations there is 0 runoff coming off the panels during the 100 year storm. There will be runoff from the panels. This is not an unusual scenario to have solar panels in a basin, it is a good way to utilize some existing space. In the ones they have experienced they have found no erosion occurring under these panels. Should it become a maintenance issue, they would get some scouring under the panels. They could clean out the sand, smooth it out and put some fabric down with stone on top to dissipate that energy. They do not see a need for that at this time.

Mr. Miller questioned if they brought any pictures of any existing solar panels over a basin and if he was aware of any.

Mr. Malinowski stated he did not bring any pictures.

Mr. Hotix stated he developed the one at the Children's Home that is over the basin. It is the same as what they are doing here today. They sold the project to an investor.

Mr. Miller stated that they have no way of seeing how this would work.

Mr. Frank commented that Mr. Malinowski has given testimony.

Mrs. Newcomb commented that there is a maintenance schedule for the basin that would have to be followed whether there are solar panels in it or not.

Mr. Miller questioned if the maintenance would have to be handled different once the solar panels are installed.

Mr. Malinowski stated it may be more hand work but it can be done.

Mr. Clauss questioned how they would be removing the excess soil without compacting the ground.

Mr. Hotix commented that it is not much, he believes it's about 32 yards. The can wheel barrow it out if they do not want other equipment in there.

Mr. Miller would like testing done in various locations after to confirm that the basin has not been compacted and it still has the percolation.

Mr. Hotix stated they offered to do a compaction test after the equipment is out of there before they proceed.

Mr. Frank questioned how they would handle any dust.

Mr. Hotix explained that they could use water if needed but it is such a minimal amount of dirt. He doesn't see it being an issue. They will have a hose out there in case it is dusty.

Mr. Frank questioned if the panels move.

Mr. Hotix stated it is a fixed array.

Mr. Frank asked what fence is there now and what will be there when they are done.

Mr. Hotix explained they plan on using the existing 4' vinyl coated chain link fence. Currently there is one access gate and the fire official requested another be installed. They will provide a knox box for access.

Mr. Frank commented that the planner supports the use variance. This is an inheritable beneficial use which clean renewable energy. The only potential detriment are visual. It is on site which is their burden and proposing landscaping to mitigate it. The trees that will be removed will be replace on another section of the site that won't interfere with the array.

Mr. Ragan addressed his letter dated July 8, 2016. They have no objections regarding the waivers. Regarding the use variance, the ground mounted solar field is an inherently beneficial use. A couple bulk variances are needed. One is the distance between the

panels and side yard and rear yard setbacks. There are three trees in the basin that will have to be removed. What is the applicant going to do?

Mr. Frank stated where the planner would like them.

Mr. Ragan there are 5 trees planted on the south side of basin that do not encroach on the array.

Mr. Frank explained that it is their intention to remove them and put up shrubs and will work out with the planner.

Mr. Ragan explained that they have agreed to move the inverters to behind the trash enclosure and within the fenced area.

Mr. Hotix agreed.

Mr. Ragan explained that the applicant has expanded the arrays within the fence area and the dimensional characteristics are they need the extra panels to accommodate the total load. The argument for the setbacks are they are adjacent to the parking lot, there is 20' and 30' before the new road, and the panel would be hidden from view by the slope and plantings.

Mr. Frank stated that the panels only being 12" above the retaining wall in the back of the property, where they are asking for that rear yard setback. That is a minimum change.

Mr. Ragan believes it would be a benefit. There should be a sign located at the disconnect that shows this is solar project for a fire person or police. It is important that there is some type of notification signage. We had recommended a screening under the panel to stop the wires from hanging down and from someone messing with it. It seems to work well based on his inspections.

Mr. Hotix explained there is no need, there are no wires dangling down.

Mr. Ragan stated it will help so no one can mess around with the wires. They can take a look at the project at St. Paul's Church. They were required to put a 6' fence with a without a horizontal top rail to make it difficult to climb over.

Mr. Clauss stated he believes it was a 1" mesh non-climbable.

Mr. Frank stated that they have an existing fence and an array that in most is high off the ground.

Mr. Dodulik had concerns with the height of the fence and safety issues.

Mr. Hotix stated they could eliminate that by putting a 6' fence in.

A discussion occurred regarding the safety of a 4' fence.

Mr. Frank questioned if it would satisfy the Board if they duplicated the fence at the church, 6' non-climbable 1" mesh fence without a top rail. He pointed out that code requires a 4' fence for a swimming pool. This is a basin with a 4' fence, people do drown in basins. This is just to put it in perspective. They will do it.

Mr. Katz commented that he is aware of kids jumping fences to gain access to swimming pools. Being they do that he doesn't want them to do something that they will get killed at.

Mr. Clauss stated they do require a 6' to 8' fence for high voltage. In this case it is high voltage.

Mr. Krollfeifer had concerns about seeing the arrays from the property behind the site and across that road when the property gets developed.

Mr. Hotix stated the shrubs are not in. Also you would be able to see it from a tractor trailer and the liquor store has them all over the roof which you can see. They cannot promise it will be covered 100% but with the use of shrubs they can knock 90% of the visual out of it.

Mr. Miller explained that his main concern has been drainage and they have addressed that. He would like a comparison of the basin as it exists now and how the solar array has no affect so he can put that in the file.

Mr. Frank stated they can do that.

Mr. Lynch questioned if Mr. Miller is satisfied that they will meet the requirement addressed in his letter, #7 and #8.

Mr. Miller explained they stated they will put the foundations in with the least amount of disturbance. When they finish, they will do compaction tests to indicate that they are back close to where they are supposed to be and a percolation test to indicate the basin will operate the same as it is now.

Mr. Lynch questioned about #8 concerning the gapping between the panels.

Mr. Miller explained that they indicated that there is a 1" gap around the entire panel. When there is a major storm there will be water in the basin to minimize the erosion. That may or may not have to be addressed after it happens.

Mr. Lynch questioned #10.

Mr. Miller stated there is an operation manual in existence which they will have to maintain.

Mr. Malinowski stated there will still be air and light under the panels. There has never been a problem establishing growth under the panels.

Mr. Katz opened public comment. None. Closed public comment.

Mr. Kingsbury stated the Board needs to vote on granting submission waivers which include: traffic study, environmental impact statement, water courses with 600', showing utilities, and drainage facilities and perc test information.

Mr. Selb motioned to approve the submission waivers.  
Second: Mrs. Kelley

**Roll call:** Mr. Selb, yes; Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes;  
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Katz, yes

Motion carries to approve.

Mr. Kingsbury stated the next item would be the use variance for the solar panels.

Mr. Dodulik motioned to approve.

Second: Mr. Clauss

**Roll call:** Mr. Dodulik, yes; Mr. Clauss, yes; Mrs. Kelley, yes; Mr. Krollfeifer, no;  
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

Mr. Kingsbury stated the next item would be the side yard and rear yard setbacks as indicated on the plan.

Mr. Selb motioned to approve.

Second: Mr. Dodulik

**Roll call:** Mr. Selb, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. Clauss, yes;  
Mr. Krollfeifer, no; Mr. Lynch, no; Mr. Katz, yes

Motion carries to approve.

Mr. Kingsbury stated the next item would be for amended final site plan approval with the following conditions: 1) Conduit will be used wherever possible 2) After piers are installed in the drainage basin, they will provide the engineer with sufficient information that documents that the compaction is the same as or as close to before construction.

Mr. Frank stated the numbers in the Alaimo letter dated July 29 that they are will to comply with: 7, 8 (provide a table that demonstrates pre and post development on stormwater performance, both infiltration and detention), 13, 14, 17, 18, 19, 20, 21, 22 and the rest they provided testimony.

Mr. Katz would like to add the warning sign and the 6' non-climbable fence.

Mr. Frank is in agreement to work with the Board Planner regarding shrubbery for both the road and parking lot side of the array as well as the replacement of trees.

Mr. Selb asked for clarification that Mr. Miller is satisfied with the testimony given regarding the other items in his letter.

Mr. Miller stated that they will have to give us the calculation of the compaction and the percolation which will take care of that.

Mr. Kingsbury explained it will be a significant mention in the resolution. He questioned if Mr. Frank was ok with the planner's letter.

Mr. Frank stated they are doing the fence, move the inverters, ok to remove the access fill from the property. They do not have any objection to the Ragan letter of July 8, 2016.

Mr. Selb motioned to approve as discussed.

Second: Mr. Dodulik

**Roll call:** Mr. Selb, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. Clauss, yes;  
Mr. Krollfeifer, no; Mr. Lynch, yes; Mr. Katz, yes

Motion carries to approve.

**D. Case 16-12: Robert T Winzinger, Inc.**

**Block 73 Lot 11.01**

**1701 Marne Highway**

**Site plan waiver and use variance**

**Attorney: Denis Germano**

Mr. Germano requested by email dated July 27, 2016 to continue the application to the October 5, 2016.

Mr. Krollfeifer motioned to continue the application to the October 5, 2016 meeting.

Second: Mr. Lynch

**Roll call:** Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Dickinson, yes; Mrs. Kelley, yes;  
Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to continue.

**7. Minutes**

**A. Regular Meeting Minutes of July 13, 2016**

Motion to approve: Mrs. Kelley

Second: Mr. Clauss

**Roll call:** Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes;  
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Selb, yes

Motion carries to approve.

**8. Resolutions**

**A. Resolution 2016-11: Zeus Investments, LLC**

**Granting Preliminary Site Plan Approval for redesign of parking areas  
associated with Block 98 Lots 2.04, 2.05, 2.06**

Motion to approve: Mrs. Kelley

Second: Mr. Clauss

**Roll call:** Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Lynch, yes;  
Mr. Katz, yes

Motion carries to approve.

**B. Resolution 2016-12: 1521 Route 38, LLC (Classic Nissan)**

**Granting two year extension of previously approved preliminary site plan  
approval for construction of new automobile dealership on Block 42 lot 2.01**



Motion to approve: Mr. Clauss

Second: Mr. Dodulik

**Roll call:** Mr. Clauss, yes; Mr. Dodulik, yes; Mrs. Kelley, yes;  
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Selb, yes

Motion carries to approve.

**C. Resolution 2016-13: Jason DelPalazzo**

**Granting bulk variances for construction of new single family dwelling on Block 109 Lot 3.01**

Motion to approve: Mr. Clauss

Second: Mr. Selb

**Roll call:** Mr. Clauss, yes; Mr. Selb, yes; Mrs. Kelley, yes; Mr. Dodulik, yes;  
Mr. Krollfeifer, yes; Mr. Lynch, yes

Motion carries to approve.

**D. Resolution 2016-14: Easton Bible Church**

**Granting revised site plan approval for new building addition to an existing church on Block 114 Lot 3 & 4**

Motion to approve: Mrs. Kelley

Second: Mr. Clauss

**Roll call:** Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes;  
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Selb, yes

Motion carries to approve.

**E. Resolution 2016-15: Hirshland & Company**

**Granting conditional use variance and reduced landscape buffer variance for fast Food restaurant on Block 96 Lot 1.01 & 1.04**

Motion to approve: Mr. Selb

Second: Mr. Krollfeifer

**Roll call:** Mr. Selb, yes; Mr. Krollfeifer, yes; Mr. Clauss, yes; Mrs. Kelley, yes;  
Mr. Dodulik, yes; Mr. Lynch, yes

Motion carries to approve.

**9. Correspondence**

A. Certified for continuance of plan from Burlington Co Soil to Mr. Blair  
Re: Lumberton Road Site Grading Plan Block 95 Lot 3

B. Letter dated July 26, 2016 from Alaimo Engineers to Mr. Katz  
Re: Hainesport Enterprises Block 58.01 Lots 1-6 and Block 62.01 Lot 1  
Compliance plan review #1

Motion to accept and file: Mrs. Kelley

Second: Mr. Clauss

**Roll call:** Mrs. Kelley, yes; Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Krollfeifer, yes;  
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries.

**10. Professional Comments - None**

**11. Board Comments - None**

**12. Public Comments - None**

**13. Adjournment**

Mr. Selb motioned to adjourn at 10:10pm.

Second: Mr. Lynch

**Roll call:** All in favor

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Paula L. Tiver, Board Secretary