

FRANKLIN TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
JUNE 6, 2012

FLAG SALUTE:

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, June 6, 2012 at the Franklin Township Municipal building at 2093 Rt. 57, Broadway, NJ 08808. Chairman H. Meltzer called the meeting to order at 7:42 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: Mr. Van Sadlers, Mr. Meltzer, Mr. Santini, Mr. Onembo, Mr. Sigler, Mr. Schnorrbusch, Ms. Kantor, Mr. Corde (7:55)

Members Absent: Mayor Butler, Ms. Payne, Mr. Hart, Mr. Tietz, Mr. Banes

Also Present: Attorney R. Schneider, Engineer M. Finelli, Planner J. Kyle

CORRESPONDENCE: None

MINUTES: Minutes from the May 2nd, 16th and executive session.

A motion to approve the minutes of May 2, 2012 was made by Mr. Onembo, seconded by Mr. Schnorrbusch, Vote: Onembo, Schnorrbusch, Sigler, Kantor, Santini - Ayes, 0 - Nay, 0 - Abstain, all ayes motion carried.

A motion to approve the minutes of May 16, 2012 was made by Mr. Van Sadlers, seconded by Mr. Onembo, Vote: Van Sadlers, Onembo, Schnorrbusch - Ayes, 0 - Nay, 0 - Abstain, all ayes motion carried.

A motion to approve the May 16, 2012 executive session minutes was made by Mr. Schnorrbusch, seconded by Mr. Van Sadlers, Vote: Schnorrbusch, Van Sadlers, Onembo - Ayes, 0 - Nay, 0 - Abstain, all ayes motion carried.

Mr. Sigler and Mr. Santini stepped down from the board at this time.

COMPLETENESS ITEMS:

1. Docket 2012 - 03 - Edison Road Solar Facility - Completeness review for a Use Variance/Preliminary and Final Site Plan application for Block 26, Lot 18 located at 55 Edison Road. The applicant was represented by Attorney W. Wilson. Attorney Wilson addressed comments on Engineer M. Finelli's report dated June 5, 2012.

A motion to deem the application incomplete with waivers granted as discussed was made by Mr. Onembo seconded by Ms. Kantor, Vote: Onembo, Kantor, Corde, Van Sadlers, Meltzer, Schnorrbusch - Ayes, 0 - Nay, 0 - Abstain, all ayes motion carried. Ms. Kantor stepped down from the board at this time.

2. Docket 2011 - 10 - ISE Farms Solar Farm/Moncada NJ Solar 201, LLC
Continuation of a public hearing for a Use Variance/Preliminary and Final Major Site Plan application for Block 26 Lots 16 & 17 and Block 27 Lot 2 at 110 Good Springs Road. Eligible to Vote: Corde, Onembo, Tietz, Van Saders, Schnorrbusch, Meltzer, Baner.

The applicant was represented by Attorney Daniel J. O'Hern Jr. and Engineer Michael R. Thomas and Consultant William Rever. Attorney O'Hern summarized the application for the evening.

Engineer M. Thomas was previously sworn at the May hearing. Mr. Thomas addressed outstanding items and a letter from JCP&L. Attorney R. Schneider clarified the letter dated April 27, 2012 from JCP&L regarding the consent to allow the applicant to cross their easement. Mr. Thomas stated he had not yet received any written questions or comments regarding the project from the surrounding neighbors. Mr. Thomas addressed the possibility of a vehicle to be utilized on site. Engineer M. Finelli asked who would be in charge of the vehicle and where would it be located, Mr. Thomas stated the vehicle would be on site at all times. The Fire Chief did not recommend the vehicle due to maintenance issues. Mr. Thomas would be addressing access for the site. Planner J. Kyle stated if they put down a driveway around the site they would go over the allowed impervious coverage for the site. Engineer M. Finelli stated they are currently just a shade under the impervious if they go over it would trigger some additional permitting.

Fire Official:

Mr. Thomas addressed the proposed access drive for the site.

Fire Chief Sonny Read stated he would prefer wire mesh on the access drive it works better they have been using it at Ft. Dix for fifteen years and it holds the weight of a Class "A" Engine. Mr. Thomas explained the wire mesh would allow for vegetative growth right through it. Mr. Thomas will submit the detail and pass it on to the Mr. Finelli and the Fire Chief.

Mr. Thomas stated they are working with Elizabeth Town Gas regarding the exact location of the gas easements and any required permitting and consent to cross the easements. Mr. Thomas stated the gas easement is referenced in the deed submitted with the application.

Mr. Thomas presented photo simulations Exhibit A-6 worse case scenario no leaves dated February 2012. Exhibit A-7 conditions with leaves dated April 2012. The Photos were taken by representatives of Innovative Engineers. Mr. Thomas explained the process for the photos along Good Springs Road and from residences on Good Springs Road including the proposed solar facility.

Mr. Thomas reviewed the type of materials the transformers consist of.

Mr. Thomas provided testimony regarding the racking system which are made from non-corrosive materials.

PUBLIC QUESTIONS:

Mr. Don Craig 83 Good Springs Road voiced concerns with the view from his deck and property value concerns.

Attorney R. Schneider addressed Mr. Onembo's questions regarding the application. Attorney R. Schneider explained to the board it is the board's obligation to focus on the visual impact of the application not on tax revenue.

Planner J. Kyle and Attorney R. Schneider addressed an inherently beneficial use and the board should focus on the negative if any judge each application on its own merits, what are the physical property attributes, detriment to the public good and the effect on the zoning ordinance what are the positive aspects.

PUBLIC QUESTIONS: Continued

Ms. Jean Marie Murray 84 Good Springs Road

Ms. Murray voiced concerns with the changing of the hedgerow.

Ms. Murray asked what is the goal of fire protection for the site, Mr. O'Hern explained it was up to the fire official the fire official explained how the foam would be used in case of fire. Mr. Thomas stated there would be a foam 1500 gallon bladder tank which would be located on site. The Fire Official explained the training. Ms. Murray has concerns with glint and glare and noise which will be addressed at the next meeting.

Mr. H. Meltzer asked if any thought has been given to access for the chicken farm and the solar facility using the same access. Mr. Thomas explained the access for the farm does run around the entire site.

Mr. Frederick Rizzolo 90 Good Springs Road

Mr. Rizzolo stated his concerns with the view from his deck.

Mr. Thomas reviewed the kilowatt hours per year for the facility and the impact on the environment. Mr. O'Hern reviewed what should be the focus of the application.

New Witness: Mr. Elliott Shanley

Mr. Elliott Shanley was sworn by Attorney R. Schneider. Mr. Shanley is the Principal of PVOne, LLC a NJ solar development company that developed the project, and local representation for the project owners: Moncada Energy Group and MP2 Capital. Mr. Shanley reviewed his background for the board and the contract with ISE Farms and Moncada. Mr. Shanley addressed if the applicant ceases to exist during the term of the agreement. Mr. Shanley explained how the system will operate and PJM approval.

New Witness: Mr. Ron More

Mr. Ron More was sworn by Attorney R. Schneider. Mr. More is the principal

of a consulting firm that does appraisals on solar facilities he explained.
Mr. More reviewed his credentials were and prior work experience.
Mr. More reviewed the financial value of the projects over time.
Mr. More stated the technology of the panels have not changed that much
over five or ten years. Mr. More stated it would be highly unlikely for anyone
to walkaway from a very valuable asset. Mr. More explained financing, value
and cost. Mr. Schnorrbusch asked what value would you place on the
equipment after twenty five years, Mr. More stated 10% to 12% of cost.

PUBLIC QUESTIONS:

Ms. Jean Marie Murray 84 Good Springs Road

Mr. More addressed a question regarding cost.

This application has been carried to the July 11th meeting without further notice
being required and extensions granted.

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

PUBLIC COMMENT: No further public comment was offered.

ADJOURNMENT: 10:50 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