#### CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:35 p.m. and stated the meeting was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

#### **FLAG SALUTE**

**ROLL CALL:** Members Present: Fette, Luthman, Randazzo, Corcoran,

Leuthe, Didyk, Straub, Taylor, Van

Sickle, O'Leary.

Members Excused: Hughes.

Members Absent: None.

Also Present: Ursula Leo, Esq.

Gene Weber, PE Frank Banisch, PP

#### **AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

### **COMPLETENESS/ HEARINGS:**

1.) Beaver Run Solar Farm Phase II SP11-3B:25 L:2 & 4.01 Deemed complete on 4/21/11

Mr. Corcoran stepped down for this application.

Ms. Megan Ward asked the Board to handle the issue of hiring a wildlife expert prior to moving into the testimony of the application. Mr. O'Leary said the Board had a proposal from Dr. Jeffrey Keller and he could do a site visit prior to next week's meeting however his report would be coming to the Board just before the meeting with little time for Board members to review it. Ms. Ward said she understood the importance of having an environmental expert advise the Board. There was a discussion on the timeframe of getting a report from Dr. Keller. Mr. O'Leary said he had spoken to Dr. Keller about getting a report to the Board by next week's meeting date. The Board asked the applicant to cover the cost of the environmental expert to which Ms. Ward agreed to the fee not to exceed \$4,000.00.

A motion to retain Dr. Jeffery Keller as an environmental expert with a fee not to exceed \$4,000.00 with the scope of his work to include the ridgeline and have a report to the Board by June 23, 2011 was made by Ms. Didyk. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Didyk, Straub, Leuthe, Taylor, Van Sickle, O'Leary.

Mr. Tom Knutelsky, PE presented a color map which was untitled and undated and prepared by Harold E. Pellow and Associates which showed the viewshed alignments for the residences around the project which was marked and entered as exhibit A-8. Mr. Knutelsky explained that there are 16 residences located around the project area. He discussed each location in relationship to the solar project.

Mr. Knutelsky marked and entered the following exhibits:

A-9 Viewshed profile of properties numbered as 13, 14 & 15.

A-10 Viewshed profile of property numbered as 11

A-11 Viewshed profile of property numbered as 12

A-12 Viewshed profile of property numbered as 10

A-13 Viewshed profile of property numbered as 9A

A-14 Viewshed profile of property numbered as 9

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Mr. Knutelsky explained each map to the Board. He located the view that each property owner would have of the solar project. The property numbered as #9 is located in Wantage Township and would have to look through existing wetlands and mature forest to see the solar project. He said the distance from the home to the solar panels is about 3000 feet.

Mr. Knutelsky marked and entered as exhibit A-15 a viewshed profile of properties numbered as 1, 2 and 3. He explained that the property on lot numbered as 1 is a vacant parcel. He explained the view from the public right of way.

Mr. Knutelsky marked and entered as exhibit A-15-A photos taken at different seasons of the viewshed from Property numbered as 1. He also entered as exhibit A-15-B seasonal photos of the viewshed profile of the property numbered as 2. Mr. Banisch asked for clarification on where the panels would be. Mr. Knutelsky explained. Mr. O'Leary asked if the applicant was planning on supplementing the property with added vegetation to which Mr. Knutelsky said no. Mr. O'Leary was concerned with the winter views. Mr. Leuthe asked if the limits of tree clearing were being changed to which Mr. Knutelsky said no.

Mr. Knutelsky marked and entered the following exhibits:

A-15-C Photos of the viewshed from the properties numbered as 4 and 5.

A-16 Viewshed profile of properties numbered as 4, 5 and 6.

A-16-A Photos of the viewshed from properties numbered as 6, 7 and 8.

A-17 Viewshed profile of properties numbered as 3, 2 and 1.

A-18 Viewshed from Pond School and Lewisburg Roads drafted by Harold E. Pellow and Associates. Mr. Knutelsky showed the Board the areas that can be seen from the public roadway. He explained the wetlands and tree area that existed. Mr. Weber asked about the ridgeline and how much of the viewshed is above the 640 foot elevation. Mr. Knutelsky said he will address that at the next meeting.

Mr. Knutelsky marked and entered viewshed profile by Harold E. Pellow's office as exhibit A-19. He explained the photos were to show what a view from 500 feet looks like. He presented photos of the views from his office in Frankford Township to the Sussex County Fairgrounds which he called "Harold Pellow Office Photo Log" and were marked and entered as exhibit A-19-A. He explained the distance and visibility to the Board. Mr. Banisch questioned the value of exhibits A-19 and A-19-A. He felt there were no measurable criteria of visibility. Mr. Banisch expressed a concern for the need for additional landscape to hide some of the panel visibility. Mr. O'Leary agreed.

Mr. Knutelsky explained the viewshed from the property numbered as 1. He explained the different slopes of the panels to the Board. He said a 15 to 33 percent slope is not unusable for a solar panel as it might be for other development. He presented a map of the types of slopes on the property which was dated 6/16/11 and was marked and entered as exhibit A-20. He explained the 25% slopes or greater and 33% slopes and greater to the Board. He presented a map that showed 50% or greater slopes on the property which was marked and entered as exhibit A-21. He said about 100 panels will be on the 50% or greater slopes. He presented a map of the site showing the panels on the slopes of 33% or greater which was marked and entered as exhibit A-22.

Mr. Knutelsky showed the Board what a panel would look like on a 50% slope. He demonstrated this angle with two poster boards.

There was a discussion on the seed mixture. Mr. Knutelsky said he spoke to the Freehold Soil Conservation District and then to the Somerset/ Union Soil Conservation District and both said there was no approved solar panel seed mix. He did get two seed mixtures from Freehold Soil Conservation District that they approved for use on a project in their area.

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He said it would be a good seed for this area and that is what they are proposing at this time. He said they are keeping the existing contour of the land and limiting the amount of disturbance.

Mr. Knutelsky discussed the construction impacts. He said they will start with the clearing and grubbing. They would then clear the trees and set the posts. Then the soil would be stabilized. Then the panels would be set on the racks.

There was a discussion on the possible archeological resource on the property. Mr. Knutelsky said that according to the EIS, the archeological resource in the area do not occur on their property. He said there are no historical resources on the site either.

Mr. Knutelsky said the applicant agrees to raise the fence off the ground by 6 inches to allow smaller animals movement through the property while keeping the larger animals out as well as people. There will be three areas which are fenced so large animals will be able to move through the site along the areas that are not fenced. There will be a bottom rail on the fence for stability. There was a discussion on what areas will be fenced in.

Mr. Knutelsky said the wetlands application was filed and they are still waiting for the L.O.I.

Mr. O'Leary noted the Lafayette Township Fire Chief is requesting to tour the site after the construction is completed. Mr. Charles Shotmeyer agreed. Mr. O'Leary asked if the EMS team could do the same to which Mr. Shotmeyer said yes. Mr. Shotmeyer said they will have an emergency management plan.

Mr. O'Leary asked if the shade abatement area will be seeded to which Mr. Knutelsky said no. The shade abatement area will have the large trees removed however the undergrowth will remain with the leaf litter. The seeding is for the panel area only.

Mr. Luthman noted an error on page 3 of the E.I.S. Mr. Knutelsky said he would correct it. Mr. Luthman asked about the existing structures on the property. Mr. Knutelsky said all of the structures will be taken down.

Mr. O'Leary expressed a concern about the construction noise. He asked about the removal of the debris from the demolition of the structures. Mr. Knutelsky said everything will be removed from the site. It will either be reused or recycled and anything that can't will be taken to the landfill.

Mr. Luthman requested the applicant plant a densely planted buffer. Mr. Knutelsky said it is a passive use and there will be no headlights from cars as could be in other commercial uses.

Mr. O'Leary felt that the Environmental Math document that Mr. Shotmeyer submitted to the Board and was testifying on was not appropriate since Mr. Shotmeyer was not an expert in the matter.

Mr. Randazzo asked about the required area of preservation. Mr. Shotmeyer discussed the preservation of about 120 acres. Mr. Banisch felt the land was not being preserved; it was just not being used. Mr. Shotmeyer said the land will be set aside for the duration of the project with no expansion of the project. Mr. Luthman said nothing was put before the Board about preservation. He said 43% of the property is constrained and what is being called preserved is just not being used.

Mr. O'Leary opened the meeting to the public. Mr. Sean Mayer of 18 Lewisburg Lane, Lafayette asked what the view from a second story room would be from the lots along Lewisburg Road. Mr. Knutelsky explained the viewshed profile of property numbered as 4 from his earlier exhibits. He said the view would be from 300 feet away. Mr. Mayer felt the photo was not an accurate view of the subject property from his house. Mr. Knutelsky said they could not take pictures from inside peoples homes.

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Mr. Emil Conforth of 66 Fox Hill Road, Lafayette asked about the viewshed profile #10 and felt the solar panels will be seen when looking down into the valley from property numbered 10. Mr. Knutelsky said the ridgeline would prevent the view of the solar panels.

Mr. Craig Christensen of 35 Old Beaver Run Road, Lafayette asked about the number of jobs this project will create. Mr. Knutelsky said about 100 including the construction of the project. He said there will be 3 to 5 full and part time long term jobs.

A motion to carry the application to the June 23, 2011 meeting date with no further notice was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary.

### **OLD BUSINESS:**

# 1.) Solar Application Fee

The Board agreed to carry this matter to the July workshop meeting.

# 2.) Gateway as an Element to the Land Use Plan

The Board agreed to carry this matter to the July workshop meeting.

# 3.) Reserve Septic Location Ordinance

The Board agreed to carry this matter to the July workshop meeting.

### **NEW BUSINESS:**

1.) Retention of Environmental Expert for the Beaver Run Solar Application
This matter was addressed earlier. The Board Secretary will contact Dr. Keller.

# 2.) Extension of Approval for Nouvelle Associates, LLC

A motion to grant an extension to August 23, 2012 on the approval was made by Mr. Luthman. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Didyk, Straub, Van Sickle, O'Leary. Mr. Taylor voted in the negative.

# **RESOLUTIONS:**

#### 1.) Daura, Damon SP11-4, FSP11-5 B: 16 L: 8.03

A motion to approve the resolution was made by Mr. Fette. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Straub, Luthman, Didyk, Leuthe, Fette, Taylor, Van Sickle, O'Leary.

# **ORDINANCES:**

# 1.) Renewable Energy Ordinance

This had been sent to the Township Committee. The Committee had a question about the wording on the height limitation. The Board discussed this and agreed to send a letter to the Township Committee with a recommended change in the wording. The Board Secretary will send the letter.

TRC REPORT: None.

**ZONING REPORT:** None.

**BILLS:** List #6

A motion to pay the bills with the payment of the Master Plan bill if the total billing does not exceed \$15,000.00 was made by Mr. Leuthe. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Fette, Luthman, Randazzo, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary.

### **EXECUTIVE SESSION:** None.

### **CORRESPONDENCE:**

1.) From: John C. Philips, Esq. Re: Request for Extension

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2.) From: Brian R. Tipton, Esq.Re: Handwerg Drive Realty Order

# **ADJOURNMENT:**

A motion to adjourn was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo Board Secretary

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