

FRANKLIN TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
February 1, 2012

FLAG SALUTE:

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, February 1, 2012 at the Franklin Township Municipal building at 2093 Rt. 57, Broadway, NJ 08808. Chairman H. Meltzer called the meeting to order at 7:34 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: Mayor Butler, Mr. Corde, Mr. Hart, Mr. Meltzer, Mr. Onembo, Mr. Santini, Mr. Tietz, Mr. Sigler, Mr. Schnorrbusch, Ms. Kantor, Mr. Baner  
Members Absent: Ms. Payne, Mr. Van Sadlers  
Also Present: Engineer M. Finelli, Attorney R. Schneider, Planner J. Kyle

MINUTES: Minutes of the January 4, 2012 meeting have been tabled to the March 7, 2012 meeting.

CORRESPONDENCE: A correspondence list was provided to the land use board members.

RESOLUTIONS:

1. Docket 2011-09 - R. Donaldson & J. Donaldson - Resolution of approval for a Minor Subdivision application for Block 42 Lot 10 located at 44 Herleman Road. Eligible to Vote: Corde, Hart, Meltzer, Payne, Onembo, Santini, Tietz, Van Sadlers.  
A motion to approve was made by Mr. Tietz, seconded by Mr. Meltzer, Vote: Tietz, Meltzer, Corde, Onembo, Santini - Ayes, 0 - Nay, 0 - Abstain, motion carried.

COMPLETENESS ITEMS:

1. Docket 2011-10 - ISE Farms Solar Farm/Moncada NJ Solar 201, LLC, application for Preliminary and Final Major Site Plan application for Block 26 Lots 16 & 17 and Block 27 Lot 2. Board members S. Santini, A. Hart and S. Kantor recused themselves for the application. Mr. Daniel O'Hern represented the applicants. Engineer M. Finelli reviewed his report dated January 27, 2012 and recommended the application be deemed incomplete at this time. Mr. Finelli suggested the applicant return in March for completeness and if deemed complete proceed into

public hearing at that time if the additional information requested by the Engineer has been supplied by February 15, 2012. The board had a brief discussion regarding the escrow account, the applicant agreed to replenish per the boards request.

A motion to deem the application incomplete per the Engineer's report dated January 27, 2012 was made by Mr. Corde, seconded by Mr. Meltzer, Vote: Corde, Meltzer, Onembo, Tietz, Sigler, Schnorrbusch, Banes - Ayes, 0 - Nay, 0 - Abstain, all ayes motion carried.

#### PUBLIC HEARING & DISCUSSION ITEMS:

1. Docket 2011-05 - Alethea Cleantech Advisors LLC. Continuation of a public hearing for a Variance & Preliminary & Final Major Site Plan application for a Solar Farm located at Block 39 Lot 5 and 5.13. This application has been carried from the January 4, 2012 meeting. Attorney M. Peck reviewed the application for 66 Stewartsville Road. Attorney Peck addressed the variance relief, lowered height of the panels, easements provided and an agreement for deed restriction or modification of the plans. The applicant has agreed to leave the seven acre parcel undisturbed to help with visual impact. Engineer J. Schwenker reviewed exhibit A-5 dated 2/1/12 showing the overall Site, exhibit A-6 dated 2/1/12 photo simulations shown near Mr. Depaul's house. Ms. Schwenker stated the area of buffer for the wetlands will be addressed. Fire Chief S. Read's letter dated 01/06/2011.  
Mr. Read suggested training for the firefighters for the site and provide a nox box with a key for entrance of the property at the main gate.  
Mr. Read suggested additional lighting at the site for safety purposes.  
Mr. Kotias suggested access lighting for emergency services and would be willing to work with the fire official, Mr. Kotias reminded everyone there is no energy from the panels at night time and all materials are non-flammable with very little fire risk.  
Mr. Peck asked if additional variances would be required for lighting.  
Mr. Peck stated we cannot agree with items #3 & #7 we will have to work with them. Mr. Onembo asked how would a tough area be dealt with, the panels are in a confined space.  
Mr. Read suggested the applicant provide any special equipment needed to perform proper fire suppression at this site. The board made suggestions regarding additional access, a brush truck with booster hose was also suggested.  
Attorney R. Schneider stated the gate locations would be to the Fire Chief's satisfaction and the type of light level of illumination would be to the approval of the Township Engineer and Fire Chief.  
Engineering testimony was concluded at this time.

#### PUBLIC COMMENT: Questions to applicant professionals.

Mr. Steven Depaul of Stewartsville Road had questions regarding the elevation of the panels located on the Mountain and elimination of the highest section.

Mr. Shaun Champlin of Stewartsville Road had a question regarding fire suppression equipment.

Mr. Peter Hornish of Stewartsville Road asked if the material safety data sheets could be provided for review.

Mr. Szulecki of the Noise Consultancy, LLC provided his credentials for the board and was sworn by Attorney R. Schneider. Mr. Szulecki reviewed his noise report dated January 31, 2012 regarding Acoustical Study and Regulatory Compliance Analysis. Mr. Szulecki provided examples to give the board members and the public a sense of what the invertors would sound like.

PUBLIC QUESTIONS: Questions to Mr. Szulecki.

Mr. James McAleer of Stewartsville Road asked if Mr. Szulecki provided the testimony for Amwell Township.

Mr. Shaun Champlin of Stewartsville Road had concerns with wind noise.

Board members expressed concerns with market value for the surrounding homes near the proposed site. Board member Pat Banes asked what benefit the project would be for the Township. Mr. Banes asked if there was a decommission plan if Althea bankrupts or if the owner assumes responsibility, Mr. Katias stated the application should be held to the previous application standards.

PUBLIC COMMENTS:

Exhibit - 08 and Exhibit - 09 were photocopy photos provided by the public.

The public had concerns and comments regarding the following:

Decommission of the site

Real Estate Values

Lack of concern for the residents.

View from the roadway.

Lack of a maintenance schedule.

Lack of community benefit.

No tax reduction.

MSDS sheets not being provided.

Mr. Peck concluded and reviewed the variances and beneficial use.

Mr. Peck stated there was no competent testimony challenging the project.

Planner J. Kyle and Attorney R. Schneider reviewed the criteria for the Use Variance Preliminary and Final Site Plan approval process.

A motion to deny Use Variance relief was made by Mr. Corde, seconded by Mr. Onembo, Vote: Corde, Onembo, Meltzer, Tietz, Schnorrbusch, Kantor, Banes - Ayes, 0 - Nay, 0 - Abstain, motion carried.

A motion to deny Preliminary & Final Major Site plan approval was made by Mr. Tietz, seconded by Ms. Kantor, Vote: Tietz, Kantor, Corde, Onembo, Meltzer, Schnorrbusch, Banes - Ayes, 0 - Nay, 0 - Abstain, motion carried.

BILL LIST: A motion to approve vouchers submitted for payment was made by Mr. Tietz, seconded by Mr. Corde, all ayes motion carried.

ADJOURNMENT: 11:00 P.M.

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

Respectfully Submitted,

Margaret Housman, Secretary