

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
June 9, 2008**

A. Chairman called the meeting to order at 7:32 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B. Attendance:

Mrs. Allen	present
Mr. Cook	present
Mrs. Duffy	absent
Mrs. Filler	present
Mrs. Flynn	present
Mr. Getz	present
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present
Madam Chair	present

**Brent Krasner, Clark – Caton & Hintz
Valerie Kimson, Esq., Purcell, Ries, Shannon, Mulcahy & O’Neill
H. Clay McEldowney – Hatch, Mott & McDonald**

C. MINUTES

1. May 27, 2008 Mr. Klotz made a motion to approve the minutes. Mr. Getz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

2. May 27, 2008 Executive Minutes - 2008 Mr. Smith made a motion to approve the minutes. Mrs. Allen seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

D. CORRESPONDENCE:

The board had no comments regarding the correspondence.

E. VOUCHER APPROVAL

Mrs. Filler made a motion to approve the vouchers. Mrs. Allen seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

F. TECHNICAL REVIEW COMMITTEE:

**1 American Classics, LLC
Final Major Subdivision
Block 69, Lot 12**

Action date: June 29, 2008

Mrs. Filler made a motion to deem the application complete. Mr. Klotz seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

G. RESOLUTIONS:

- 1. LFP Holdings, LLC
Minor Subdivision
Block 77, Lot 28
204 Pleasant Run Road**

This matter is carried to the next meeting.

- 2. Merck & Co., Inc.
Block 4, Lots 48, 49, 98, 99, 100 & 104
Block 9, Lot 2
Request for an extension of approval**

This matter is carried to the next meeting.

- 3. Nicodemus, John & Angela
Block 64, Lots 36 & 37
Request for an extension of approval**

This matter is carried to the next meeting.

H. NEW BUSINESS:

- 1. Developers' Dream Bill**

Attorney Kimson stated that the bill is identified as Assembly No. 2867. It was introduced in May, 2008. This bill, if adopted, would act as an extension to approvals for a period of seven years from 2006 as a result of the economy. The bill would toll those approvals for a period of time. The bill has already been through the assembly, housing and local government committee and favorably considered.

Mrs. Filler made a motion that the board write a letter opposing the bill to the assemblymen, the League of Municipalities, the co-sponsors of the bill, Hunterdon County Freeholders and adjacent municipalities. Mrs. Allen seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

I. OTHER BUSINESS:

**1. Bellemead Halls Mill
Block 2.01, Lots 9.01 & 11
Request for an extension of approval**

Attorney Tubman stated for the record that she is with the law firm of Archer & Griener. She informed the board that this project is located on 109 acres. It is approved for 660,000 square feet. It was first approved on August 8, 1988. She stated that she has provided to the board's secretary proof of notice for this hearing. Ms. Tubman indicated that she is seeking another two (2) year extension. Last year she appeared before this board for an extension and at that time they were under contract with Higgins. Unfortunately, with the state of the economy, Higgins has vanished. Ms. Tubman stated that her client has participated by contributing more than one million dollars for the expansion of the RLSA plant. They have paid for sewer allocation of over 60,000 gallons for a period of ten (10) years. They participated in the construction of Elizabethtown Water's tank and the waterline/sewer line pump station on Route 523. She stated that her client will agree to abide by all ordinance amendments and COAH rule requirements that are in affect at that time the development is completed.

The board decided to carry this matter to June 23, 2008.

**2. Sun Power Corp.
Concept Review –
Merck Solar Panels**

William Gold, Esq., stated that he is the attorney for Sun Power Corporation. His client is under contract with Merck to install approximately seven acres of solar panels.

Mr. Gold stated that he reviewed the Municipal Land Use Law and the township's zoning ordinance regarding the question of whether or not the Planning Board has jurisdiction over this application.

Mr. Gold informed the board that one of the issues with this type of application is that the solar panels will be generating electricity for Merck and will provide less than ten percent of their electrical use. No power generated by these solar panels will be exported off site. He stated that in his analysis he questioned whether this use would be an accessory use or part of the principal use. This way of generating electricity is no different than a stand by generator of in a residential use a heat pump. Mr. Gold stated that if Merck received the approval to build these panels, it would be the equivalent of removing approximately 4,250 cars from the road, or the equivalent of planting 67,000 acres of trees. The applicant is under a time constraint because of the Federal Investment Tax Credits program.

Congress is allowing this to expire at the end of the year. Merck has taken a leadership role trying to be a “green” company.

Attorney Kimson informed the board that she agreed with Mr. Gold’s analysis regarding jurisdiction. She stated that the property is in the RO zone. It lists accessory uses, which are uses that are detached for examples, garages, eating facilities, fences, walls and child care centers Since the applicant is going to use all of the power that is generated on site, there is no doubt that this is appropriate for Planning Board jurisdiction. The board agreed.

Mr. Smith made a motion that the board has jurisdiction on this application. Mrs. Filler seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Filler	aye
Mr. Getz	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

Igor Saulsky, Senior Project Development Manager for SunPower Corporation Systems. He referred to the map that consists of 1,008 acres of Merck property. He located the area on the map where Merck concentrated their power generation capacity. He informed the board that the ground system is an efficient way to produce electricity. He stated that his company has built over 450 large solar power installations worldwide. They would create holes in the ground that would amount to eight ten thousandth of one percent of the entire property. They will make sure that it will not negatively impact the environment. Their plan is about one and a quarter megawatt peak power production which will amount to 2,000,000 kilowatts hours per year. That would be about 6 to 10 percent of Merck’s requirements.

Mrs. Filler had an interest in visiting a site where the panels were already installed. Mr. Saulsky stated that he could arrange a site visit for the board.

Mr. Saulsky stated that this technology is mature. It has been in existence since 1954. Their systems have a life expectancy of 30 years plus. The panels that are standing in the field are performing even longer than that.

Roger Humphrey on behalf of Merck stated that they are totally supportive of the solar panels. It is part of their sustainability program within the

corporation. He wanted to let the board know that if they have any questions, he would be available to assist the board.

Attorney Gold informed the board that the applicant will return with a preliminary/final site plan application. He thanked the board for their time.

J. PUBLIC HEARINGS:

1. None

K. EXECUTIVE SESSION:

Mrs. Filler made a motion to enter executive session at 8:27 p.m. Mr. Klotz seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

RESOLUTION
(Open Public Meetings Act – Executive Session)

WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED by the Planning Board in the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

The public shall be excluded from discussion of the hereinafter specified subject matters. The general nature of the subject matter to be discussed is as follows:

1. Readington Township Planning Board adv. Liardo

It is anticipated at this time that the contents of the above discussions will remain confidential.

This Resolution shall take effect immediately.

Certified to be a true copy of a Resolution adopted on June 9, 2008.

Linda Jacukowicz, Coordinator

Mrs. Filler made a motion to close executive session at 8:57 p.m. Mr. Smith seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

L. ADJOURNMENT:

Mr. Cook made a motion to adjourn at 8:58 p.m. Mrs. Filler seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz