

**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:** Hughes, Luthman, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary.

**Members Excused:** Fette.

**Members Absent:** None.

**Also Present:** Ursula Leo, Esq.  
Gene Weber, PE  
David Banisch, PP  
Jeffery Keller, PhD

**AUDIENCE:**

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

Mr. O'Leary said the Board will address old and new business and the bills list before getting into the hearing for Beaver Run Solar Farm so the two members who will need to step down for the hearing can do so.

**BILLS LIST: #6**

A motion to pay bills list # 6 with the noted correction to the Master Plan bill was made by Mr. Leuthe. It was seconded by Mr. Corcoran and passed with a roll call vote. Ayes: Hughes, Randazzo, Corcoran, Leuthe, Didyk, Straub, Taylor, O'Leary. Mr. Luthman abstained.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

Mr. Hughes reported that the Township Committee has set up a status update meeting with the SCMUA for the first Tuesday in August.

Mr. Hughes said the Township Committee is setting up a meeting with the local business owners and he invited any interested Board member to join the subcommittee. The meeting will be to open up dialog between the town and business owners.

Mr. Hughes reported that Advance Housing has received their funding and they are scheduled to start construction in September on the second building.

Mr. Hughes said that Mr. Luciano Bruni is requesting to come to the July workshop meeting to discuss his property.

**COMPLETNESS / HEARINGS:**

1.) Beaver Run Solar Farm SP11-3 B:25 L:2 & 4.01

Mr. Hughes and Mr. Corcoran stepped down for this hearing. Ms. Laura Newgard an environmental scientist was sworn in by Ms. Leo. She gave her qualifications which were accepted by the Board. Ms. Newgard explained her survey of the species and their habitat found on the applicant's property. She discussed the specific species she focused her study on and went over her E.I.S. with the Board. She conducted a site visit to gather her findings and said she focused on six species. She discussed bobcats and said the property has the potential for bobcat habitat. She explained the bobcat habitat to the Board. She explained the endangered bog turtle habitat and the wetlands on the property. Ms. Newgard discussed the behavior and habitat of the wood turtle and said she found no feature for their habitat on the property.

Ms. Newgard explained that the redheaded woodpecker nests in dead or dying trees. She noted there were some areas on the property that had potential for their habitat. Ms. Newgard discussed the Cooper's hawk and said they can live anywhere. She said there was habitat on the site for them. She described the barred owl and said she found no habitat for them on the site. The barred owl need mature woods to nest and the applicant's site was too young and open.

Ms. Newgard said she saw deer, humming birds, red-tail fox and turkey on the site. She said the wetlands are buffered and protected so there will be no impact on the wetland species. She said the only species that could be affected by the proposed project is the redheaded woodpecker. The applicant is proposing to leave snag trees so the woodpecker will have a variety of trees to nest in. There was a lengthy discussion on the cutting of the trees. She said they will not cut any trees from spring through August 15th to allow any nesting birds to leave.

Ms. Newgard discussed the water quality and quantity and said no water is being removed from the site. There will be no treatment or discharge into the water with any type of contaminant and no impact to the ground water. There was a discussion on raising the proposed fencing up off the ground to allow small animals access to the fields and the pond.

Dr. Jeffrey Keller was sworn in by Ms. Leo and gave his qualifications to the Board. He explained he was retained by the Land Use Board to visit the site and review the E.I.S submitted by Ms. Newgard. Dr. Keller explained an animal's home range. He said a small animal has a small home range and a large animal has a large home

range. He felt there could be a potential impact on the small animals in the area. He felt Ms. Newguard's report was well written and agreed with the mitigation measures. He said many of the species live on the edge of the property and some of these areas are quiet narrow and limits some of the species that can live in a narrow area. Many of the species have circular territorial ranges. Dr. Keller said there will be negative affects on the animals with the removal of 75 acres.

Dr. Keller discussed the relationship between the steep slope and the amount of solar power that can be generated. He felt wide open areas are better suited for solar farms. He felt clearing a large area for this type of use may not be worth the loss of the trees. He felt the project should be scaled back in size. Dr. Keller said he walked the site and noted over 40 species of birds. He said he is not opposed to solar power. He felt the Board should look for sites better suited for solar farms. Dr. Keller discussed the ratio of site disturbance to panel efficiency.

Dr. Keller noted the breeding season for birds in this area is from May through August. He recommended that no trees be cut from April 1 through August 15. He discussed which birds breed at different times of the year. Ms. Didyk asked if the birds come back to the same spot every year to nest. Dr. Keller said that all animals come back to the same spot to breed and nest in the spot that was successful for them. The animals that are displaced become floaters and don't reproduce successfully. He said when an animal loses its house it also loses its job because building shelter and raising young is their job.

Dr. Keller discussed the proposed fence height of 6 inches off the ground. He felt it was a reasonable height. He said the small animals can get under it while it will keep the deer out. He said bobcats should be able to get under the fence. He noted nothing will keep a bear out.

Ms. Didyk asked what will happen when the snag trees rot away. Ms. Newguard said it will be a slow process. Ms. Didyk asked if the aquatic species in the area could mistake the panels for a pond of water. Ms. Newguard said she has heard of this however it is not her area of expertise. Mr. Knutelsky said he found a report that addressed this issue. He said the report noted that aquatic insects can detect the horizontally polarized light and will be able to determine the panel is not a body of water.

Mr. Luthman asked if N.J.D.E.P. would permit any type of construction activity in the wetlands or the transition area. Ms. Newguard said there a series of permits available that would allow one to impact the area. Mr. Luthman felt it would take a lot of permit work to be able to get permission to construct in the wetland buffer area.

There was a discussion on snag trees. Dr. Keller said snag trees will last for about 7 to 8 years and some may last as long as 15 to 20 years.

Mr. Banisch asked if there will be a phasing of the project and the effect on soil erosion. Ms. Newguard deferred this to Mr. Knutelsky. Mr. Knutelsky said they will have a soil erosion plan approved by the County. He said they will not be taking out the tree stumps and there will be leaf litter and understory vegetation which will help control erosion. Mr. Knutelsky said they will be putting the panels at the bottom of the slope areas. He discussed previously presented exhibits A-20, A-21 and A-22 and discussed the existing slopes. Dr. Keller felt there will be a change in the runoff in the area of the tree clearing. He said meadows are less absorbent than forested areas. He felt the heavy construction equipment will create ruts in the ground.

Mrs. Straub felt the leaf litter would be a potential for fires during the dry season. She requested more research on this matter. Ms. Ward said they are prepared to address this.

Mr. Randazzo asked how tall the snag trees will be. Ms. Newguard said they will be cut and tapered on an angle away from the panels. Mr. Randazzo asked if there was any other solar project of this size in the state of New Jersey to which Ms. Newguard and Dr. Keller both said no. Mr. Banisch said he was aware of other projects in the state however they were on level farmland and smaller in size. Mr. Randazzo expressed a concern with the amount of woodland being removed especially on the ridgeline. Mr. Banisch said the application requires relief from the Township's ordinance and expressed a concern with the amount of land being consumed in relation to the amount of power being generated.

Mr. O'Leary opened the meeting to the public. Mrs. Joan Smith of Pelletown Road was sworn in by Ms. Leo. She said she was concerned about the forest and the historic nature of the forest. Mrs. Smith gave a history of the area. She felt the woods are important to the area and never thought they would be removed. She felt it was the Board's job to protect the woods.

Mr. Emil Conforth of 66 Fox Hill Road was sworn in by Ms. Leo. Mr. Conforth asked how the applicant will handle hunters on the property. Mr. Charles Shotmeyer said that only family is allowed to hunt on the property.

Mr. Sean Mayer of 18 Lewisburg Road was sworn in by Ms. Leo and asked if there were barred owls on the property. Ms. Newguard said she saw no potential habitat for the owl however and did not see any owls. Mr. Mayer said he can hear them at night. Mr. Mayer expressed a concern with the view of the panels from his house. He felt they will be seen when the leaves are off of the trees.

Mr. Dave Flore of 78 Lincroft Road in Newton was sworn in by Ms. Leo. He expressed a concern with the large number of trees proposed to be removed. He felt there would be a reduction in the carbon dioxide the trees produce. He added that he represents the 3500 electrical workers in the area and felt a project like this would benefit the 30% that are unemployed. Dr. Keller said he never suggested the project not go forward.

Mr. Knutelsky presented a dual panel picture of the site which was marked and entered as exhibit A-23. He explained the pictures to the Board. The first picture was of the property as it looked in 1930 and the second picture was of the property in 2002. The pictures were taken from the N.J.D.E.P. mapping website. The picture taken in 2002 showed agricultural fields, a pond, cornfields, forested areas, roads and buildings. The picture from 1930 was of the same scale and showed the pond and fields however it did not have as many trees. Mr. Knutelsky said the property was not as forested 100 years ago.

Mr. Knutelsky presented a "Forest Resource Plan" dated May 2011 which was marked and entered as exhibit A-24. The plan showed a color version of which areas would be removed of trees and which areas would have the forest remain. He said they were proposing 100.9 acres of forested areas to remain, 44.9 acres of panel construction area and 29.5 acres of shade abatement area. Mr. O'Leary asked Mr. Knutelsky if he could reduce the size of exhibit A-24 so the Board Members could each have a copy to review to which Mr. Knutelsky said yes.

There was a lengthy discussion on the view from Lewisburg Road and the ridgeline protection area. Mr. Knutelsky gave the elevations of the ridges on the property. He discussed the contours of the property and the maximum height of the panels at 15 feet. Mr. Banisch requested a revised site plan because he was having trouble reading the topography on the map. Mr. Knutelsky noted that sheets 5, 6 and 7 of the presented site plan had the topography clearly marked on it. Mr. Knutelsky drew a 640 foot elevation line on previously entered exhibit A-4 and discussed this with the Board. He said there will be a limited amount of the property that can be seen. He said the applicant will screen the view along Pond School Road and will screen along Lewisburg Road with a double row of evergreens. Mr. O'Leary requested larger fast growing evergreens so the applicant can achieve a proper screening within a short timeframe. Mr. Knutelsky said he was proposing a tree height of 8 feet within 3 years and the trees will be densely planted. Dr. Keller noted there is an area along Lewisburg Road that is below grade. The Board noted four areas that need to be buffered with plantings. Ms. Ward noted that some of the mentioned area would be in the wetlands. Mr. Banisch said they can plant the buffering on the applicants property and avoid the wetlands.

Mr. Luthman felt inverter block #10 was in an area of steep slope and significant rock outcropping.

Mr. Kevin Jones of 28 High Crest Drive in Hamburg was sworn in by Ms. Leo. He said he was the general manager for Beaver Run Farms and associated properties. He has been at all of the hearings and heard the concerns on the potential fire hazard. He said he made several attempts at contacting the Fire Chief but was unsuccessful. He did speak with Mr. William Paterson who is the Fire Prevention Official in Lafayette. Mr. Jones read a letter from Mr. Paterson dated June 22, 2011 which was marked and entered as exhibit A-25. Mr. Jones said he researched solar safety and found nothing written on ground mounted solar systems.

With nobody else coming forward, the meeting was closed to the public.

Ms. Didyk expressed her concern again for the migratory birds mistaking the solar panels for a body of water. Ms. Newguard did not feel the birds would mistake the panels for water. Dr. Keller said he was not familiar with any information on this concern. He said he has seen it with asphalt but not with solar panels.

A motion to carry the application to the July 21, 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: Luthman, Randazzo, Leuthe, Didyk, Straub, Taylor, Van Sickle, O'Leary.

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**TRC REPORT:** None

**ZONING REPORT:** None.

**EXECUTIVE SESSION:** None.

**CORRESPONDENCE:**

1.) From: SC Soil Conservation District  
Re: Hidden Valley Manor – Control Plan to Expire

2.) From: SC Soil Conservation District  
Re: Lafayette Center South – Control Plan to Expire

**ADJOURNMENT**

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

Respectfully submitted,

Stephanie Pizzulo