

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
July 14, 2008**

A. Chairman Flynn called the meeting to order at 7:38 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	present
Mrs. Filler	present
Mr. Getz	absent
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
Dr. Stephen Souza – Princeton Hydro**

C. MINUTES

1. June 23, 2008 Mr. Klotz 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:

Ben Smith and Cheryl Filler brought the board’s attention to the letter from the Historic Preservation Commission regarding the draft historic structures documentation requirements for demolition permits. Mr. Smith stated that the Historic Preservation Commission reviewed how this permit process should be handled regarding an historic home and submitted same to the board for their comments.

Mrs. Filler made a motion to direct the firm of Clark, Caton and Hintz to create an ordinance using the guidelines from the Historic Preservation Commission’s letter. Mr. Smith seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

E. VOUCHER APPROVAL

Mr. Klotz 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 Janet Rollero/Healthy U Personal Training, Inc.
Block 21.01, Lot 8
Minor site plan
Action Date: July 28, 2008**

Mrs. Filler announced that the application is incomplete.

G. RESOLUTIONS:

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

Mrs. Filler made a motion to approve the resolution. Mrs. Allen seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Smith	aye

H. OTHER BUSINESS:

- 1. ANJEC Grant status-**

Mrs. Filler stated that a few months ago, the Planning Board directed the Environmental Commission to submit a grant so that the township could map the conservation easements within the township and identify the types of invasive species. It was their plan to create a methodology so that an ordinance could be adopted to handle the invasive species and maintenance of the conservation easements. The ANJEC grant was not granted. However, at an Environmental Commission meeting, a member of the public volunteered to an intern. He needs 60 hours in order to obtain his certification as an environmental steward so he would be willing to volunteer his time. Mrs. Filler stated that the Environmental Commission members have volunteered to help too.

Mr. Klotz stated that a process meeting had been discussed to take place to include the original subcommittee and he also suggested having Dr. Souza of Princeton Hydro attend that meeting. Dr. Souza stated that he requested a briefing as to why the project wasn't accepted. He stated that he was told that Readington Township was within the limit of what ANJEC would fund, but at the top end of the scale. ANJEC's position was that they would rather fund a number of projects as opposed to a few projects. In terms of the technical aspects of the project and the fact that this could serve as a model for other municipalities, there was no denying that it was

Ed Liberty of DomeTech Group which is a New Jersey based engineering design and engineering consulting company. He stated that they were acquired in October of last year by United Technologies Corporation. He stated that they have worked with Merck for over 15 years in energy use reduction, energy conservation and energy efficiency. He stated that they are under time pressure to complete the project. The investment tax credit is important to the success of this project. This is a 30% investment tax credit to the owner of the system. Mr. Liberty stated that DomeTech and through their parent UTC are the owners of the system. They are making the investment in the project which is in excess of ten million dollars. The 30% tax credit will be lost if they are not up and running by December 31, 2008. Construction needs to take place beginning July 31, 2008. The New Jersey State Energy Master Plan calls for 1,800 megawatts of solar to be built in New Jersey by the year 2020. This project represents 1.6 megawatts of the 1,800.

Mr. Liberty stated that they have selected SunPower to install the system. SunPower will provide the highest and most efficient solar panels that are on the market today. The panels are 18 ½ % efficient panels, coupled with a tracking system, they are able to obtain over a 50% increase in power production on the same land area that if they used a non-tracking system.

This particular project will eliminate 1,300 tons per year of CO2 emissions from the atmosphere. That means that the coal fired plants in New Jersey, Pennsylvania and Ohio that are producing power which comes to the New Jersey will produce 1.6 megawatts less and therefore will provide 1,300 tons per year less of CO2 emissions, over the life of the project that will equate to 26,000 tons. In order to have that same level of success in reducing energy emissions, they would have to remove over 4,000 cars from the road over a 20 year period. They would have to plant over 5,500 acres of trees to have the same environmental benefit.

Dr. Souza wanted to know who the owner of the solar array would be. The owner of the system is their parent company which is UTC Power.

PUBLIC COMMENTS:

Veronica from the Hunterdon County Democrat wanted to know what he meant by the "life of the project."

Mr. Liberty answered that the life of the project has two meanings, one is a contractual point of view, which is 20 years with Merck; and the panels have a life much longer than 20 years.

Igor Saulsky, Project Development Manager for SunPower. He stated that they are a 20 year veteran in solar energy. They are one of the largest solar panel companies in the industry.

Exhibit A-2 Photograph of the J & J site.

Mr. Saulsky stated that the Merck system will be twice this size. The system will reduce Merck's energy consumption by 6 to 10 percent. This is a tracker system. Merck's roof is not appropriate to hold a solar system. The tracker system

produces approximately 25 percent more energy per square foot than the fixed system.

The panel technology has been in existence since the 1950's. The panel does not generate any harmful emissions. The tracker system is connected to data computers so they know exactly if the system is producing the maximum capacity.

Dr. Souza wanted to know the distance between the tracks. Mr. Saulsky answered that the distance is between 8 to 10 feet. It will depend on the curve of the terrain.

Dr. Souza wanted to know how they would replace a panel and the frequency of the replacement. Mr. Saulsky stated the computer system will monitor the system's output capacity. They would know what panel is not working properly. Dr. Souza wanted to know if the panels had to be powered washed to remove debris. Mr. Saulsky answered no because this area has precipitation.

Mr. Gold asked under ideal operations, what is the electrical output of the solar array. Mr. Saulsky answered that 1.6 megawatt direct current capacity, but during the year they will produce 2 million megawatt hours of energy.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. McEldowney stated that during the site visit, it was suggested to relocate a small portion of the most northerly panels of the central array in order to reduce the extent of grading that would be required and to pull back a slope that extends in a northerly direction toward a riparian zone. He wanted to know as to whether or not that is feasible.

A-4 Sheet 5 of the site plan

Mr. Saulsky stated that the area of concern consists of 50 to 60 panels. He stated that at this point the project critical path is so urgent and they are in survival mode so they would sacrifice this panel simply because they cannot find any other location. This cut to the panels would equate to powering electricity to 5 houses on an annual basis.

Madam Chair stated that the Planning Board recently extended the approval for Merck and this area was the designated stockpile area. Mr. McEldowney answered that was correct.

Mr. Gold answered that this area was not the fill site.

Mr. Klotz stated that during the site visit, this topic came up and it was discussed that if it is possible, could they look at some other configuration.

PUBLIC COMMENTS:

There were no comments from the public.

Tom Auffenorde stated that he is the assistant vice president to EcoSciences where he has been employed for 22 years. His responsibilities are wetlands delineation, permit acquisition, compliance with wetland regulations. His job on the site has been to delineate the wetland and water features on the property that are regulated by the NJDEP for the Freshwater Wetlands Protection Act. They have made application to the NJDEP for a letter of interpretation. The NJDEP has conducted their field inspection and in this area of the property there are no issues raised and the delineation is shown on the plans. The project has been designed to completely avoid impact to the wetland areas.

Regarding Dr. Souza's report, he wanted clarification of the wetland buffer areas and Mr. Auffenorde's testimony is that the plan is accurate. Dr. Souza wanted clarification that the swale had a defined bed and bank and if so they would require buffering and it was proven that there is no regulated wetland or water associated with it. Dr. Souza stated that there were some items brought up by the Environmental Commission indicating that a portion of the site drains to the South Branch of Rockaway Creek. Dr. Souza stated that it is the portion of the Merck site that is not necessarily a portion of this site. He wanted clarification. Mr. Auffenorde stated that the site sits on a drainage divide. One half of the property drains northward and the other half drains southward towards the South Branch of Rockaway Creek. The South Branch of Rockaway Creek is category one water which imposes higher buffers under the flood hazard area rules. It is trout maintenance water so it would not affect the wetland buffer.

PUBLIC COMMENTS:

There were no comments from the public.

Madam Chair announced that the board would take a ten minute break. The board returned to open session at 9:21 p.m.

Gary Dahms stated that he is a principal at T&M Associates. He is in charge of the real estate development division. He is a licensed professional engineer and planner in the State of New Jersey.

Mr. Dahms testified that this is a 10.75 acre of limited disturbance on the site. Within that 10 acres, approximately 7 acres that are going to be covered by the solar panel arrays. They are basically broken into two groups. Each group will have an inverter pad to convert the electricity. The converter pads tie into a transformer. There is a wetland with a 50 foot buffer along with the riparian buffer of 150 feet. This sets environmental constraints to the north of the property. To the south of the site there is a 30 foot buffer off of the internal loop road. The land that they will be using consists of open meadow. They intend to perform additional grading which is shown on sheet 8 of the site plan to allow the installation of some northern positioned panels. During the break they discussed another option which would be to increase the slope to a 2 to 1 slope which would pull in the disturbance closest to the riparian buffer to approximately 50 feet. This would provide less disturbance against the riparian buffer, but it would require a 2 to 1 slope on the bank. This would also need Hunterdon County Soil Erosion approval on the slope.

Regarding stormwater management, it is their opinion that no stormwater management is needed on the site. None of the drainage patterns will be changed. The panels themselves tilt and rotate. The vegetation under the panels will be maintained. There is no increase in impervious coverage. There are no gravel driveways and there will be no increase in runoff.

Mr. Dahms stated that in the environmental report, it did not include lot 112. Once they received the survey they discovered that this lot is located down in the corner of the site, but the absence of it has no bearing on the project area.

Dr. Souza stated that the plans will have to be amended to show the stream. Mr. Dahms agreed to show the 100 year flood plain and the 100 foot buffer. Dr. Souza wanted to know if they could provide cross sections to the plan to show the degree of grading. The applicant agreed to provide 3 cross sections. Regarding number 4.2 of Dr. Souza's report dated July 14, 2008, the township's ordinance does require stormwater management for any project that results greater than an acre of disturbance. For the purpose of the record, if the applicant is not going to be required to provide some kind of stormwater management, the reasoning needs to be presented clearly in the record.

Dr. Souza stated that he recommended to place a swale system along the limit of disturbance which would be on the northern perimeter of the project area, or have a swale system between the array system that would intercept and infiltrate the stormwater. He stated that there is 10 acres of disturbance.

Mr. Monaco stated that he understands Dr. Souza's concern, but given the fact that there is no FAR increase and no increase to the impervious coverage this is the reason there is no stormwater management plan.

Dr. Souza stated that hearing the testimony this evening, he realizes that there little opportunity for the generation of runoff in the form of concentrated flow. This might be suitably mitigated by the re-establishment of the meadow, but they need to make sure that all of the grading that is conducted on the site does not compact the soils. Additionally, Dr. Souza recommended that the applicant respond to item 6.1 of his report via the geo-technical engineer establishing why a slope stability analysis is not required. Test pits 4, 5 & 8 had a measurable seepage. He wanted the applicant to provide a cut-fill analysis.

Mr. Monaco stated that in terms of the board's policy, in cases where there is no FAR or impervious coverage resulting, that the stormwater management plan can consist of controls on how the meadow will be re-established.

Mrs. Allen stated that in order to get the real picture, they would have to compare the existing topographical lines to the proposed topographical lines. What they are proposing is to bulldoze dirt over the hill and creating a new hill further out. That new hill would be extremely steep.

Dr. Souza stated that he did look at this issue and did not feel it was a critical environmental issue. The existing condition is a very steep slope. The proposal that is on the table to rather have a 3 to 1 slope, have a 2 to 1 slope.

Mr. Gold requested a deferral, not a waiver regarding the installation of the conservation easement at this time.

Tom Malman, Esq., attorney for Merck agreed to the amendment of the extension resolution to indicate at the time they come back the board that then the conservation should be demarcated.

Brent Krasner stated that he supported the idea of the meadow. They recommended that the applicant replace the trees greater than 8 inches elsewhere on the property. They recommended installing screening along the access drive near the area of the gate house. Mr. Dahm stated that they are proud of the installation and it would be only visible for their visitors so they do not want it screened.

Mr. Gold testified that as far as replacing the trees greater than 8 inches in diameter, this is a heavily wooded site. There are already ongoing tree planting programs. They could incorporate 60 additional trees into their program without a problem. It doesn't make that much of a difference on a site that is 90% forested.

Mr. Dahm stated that they will provide an amendment to the plan containing notes, construction techniques regarding minimizing the compactness to the soil, add a meadow mix spec to the plan and whatever Mr. Krzyston would add to the plan. A stormwater management report will be submitted.

Mr. Gold stated that he noticed for a variance for the slopes. In his view this requires a C-2 variance. The benefits from the deviation from the ordinance substantially outweigh any detriment to the ordinance. There is no traffic, noise, sewer requirement, no health impact; there is no visual impact which outweighs the negative impact to the zone. There is sufficient evidence the positive outweigh the negative.

Mr. Cook stated that at the site visit at J & J he noticed that there was no noticeable runoff line on the ground from stormwater.

Mr. McEldowney referred to his July 14, 2008 report and wanted to have the floor area ratio number reflected on the plan and have item 10 answered regarding soil compaction. Also, the applicant should comply with any COAH obligation. The Land Use Development requires the establishment of a conservation easement on any stream corridor or environmentally sensitive area. Mr. Krasner concurred with Mr. McEldowney.

PUBLIC COMMENTS:

There were no comments from the public.

Kristopher Krzyston stated that he is the assistant manager for the environmental services within the T&M Associates. He graduated from Rutgers in 1994.

He stated that Mr. Saulsky's testimony covered most of the issues. Dr. Souza had some questions regarding 1.2 of his report. Mr. Krzyston stated that they will submit a revised EIS that will provide a list of the tree species and will include a list

of the fauna. He stated that no Bald Eagle or Wood Turtle species have been mapped on location where the array will be installed. They have acknowledged that White Cedar was incorrectly referenced in the EIS, it is Red Cedar. Permeability testing will be performed on the site to make sure that it is suitable to recreate the meadow on the site. Regarding 3.5 of Dr. Souza's report, no grasshopper sparrow has been mapped on this area, and with the potential timing of the tree removal most of the nesting or foraging activities have taken place by July.

PUBLIC COMMENT:

There were no comments from the public.

Mr. Gold informed the board that the applicant will use their best efforts to convince the Hunterdon County Soil Conservation District to allow the 2 to 1 slope. However, if they do not agree, Mr. Gold requested that the board approve the plan as submitted for the 3 to 1 slope.

Attorney Kimson listed the following conditions of approval for the board: the applicant will use their best efforts to obtain approval from the Hunterdon County Soil Conservation District to allow the 2 to 1 slope. If that cannot be accomplished, then the plans as submitted at the 3 to 1 slope will be approved; the conservation easement will be deferred until the balance of the project is developed; the Merck extension resolution will be amended to include that the delineation of the conservation easement will be deferred until that time; meadow mix specification will be included on the plan; the applicant will use their best efforts to pull in the slope subject to the approval of the Hunterdon County Soil Conservation District to a 2.1 toe slope; the slope must be stabilized to the satisfaction of the Hunterdon County Soil Conservation District; the slope will be stabilized with a meadow mix; pursuant to Dr. Souza's report section 6.1, the applicant will submit a slope stability analysis report; the applicant shall comply with all of the conditions in the board's professional's reports; the applicant will include notes on the plans and sequence the EIS controls and guarantees that there is no compaction to the soils so that the planting bed can support wild grasses; the board grants a C-2 variance for the slopes; the board finds that the stormwater management requirement has been met due to the use of the proposed meadow grass and that there is no increase to the FAR and no compaction of the soils; the applicant will supply information regarding the electrical conduit; and the applicant will supply 3 cross sections to the plans.

Mr. Cook made a motion to approve the application with these above mentioned conditions. Mrs. Filler seconded the motion.

Roll Call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye

