

**EAST AMWELL  
ZONING BOARD OF ADJUSTMENT - MINUTES  
Municipal Building – 7:30 PM  
May 10, 2011**

**Call to order and compliance with the Open Public Meetings Act**

The regular meeting of the Board of Adjustment was called to order at 7:30 PM on May 10, 2011 in the Main Meeting Room of the Municipal Building, 1070 Route 202/31, Ringoes, NJ by Chair Schroeder.

In compliance with the Open Public Meetings Act, the Administrative Officer announced this was a regularly scheduled meeting pursuant to the Annual Meeting Notice as published in the January 20, 2011 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on May 3, 2011.

**Roll Call and Agenda Review**

**Present:** Sherrie Binder  
Nancy Cunningham  
Gael Gardner  
Paul Gavzy  
Sue Posselt  
Kendra Schroeder – Chair  
Diana Garrett – Alt. #1 – *(arrived at 7:32 PM)*  
Anne Williams – Alt. #2  
Attorney Waterbury  
Engineer O'Neal  
Planner Slagle

**Absent:** Gloria Frederick

Chair Schroeder stated that the previously scheduled public hearing for the Alethea Cleantech Advisors, LLC solar project would not be heard this evening due to noticing deficiencies.

**Presentation of Minutes**

A motion by Sue Posselt, seconded by Sherrie Binder to approve the Board's 4/12/11 minutes was unanimously approved with no revisions noted.

**Presentation of Bills for Payment**

A motion by Paul Gavzy, seconded by Sherrie Binder to approve the vouchers for payment as listed on the agenda was unanimously approved.

**Correspondence**

It was noted that the correspondence will be dealt with as it comes up over the course of the meeting.

**Applications to be Deemed Complete**

**NVT Licenses, LLC. - *(Stahl Property – 117 John Ringo Road)* – Use Variance/Preliminary and Final Major Site Plan Approval – B:5 L:1.06 & 2**

Present for this discussion was Attorney Mark Peck on behalf of the applicant and Engineer Evan Hill of Innovative Engineering, Inc.

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Planner Slagle commented that the original solar ordinance has been amended and the revised ordinance was approved 5/2/11 by the Township Committee. She noted the amended regulations are what will be applicable to this application. Planner Slagle explained that the application does not specifically list all of the required variances, specifically noting the following items:

1. The new ordinance now requires a standard setback of 150' from the front, side and rear yards. She noted the application previously identified a 100' side yard setback and the applicant needs to clarify the distance
2. The new ordinance now permits a maximum panel height of 12' and the applicants are still seeking relief from the maximum height and need to clarify how high the panels will actually be
3. The new ordinance requires a buffer of 300' from any residence whether on the existing site or an adjacent lot and 150' from any residential accessory structure. She noted that the current application does not comply with these standards and will need to be added to the list of variances being requested
4. The new ordinance requires enhanced landscaping and buffering requirements. She noted the applicants were previously seeking relief from some of the landscaping criteria and continue to do so

Planner Slagle remarked that she would like to see a revised application as well as a new cover sheet to the site plan.

Attorney Waterbury clarified the district requirements in the application will need to be revised to address the newly revised requirements, the height of the panels needs to be specified and a listing of all of the variances being requested needs to be provided.

Engineer O'Neal noted that the applicant is seeking 6 submission waivers from the following checklist items:

1. The Municipal Services and Utility Impact Statement: He suggested that the applicant meet with the local fire and emergency response personnel so that they can review the plans for emergency access and submit their comments to the Board
2. Location of trees with diameters of 6" or more. He commented that as the application proceeds it will become evident where this criteria is critical and where it isn't
3. Easements for the 25' road right-of-way from the centerline of the right-of-way (ROW) of Township roads (Boss Road) or greater if required by the County of Hunterdon (Route 579) or the State of NJ. He commented that the Township knows what is needed for their roads but the County may want something different so a submission waiver is appropriate
4. Found and proposed concrete monuments. He commented that as the application proceeds the Township will require monuments at the new right-of-way and the County will too but the information is not known at the moment so the submission waiver is appropriate
5. Flagging of lot corners for a site walk. He commented that the Board should provide the applicant with guidance on how they want the site to be flagged
6. Evidence that duplicate copies of the application have been filed with other agencies. He commented that applicants typically receive input from the Board and then file their application with the other agencies

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Engineer O’Neal noted that the following two waivers from checklist items were not requested, but appear to be appropriate:

1. Driveway locations with appropriate corrections and sight triangles
2. Site triangles at intersections and driveways

He noted that site triangles will need to be shown but the applicant must speak with the County because the proposed driveways are off of County roads.

Attorney Waterbury clarified that the applicant needs to revise the list of variances that are being sought, clarify the height of the proposed solar panels, provide landscaping details and revise the site plan cover sheet to reflect the required setbacks as well as the variances being sought.

Ms. Cunningham asked that the site maps be revised to show all of the distances from the proposed solar arrays to the dwelling and accessory structures on the subject site as well as each of the adjacent properties. Attorney Peck clarified that they will show anything within 300’ of the proposed solar facility.

Ms. Gardner specified that the flagging for the site walk should show the fence line, the setbacks and corners and where the proposed solar array will be situated. It was noted that Ms. Andrews will coordinate the dates of the site walks so as to not have a quorum of members at the location. Engineer O’Neal asked that a representative for the project be available to guide the Board Members on the site walk.

Mr. Gavzy asked Engineer O’Neal how the wetlands are determined. Engineer O’Neal explained there are 3 criteria used to establish wetlands: Soil, seasonally high water table(s) and the presence of specific vegetation.

A motion by Sherrie Binder, seconded by Paul Gavzy to deem the application complete with the conditions that the applicant provide a revised application and site plans based on the comments made by the Board and its Professionals was unanimously approved.

Attorney Peck asked the Board if they would consider holding a special meeting in June for the public hearing on this application. The consensus of the Board was that a special meeting was not necessary at this time. Ms. Andrews indicated that with the rescheduling of the solar application that was not heard this evening, she anticipated the NVT application would likely be listed on the Board’s August agenda for public hearing. Attorney Peck suggested that he would like to notice public hearing for the Board’s July meeting in the event the other application didn’t require two full meeting dates. The Board was amenable to the suggestion but cautioned Attorney Peck that his client’s application would like be carried to the Board’s August agenda.

Engineer O’Neal and Planner Slagle were excused from the meeting at this time, 8:00 PM.

**Old Business**

There was no old business listed on the agenda.

**New Business**

There was no new business listed on the agenda.

**Comments of the Board Members**

There were no comments made by any Board Members.

**Attorney Comments**

Attorney Waterbury had no comments.

**Open to the Public**

A motion by Sherrie Binder, seconded by Gael Gardner to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Sherrie Binder, seconded by Paul Gavzy to close to the public was unanimously approved.

**Adjournment**

A motion by Paul Gavzy, seconded by Nancy Cunningham to adjourn was unanimously approved.

The meeting adjourned at 8:02 PM.

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Maria Andrews, Administrative Officer