

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**November 19, 2015**

Chairman Sireci called the Planning Board Public Meeting of November 19, 2015 to order at 7:36 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

Chairman Sireci announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

**ROLL CALL**

Deputy Mayor Greg Burchette - Present	Sam Conard - Arrived at 7:50 pm
Michael Merdinger - Present	<b>Dr. Steven Sireci, Jr., Chairman</b> - Present
Committeeman Frank DelCore - Present	Robert Wagner, Jr. - Present
<b>Steve Cohen, Vice Chairman</b> - Present	Robert Peason (Alt. #1) - Absent
<b>Dr. Daniel Marulli, Secretary</b> - Present	Shawn Lipani (Alt. #2) - Present
Neil Julian - Absent	

Also present: David K. Maski, PE, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); Richard E. Brown, PE, PP, CME, Alternate Board Engineer for 12-PB-01-SR (Carroll Engineering); Susan Baber, CCR, Substitute Board Court Reporter; and Caz Bielen, Board Videographer(Premier Media, LLC).

**DISPOSITION OF MINUTES**

- October 08, 2015

A motion to approve the minutes was made by Deputy Mayor Burchette, seconded by Dr. Marulli.

**Roll Call:** Dr. Marulli - yes; Mr. Lipani - yes; Committeeman DelCore - yes; Deputy Mayor Burchette - yes; Chairman Dr. Sireci - yes. Motion carries.

**DISPOSITION OF RESOLUTIONS**

- Richmond Properties, LLC File 15-PB-07-MJV

A motion to approve the minutes was made by Deputy Mayor Burchette, seconded by Mr. Wagner.

**Roll Call:** Mr. Wagner - yes; Dr. Marulli - yes; Mr. Merdinger - yes; Vice Chairman Cohen - yes; Committeeman DelCore - yes; Deputy Mayor Burchette - yes; Chairman Dr. Sireci - yes. Motion carries.

**PLANNING BOARD BUSINESS**

None

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

None

**PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS**

- **Cornerstone Professional Center (751 Highway 206 Assoc., LLC)** - File 15-PB-13-SRV - Block 200.02, Lot 13 (formerly known as Block 200.B, Lot 27) - 751 Route 206. Applicant seeking Preliminary and Final Major Site Plan Approval and 'c' Bulk Variances from maximum impervious coverage, minimum lot size (existing nonconformity); minimum lot width (existing nonconformity); Waiver for size of parking spaces, to construct nine (9) additional porous parking spaces on the existing commercial site; and application Waiver from submitting a Community Impact Statement, for property located in the GB District and within the ASD Overlay Zoning District (EC Review: 09-28-15). **Adjourned from October 01, 2015 WITH re-notice.**

**Vincent Visceglia, Esq.** of Summit Associates, Inc., called on **Robert Heibell, PE, LS** of Van Cleef Engineering Associates. Mr. Heibell was sworn in and gave the following testimony:

The application had previously been presented to the Planning Board on 06-11-15 as a conceptual plan. The Applicant is seeking 9 additional parking spaces on the easterly side of the Cornerstone Professional Building. Since June, the Applicant has taken title of the property and acquired the OBGYN tenant, who requires substantial parking spaces. The parking requirement for the zone is based on the usable floor

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area. The Applicant will be converting some open interior space to usable floor area for the new tenant. The ordinance requires 60 parking spaces; if approved, this plan provides for 63 spaces.

The application was first brought to the Board as a concept review because the previous owner had almost exhausted the allowable impervious coverage with an existing 49.5%. The increased parking will increase the impervious surface to 51.7%, which requires a variance.

Part of the previous approval was that a portion of the Route 206 property would be dedicated to the Township. That dedication did not happen. If the parking approval is granted, this Applicant will adhere to the 17 ft. dedication.

The 9 proposed parking spaces will be constructed with porous pavement. The drainage calculations were provided and reviewed by the Board's Engineer, Bill White, PE. The spaces will not tie into the existing underground stormwater detention basin. Mr. White's recommendation is to have an easement around the porous pavement. The easement would then be filed with the County, along with the metes and bounds description.

There is an existing 6 ft. high vinyl fence located 2 ft. off of the property line of the adjoining property. Right next to that fence is the neighbor's existing driveway. The neighboring property owner has requested that the approximate 200 ft. portion of fence along his driveway be moved 5 ft. south, away from his property line. There would then be a private easement between the Applicant and the adjacent property owner and the 5 ft. area would be landscaped. Right now, there is not sufficient room to do landscaping between the properties, which is the reason the neighboring property owner has asked for this concession.

Van Cleef did not do the engineering for the original application. The storm catch basins tie into an existing stone swale which then goes into the detention basin. The adjoining property owner says some of the water goes onto his property. The proposal is to put some storm drainage in to pipe the water into the existing drain, not into the swale. It will still go into the underground system, but there will be no chance of overflow. This Applicant is trying to be a good neighbor by addressing some outstanding issues.

The SUSCC issued an exemption for the project since it disturbs less than 5,000 sf. of soil. The prior application was exempt from the D&RCC since the rules were slightly different. The D&RCC has issued a report for the current application, with a few conditions, which the Applicant will abide by.

There was a markup in the prior approval where the fire engines would drive around and protrude 2 ft. into the area that is now being proposed for additional parking. With that in mind, the porous pavement spaces have been increased 3 ft. in depth to allow for the maneuvering of the fire trucks around the site.

The application has been approved by the SCPB. There are no outstanding engineering issues that have not already been agreed upon with Mr. White. There are 2 trees that will need to be removed to allow for the parking. In addition, our survey found 3 dead trees, which will be replaced. The Planner at the time of the concept review had provided a laundry list of landscaping deficiencies, which Mr. Maski cited in his report. A landscaping plan has been provided at the request of Mr. Maski. There are no other outstanding planning issues. Should the Board approve the application; each and every comment will be addressed.

The application requires 3 variances: for deficient lot size - 1.896 acres existing, which will not be affected by the proposal, but will be reduced slightly for the dedication; minimum lot width - remaining at 190 ft. as a pre-existing nonconformity, where 200 ft. is required; and maximum impervious coverage - increasing to 51.7% where 50% is the maximum.

The application was reviewed by the Environmental Commission on September 28<sup>th</sup> with no outstanding issues or concerns.

Mr. Maski said his recent site visit showed there is an existing drainage swale on the north eastern corner of the property that was not shown on the plan. It appears that if you move the fence inward 5 ft., it would be in the swale.

Mr. Heibell said only the first 209 ft. of fencing will get moved in 5 ft.; the remaining 150 ft. will remain in its current location. This change is satisfactory to the neighbor since the driveway is within the first 200 ft.

Mr. Maski asked if the 51.7% maximum accounts for the larger parking spaces.

Mr. Heibell confirmed it did.

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Chairman Sireci announced the arrival of Mr. Conard at 7:50 pm.

Vice Chairman Cohen said at the concept hearing, the Applicant proposed an 8 ft. high fence.

Mr. Heibell clarified that the neighbor requested an 8 ft. high fence, but that he did not believe the Board would approve a fence at that height, so the 6 ft. fence was requested by the Applicant.

Mr. Maski stated there was no restriction on the height of a fence in the Code.

Open to the Public

**Sandro Iannella** - neighboring property owner

- Mr. Iannella said he had had a phone conversation and met on the site with the Applicant about the 8 ft. high fence. He said the video and the minutes from the concept review proposes the 8 ft. fence.

- Mr. Iannella asked for further explanation on the maneuvering of a fire truck on the site.

Mr. Heibell said perhaps the only guarantee is to stripe that first 3 ft. and put up a sign for "No Parking in Striped Area." There is no guarantee that a driver will pull all the way up in the space.

- Mr. Iannella expressed his concerns with the adjacent commercial building and of the negative impacts to his property. He said the zone is for residential homes or residential homes with an office component. He said he and his wife would not mind living next to a dentist or a lawyer, but that the amount of traffic in and out of the adjacent property has become a hardship to them. He said there have been many instances where people mistake their driveway for the commercial building entrance. Mr. Iannella asked what can be done so that they can get their home back.

Committeeman DelCore asked Mr. Iannella what he is looking for.

- Mr. Iannella said a better buffer is needed.

Mr. Bernstein reminded the Board that the current application is for 9 parking spaces only. The fence height is a discussable item. The Board cannot undue or change what exists.

Mr. Visceglia stated that in advance of any engineering, the Applicant realized there were some issues with stormwater and such. He said he called Mr. Iannella, met and walked the property with him. He said they talked about the most important issues to Mr. Iannella, that being the sanctity of his home and the view that had been stolen from him, by way of construction of the building. He said they tried to find a proper compromise between being a good neighbor and being economically viable. The compromise is to add 2 more storm drains, move the fence back, grant an easement which would allow Mr. Iannella to plant so as to give him some protection from the visibility and view of the building. He said they had even talked about a gate on Mr. Iannella's property which could prevent the drive-by traffic.

- Mr. Iannella further voiced his opinion on the fence and the swale.

Mr. Bernstein said the Board is reviewing an application for the addition of 9 parking spaces and can grant limited relief. If the parties voluntarily agree to issues outside the scope of the parking application and want the Board to memorialize it in a formal resolution, that is another story. The issue of the parking spaces is a "yes" or "no" decision.

Chairman Sireci said the Board must act according to the provisions of the Municipal Land Use Law. The Board cannot now redesign the Applicant's property.

- Mr. Iannella said more parking spaces means increased traffic. The traffic survey only talked about the childcare drive, it did not include his driveway or the driveway of the dentist office and home across the street. You are not supposed to make a left out of KinderCare, but people do. These 4 driveways are so dangerous; everyone is fighting each other to get in and out. A major accident happened here just the other day. Mr. Iannella further expressed his safety concerns. He said his house was there when Route 206 was a dirt road. He said what has happened to his family's home is absurd. He questioned why the town would come up with a zone for residential if it does not protect it.

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Chairman Sireci said Gateway B is not necessarily a “residential” zone; it is a mixed zone with residential in it.

Mr. Merdinger said you cannot change the traffic. The safest thing to do is to go with the flow of traffic and in this instance, to only make a right out of the driveways.

Mr. Iannella said the traffic is very dangerous on sides, leaving and entering. He said his point is that his home was there before all of the commercial around him.

- Mr. Iannella said the traffic for his driveway is going to be made worse with the additional parking spaces.

Chairman Sireci asked Mr. Heibell if the relocated fence will then dip into the swale as Mr. Iannella indicated.

Mr. Heibell said the back area would dip over 1 ½ ft. but the area along the driveway will not dip more than a few inches, so it will remain more or less a 6 ft. fence.

Vice Chairman Cohen asked if it could be engineered to raise the fence posts.

Mr. Viseglia said anything can be engineered for a certain cost. The issues were balanced, the most important being the drainage to eliminate the water in Mr. Iannella’s basement. We are adding 2 more drains, tying them into the irrigation system, which is the most costly issue. The drainage and the view are being addressed by the Applicant. This Applicant had nothing to do with the original approval. Chairman Sireci told Mr. Iannella that if the Board were to deny the application, he would not be able to get the relief from the additional storm drains. There is a give and take here where the Applicant is willing to provide some relief.

Mr. Viseglia said in order to make the last remaining space in the building usable, they have sought out additional parking spaces for a potential tenant. The Applicant is willing to provide the accommodations of additional storm drains, moving the fence and a landscape easement in an effort to be a good neighbor to the adjacent property, while seeking the additional 9 porous pavement parking spaces.

Chairman Sireci asked Mr. Heibell about the traffic that could come into Mr. Iannella’s driveway, intended for the commercial building.

Mr. Heibell said the Traffic Engineer is present and can be called to address the traffic study.

**Jay Troutman, Jr., PE** of McDonough & Rea Associates, Inc., was sworn in and gave the following testimony:

Mr. Troutman said the main focus of the study was the parking since the building is already there. The original traffic study done for the construction of the building used the number of 17,000 sf., so even with the additional usable square footage, it is under this number. This building is already approved and allowed to generate a certain number of traffic as per the NJDOT Permit and prior approvals. This parking lot is being brought more into compliance with what you see at other medical offices. The Hillsborough ordinance is a little low at 4 per 1,000 sf. for parking at a medical facility. The Institute of Transportation Engineers (ITE) recommends 4.25 per 1,000 sf. The proposed parking will bring the site up to 4.22%.

The driveways are close. He said he did not know if the addition of a “Private Driveway” signage would help.

Chairman Sireci asked Mr. Troutman if he had spent some time observing the traffic.

Mr. Troutman said he did observe all of the traffic from the driveways previously mentioned. It is a level of service “E” which is to be expected in this type of area. Left-hand turns are possible when the traffic signal provides gaps, but the more viable option is to make a right-hand turn from any of the driveways, without significantly impacting residential streets. Once can made a series of right-hand turns to get out to a traffic signal.

- Mr. Iannella asked for clarification on the easement being offered. He asked if he would be allowed to put piers in for a gate in the easement, the expense for which would be his responsibility.

Mr. Viseglia said they would be entirely comfortable with allowing a gate to allow for more security for his property, as long as it does not interfere with the Applicant’s ingress or egress. The easement would be

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limited to landscaping, not for a permanent structure. He said they would like to see what it looks like conceptually. The easement would run with the title of the property.

- Mr. Iannella asked about the 8 ft. fence.

Mr. Visceglia agreed with Mr. Iannella that the matter had been discussed but at that time, the additional drainage and the moving of the fence seemed to satisfy him. The additional 9 porous pavement spaces will have no impact on the drainage, yet the Applicant is will to provide the additional storm drainage in order to alleviate the existing problem.

- Mr. Iannella said he was satisfied with the addition of the storm drains.

- Mr. Iannella again asked about the fence and any change in the elevation.

Mr. Visceglia said the fence is being moved at the Applicant's expense to allow for the easement.

- Mr. Iannella disagreed that the fence may only go down a few inches in portions of the repositioned fencing. He asked what recourse he would have if that is not the case.

Chairman Sireci said the Board can only judge on testimony and evidence. The Board cannot go on speculation.

Mr. Heibell said his client has agreed to add fill in to the areas he believes will change in grade, before repositioning the fence, so that the posts in the ground will be no lower than they currently are now.

- Mr. Iannella said that would be fair.

Chairman Sireci restated the conditions: fill for elevation; the fence to be relocated as stated; the easement for landscaping and the ability to have a pier for fence across the driveway; and additional storm drains.

The Board discussed the "Private Driveway - Do Not Enter" signage.

Mr. Visceglia consented to take care of the signage.

Chairman Sireci said a sign permit would not be needed for the private drive sign.

Close Public

A motion to approve File 15-PB-13-SRV with all agreements and variances was made by Vice Chairman Cohen, seconded by Mr. Merdinger.

**Roll Call:** Mr. Wagner - yes; Dr. Marulli - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes; Committeeman DelCore - yes; Deputy Mayor Burchette - yes; Chairman Dr. Sireci - yes. Motion carries.

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- **Gibraltar Quarry / KDC Solar** - File 12-PB-01-SR - Block 174, Lot 155 - 484 County Route 601, Belle Mead (A portion of subject property is located on the east side of Longhill Road, between Zion Road and Dutchtown-Zion Road). Applicant seeking Preliminary and Final Major Site Plan Approval; and Waiver from submitting a Community Impact Statement, to construct a 3 Megawatt solar array (*REVISED PLANS/REPORTS*), on property located in the Q, Quarry District and a portion located in the MZ, Mountain Conservation District (*EC Agenda: 10-26-15*) (**Adjourned from September 13, 2012 with re-notice**). **Richard Schatzman, Esq.** of Schatzman Baker, PC, representing the Applicant, gave a brief overview of the application. He stated his notice included a variance for the height of the existing building, although the building will not be altered in any way. A submission waiver is being requested for submission of a Community Impact Statement

Mr. Schatzman reference the letter submitted from Michele Donato, Esq., attorney for the Sourland Conservancy, stating they no longer oppose the application due to the relocation of the solar array so that no trees or vegetation will need to be cut down.

**Robert Moschello, PE** was sworn in, reviewed his credentials, was accepted by the Board and gave the following testimony, in response to questions asked by Mr. Schatzman.

Mr. Moschello stated he had prepared the plans, visited the site, and is familiar with the Hillsborough Township Code.

**Exhibits:**

- A-1** - Vicinity Aerial Exhibit
- A-2** - Environmental Constraints Exhibit
- A-3** - Overall Proposed Site Plan Exhibit
- A-4** - Site Plan Rendering
- A-5** - Vicinity Aerial Exhibit with View Studies
- A-6** - Modified Site Plan Rendering
- \_\_\_ - Aerial Exhibit

Mr. Moschello reviewed Exhibit A-1. He pointed out some landmarks on the plan. The main access to the Quarry is located in Montgomery Township

Mr. Moschello reviewed Exhibit A-2. He familiarized the Board with the site by pointing out the multiple areas of the Quarry. He said there are wetlands on the property which were delineated in the Wetlands Study done in 2014. The wetland areas have 150 ft. and 50 ft. buffers on them. There are also State Riparian Zones on the property, which have 150 ft. buffers on them. The site is part of 2 smaller watersheds that eventually drain into Pike Run: the Roaring Brook on the southeastern side, and the Back Brook on the southern portion.

He said there are steep slopes on the property, most of which are manmade due to the quarry operations. There are some natural slopes in the wooded areas on the western portion of the site and on the southern portion, just to the south of the tailings pile. The area to the south is the original area proposed for the solar array.

Mr. Moschello reviewed Exhibits A-3 and A-4. He reviewed Exhibit A-4 as an enlarge image showing the superimposed solar array on the tailings pile. The access drive is one of the access drives within the Quarry. The access is at a 7% slope, which is under the 12% maximum recommended by the Fire Marshal. The slope consists of a stabilized gravel base that can be driven on, which provides access to the top of the tailings pile. The design of the solar array takes into account a certain setback from certain slope lines. Based upon discussions with the Geotechnical Engineer, a 25 ft. setback has been established. The fenced in land area of the solar array is 11.2 acres. There will be a minimum of 10 ft. between the fence line and the closest panels to allow for small maintenance vehicles around the solar array site.

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Mr. Moschello described the construction of the solar array. A series of steel posts will be driven 4 to 6 feet into the ground using a pile driving machine, which will support the racking system. Two posts will support connecting metal beams, which will then support the panels that will be placed on top. A "table" in this case, will be made up of 5 panels in portrait and 6 panels in landscape, for a total of 30 panels that are supported by 2 posts. There will be a series of "tables" all across the site. The entire installation will have 660 posts. Each post represents approximately .02 sf. of coverage area for a total of 13 sf. for the entire solar array. From those panels electrical conduit will run to a central area on the site where the inverters and transformers are located, off of the access road and central to the facility. The inverters convert the DC power to AC power. They are connected to a transformer which then boosts the power so it can be sent approximately 3,500 linear feet. To the center of the processing plant where it then ties into the electrical systems for the Quarry usage.

There will be approximately 1,200 sf. for the pads for the utilities: inverter, transformer, and switch pad. The fencing around the solar panels will be an 8 ft. high galvanized fence with a gate that closes for security purposes and in accordance with the electrical code.

The proposed solar field will not create a major disturbance of soil, it does not generate more than ¼ acre of new impervious surface with an acre of disturbance. The Applicant is not proposing to change any of the vegetation on top of the tailings pile. There was some earlier concern that the pile would not be stable enough. The vegetation has taken hold and will remain in its natural state. The Fire Marshal has commented that the height of the vegetation needs to be maintained not to exceed 12 in. under the panels, which the Applicant will do.

There is no grade change on top of the pile itself. The existing drainage patterns go to a series of collection pipes that go down to 2.5:1 slope for runoff water. Those pipes will remain and not be modified.

The solar panels are a permitted use within the zone. There is no change to the bulk requirements and no variances requested.

Mr. Moschello reviewed exhibit A-5. The panels are at a maximum height of 8 ft., the height of the fence. The fence is an open fence and does not provide any screening. Views were taken from various key locations in the surrounding area. Because of the location and the setbacks from the edge of the tailings pile, there is no change in view when looking from these angles of these lower locations. The buffering is the distance from the surrounding environment. You really do not see this facility from a distance at all.

Mr. Moschello stated The Sourland Conservancy had no issues. He then reviewed the report of the Board's Conflict Engineer, Mr. Brown. Mr. Moschello said the plans were prepared based on 2 surveys: a wetlands survey which also referenced a boundary survey done by Stires Assoc. He then used Exhibit A-4 to explain there will be a series of gravel berms that act as diversion berms to slow down any stormwater run-off from that drive, as part of the stormwater management. There will need to be excavation through the berms to put in the conduit to the connection point. It will be put on the plan that those berms will be restored once the conduit is placed. No vegetation will be removed, except for the installation of the utility pads. We will not be replacing the vegetation with meadow grass, as previously noted.

Mr. Moschello reviewed the outside agency reports received. Approval from the SCPB has been received; SUSCD had some minor comments relating to soil erosion, which will be addressed as part of any approval; communications with the D&RCC is ongoing but the Applicant will comply with any issues they may have; Montgomery Township has no issues with the application, as per communications with their Planner, Lori Savron, PP, AICP, representing that neither the Planning Board nor the Planning Department has any issues.

Mr. Schatzman stated he personally spoke with Lori Savron, PP, AICP.

Mr. Bernstein requested a letter be provided to that affect.

Mr. Schatzman agreed.

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Mr. Moschello continued his review of the reports. He said the Fire Marshal's comments had to do with the slope of the road and the vegetation, previously addressed. The last concern was for emergency access around the solar array. Representatives of Gladstone Design and KDC Solar met with the Fire Marshal, the concern being that some type of ring-road would need to be put around the fence and the panels. Mr. Moschello reviewed Exhibit A-6. He said in meeting with the Fire Marshal, an agreement was reached to provide a linear access gravel drive that would split the panels down the middle which would provide access to the rows from the existing gravel drive. In doing this, a couple of tables will need to be relocated towards the northwest side of the project, increasing the limit inside the fence from 11.2 acres to approximately 12 acres. The intent is to not further increase the impervious coverage so additional gravel will be removed from on top of the tailings pile in order to accomplish this. These measures satisfied the Fire Marshal.

Mr. Schatzman asked Mr. Moschello to address Mr. Brown's comments on the Trident report as well as Mr. Maski's report.

Mr. Moschello said Trident Environmental consultants issued a letter stating there are no impacts for threatened or endangered species from this facility on top of the tailings pile.

Mr. Maski asked Mr. Moschello to confirm that it is his testimony that there are no other properties that are close by that would be able to see the solar panels.

Mr. Moschello said that is correct. The closest property is about 3,000 ft. away to the south. Because of the vegetation and the angle of the trees, the panels are not visible. Mr. Moschello discussed the maintenance agreement between the Applicant and property owner. He said KDC Solar is the owner/operator of the solar facility. They have an agreement with Silvi Construction, owner of the Quarry, to construct the facility on the tailings pile, operate the facility and then provide the electricity to Gibraltar Quarry, as the power supply. It is KDC's sole responsibility to maintain the facility throughout the life of its operation; in this case there is a 25 year lease on the facility. Anything that was to go wrong would need to be repaired and maintained by KDC Solar. At the end of the 25 year lease, it is KDC's responsibility to remove the facility from the site and restore the property to its existing condition. A decommission manual can be provided to the Board outlining those steps for the end of the facility.

Mr. Maski said the Ordinance puts the responsibility on the owner of the property. A written agreement will have to be provided stating that the property owner and the owner operator are in agreement that the responsibility is being shifted to the operator, not the owner. Otherwise, the Town will hold the owner responsible.

Mr. Bernstein asked for a copy of the lease and a decommission manual.

Mr. Schatzman agreed.

Mr. Maski asked if there will be any security lighting in the area of the solar array.

Mr. Moschello said there will be no lighting at the top of the facility. He said there may be some cameras, being that it is an unmanned facility, KDC Solar will manage the facility remotely, keeping track of the electrical output, inverters and transformers. The fence will be locked.

Mr. Maski asked for additional information on the disturbance to the existing vegetation and restoration.

Mr. Moschello said any ground that is disturbed will have to be reseeded as part of the site plan process so that no area is left exposed and subject to erosion.

Mr. Maski asked if the recommendations outlined in the Geotechnical report would be adhered to during construction.

Mr. Schatzman confirmed the Applicant will abide by all of the recommendations.

Mr. Moschello said the application was reviewed by the Environmental Commission. The Commission had no concerns.

Mr. Moschello concluded his testimony.

Mr. Brown asked Mr. Moschello to speak on how the ground will be treated once the piles are installed.

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Mr. Moschello said since they are going to drive the piles into the ground, there is a chance of getting some soil separation. A simple detail has been provided in the plans on providing a 6" high clay cap around each of the piles to prevent runoff from getting into the area between the pile being driven and the soil, as a means to keep the water on the surface and not seep into the tailings pile.

Mr. Schatzman noted the clay core is also identified in the Geo-technical report.

Open to the Public

**Peg Van Patton** - Skillman, NJ

Ms. Van Patton was sworn in. Ms. Van Patton asked about clarification on the wetlands.

Mr. Moschello referred to Exhibit A-2 and explained that NJDEP has different classifications for their wetland categories; ordinary, intermediate, and exceptional. The subject property, through the LOI, has both intermediate and exceptional value wetlands. Intermediate wetlands have a minimum buffer requirement of 50 ft.; exceptional have a minimum of 150 ft. Typically, the difference between the 50 ft. and 150 ft. has to do with the presence, whether on-site or downstream from the site, whether there is presence of an endangered species that would require a larger buffer on a wetland complex.

- Ms. Van Patton asked if the intermediate and exceptional areas are identified on the map.

Mr. Moschello pointed out the multiple exceptional and intermediate resource areas, as identified on the plan. Mr. Moschello rephrased that the area of interest to Ms. Van Patton was an area of State Open Waters, not wetlands, with a 150 ft. riparian buffer.

Chairman Sireci asked what "open waters" means in terms of this property.

Mr. Moschello said the open waters at the top of the mountain are draining off the site, not draining through the site. There are ditches or small streams that have to find bed and banks associated with them, which typically have water flowing in them. There is not a wetlands buffer associated with them but there is a riparian buffer under the Flood Hazard Area Act.

- Ms. Van Patton said she disagreed with Mr. Moschello's findings and that that area was actually an exceptional area. She showed maps which she stated were original for the site. Ms. Van Patton stated she had been on the Technical Advisory Committee for over two decades so she is very familiar with the site.
- Ms. Van Patton went on to say that the area she was referring to is known as the "Mother of all wetlands." It can be seen from 5,000 ft. above sea level. It is pictured in the SUSD's soil survey. It is particularly important to identify these wetlands as such because they do three things: 1) they provide flood control on the site; 2) they are like a bathtub with a small hole at the bottom that allows the water within it to trickle out slowly while it cleans it through the bio-mass within the wetlands; and 3) is a habitat to endangered species.
- Ms. Van Patton asked that the map provided better identify which areas are "exceptional" areas.

Mr. Moschello said although he did not disagree with many of the comments, the area being referred to is not a wetland. The wetlands are further to the north of the tailings pile. He said the area referred to in Ms. Van Patton's comments is indeed a wetlands area, but further up on the site to the northwest, not in the area discussed.

- Ms. Van Patton said she believed the buffer line did not continue onto the quarry side of the property as it should. Ms. Van Patton further went on to say that these are headwaters. Water moves laterally in the Sourlands, down the slope and opens up where there are seeps, springs, sumps and streams throughout the seasonal high water period.
- Ms. Van Patton asked where the County open space lands are on the plan.

Mr. Moschello said his understanding is that the lands are off to the west of the property, not the focus of the plan provided.

- Ms. Van Patton questioned whether or not the requirements of the Environmental Impact Statement (EIS) were followed. She showed a PDF of a map showing the County properties.

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Mr. Moschello said if you look at the EIS, the way the project is designed, the impact area is essentially where the panels are located. There are no impacts beyond the top of the tailings pile.

- Ms. Van Patton asked about the runoff.

Mr. Moschello said the runoff comes off the tailings pile, in a series of pipes which are on the slopes of that pile, which ends up in a series of ponds at the base of the tailings pile, which is part of an NJPDES permit to manage the runoff on the property, and control the sediment runoff that could occur during storms. Sediment is trapped in those ponds and then is able to settle out before it leaves the quarry site.

- Ms. Van Patton asked if the quarry is in compliance with the NJPDES permit.

Mr. Moschello said that in conversations with the quarry, he could speak antidotally, that they are in compliance with the permit and what it is intended to do, not only from the tailings pile, but from the quarry itself.

- Ms. Van Patton stated she had received an e-mail from the chief inspector of the NJPDES permits and state open waters. She read that the ACO, Administrative Consent Order, for the quarry facility, remains effective, and that the water discharged remains high. She went on further to indicate that restrictions are in place and that measures must be put in place to rectify.

Mr. Bernstein said he was concerned with the testimony being provided by the public by way of the environmental history of the site. He cautioned that the past several minutes of questioning had nothing to do with the testimony provided by the applicant's witness.

- Ms. Van Patton asked which of the distances identified in the various reports regarding the edge of the panels in relation to the tailings pile.

Mr. Moschello said 25 ft. from the top of the slope to the nearest fence line is the first primary setback, then another 10 ft. to the closest panel; which totals 35 ft. from the top of the slope to the closest panel edge. There was talk in a report about 200 ft., but that was measured from the bottom of the slope at the base of the tailings pile, inward as a setback line. Clearly the facility is more than 200 ft. from the toe of the slope.

- Ms. Van Patton asked for clarification on the slope.

Mr. Moschello stated it is between a 35% - 45% slope.

- Ms. Van Patton asked about the "200 ft." reference found in the Geo-technical report.

Mr. Bernstein asked Mr. Moschello if he would be able to answer the question.

Mr. Moschello said he could. He said in the GTA Report, provided specifically for this project, the geo-technical engineer was actually referencing a previous study done by Langan Engineering, August 2012.

Mr. Bernstein asked if the 2012 report relates to the application currently before the Board.

Mr. Moschello said it does indirectly. He stated he had not reviewed the report submitted for the previous proposal, in its entirety, so he would not be able to state whether or not it is directly related to the current application. Mr. Moschello continued to say that the purpose of the updated geo-technical report, prepared by GTA, was that GTA went up to the top of the tailings pile and took samples in order to do a new geo-technical analysis to determine that the panels can be placed on top of the tailings pile, and provide their findings as to the location of the panels and change in setbacks.

Mr. Bernstein asked Mr. Brown if he had any issues with the setback proposed.

Mr. Brown said he did not.

- Ms. Van Patton asked Mr. Moschello if he believe the updated setback to be "safe".

Mr. Moschello confirmed that in accordance with their engineer's calculations by the geo-technical engineer, the setbacks are adequate for the construction of the facility.

- Ms. Van Patton asked Mr. Schatzman if he will be presenting the author of the report as one of the witnesses.

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Mr. Schatzman replied he would not.

- Ms. Van Patton asked about the gravel berms referenced.

Mr. Moschello reviewed Exhibit A6. He pointed out a series of gravel berms on the eastern side of the access drive that comes from one of the internal access drives up to the tailings pile. Those berms are 1 to 1 ½ ft. in height. They are in place to help slow down the stormwater runoff as it comes down the top of the pile, along that drive. They will be maintained. If they are dug through for the conduit, they will be put back once the conduit is in place.

- Ms. Van Patton asked Mr. Moschello to identify the three squares on the plan, in the center of the solar array.

Mr. Moschello explained in the center of the facility are three concrete pads which will support the inverters, transformers, and switch gear. They are included in the calculations of impervious coverage. The 1200 - 1300 sf of concrete pads proposed are being offset by the removal of the existing compacted gravel drive at the top of the tailings pile, so there is no net increase in impervious surface at the tailings pile.

- Ms. Van Patton asked if the calculations for runoff include the steep side walls.

Mr. Moschello said yes. There will be no change in vegetation to those slopes and no change in runoff.

- Ms. Van Patton said the last time this application was before the Board, the applicant offered to provide the Township a Polaris fire truck for emergency purposes. She asked if that offer had been withdrawn.

Mr. Moschello said he was not present at that time.

Mr. Schatzman said the emergency vehicle was no longer being offered. When Mr. Moschello met with the Fire Official, Chief Weniger was satisfied with the emergency means in place with the revised plan.

- Ms. Van Patton asked what had changed from the previous application and the one now before the Board.

Mr. Schatzman said the location changed.

- Ms. Van Patton said she would like to see the applicant reconsider.

- Ms. Van Patton asked if there will be alarms in place.

Mr. Moschello said there would not be any audible alarms.

- Ms. Van Patton asked if the array can be seen from Blawenberg Road.

Mr. Moschello said based on the view shed studies; you will not be able to see the panels from the surrounding road network. The setback of the panels from the top of the slope excludes the visibility of them from distance.

- Ms. Van Patton asked how many inches of soil and seed will be placed.

Mr. Moschello said the geo-technical report mentions 1 - 2 inches of soil was placed on top when they dug the test pits. The entire top of the tailings pile will not be reseeded, only the areas disturbed, which totals well under one acre. Topsoil will be provided to these areas, as needed.

- Ms. Van Patton questioned bringing outside topsoil in.

Mr. Moschello said his understanding was that it was permitted for landscaping.

- Ms. Van Patton stated her concern with the reseeded, being that it took five years to grow anything on the inorganic material on the side slopes. She asked what the composition of the soils on the spoils pile.

Mr. Moschello said his understanding was that it is the byproduct of the processing of roofing shingles, now a fine powdery type of material that is placed in the ground.

- Ms. Van Patton asked if the blasting will affect the sides of the slope.

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Mr. Moschello said this application is not proposing any impact to the side slopes.

- Ms. Van Patton expressed her concern with having the weight of the panels on top of the tailings pile. She again asked if the blasting will in any way affect the side walls.

Mr. Moschello said he would not be able to answer to that question.

- Ms. Van Patton asked if anyone had speculated on the impact of the adjacent major geological fault.

Mr. Bernstein said there was no place for speculation. The Board is only to consider testimony and evidence.

Close Public

Mr. Schatzman briefly summarized the application and concluded.

Mr. Merdinger said he had visited the site and could see from being up there that the array really will not be visible from down below. Mr. Merdinger spoke in favor of the new location proposed.

Chairman Sireci said he agreed. The top of the artificial mountain can be seen, but the array will be on the top part of the mountain.

A motion to approve was made by Mr. Merdinger, and seconded.

Deputy Mayor Burchette said he was curious whether the consumption was solely for the Quarry or if it will be going back into the grid.

Mr. Moschello said it will be for the Quarry, using about 3 megawatts. Technically, it does go into the grid because it runs the meter backwards, but it is based upon their own consumption.

Mr. Merdinger said the motion includes the waiver.

Mr. Bernstein added, and any and all agreements.

Roll Call: Mr. Wagner - yes; Dr. Marulli - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes; Committeeman DelCore - yes; Deputy Mayor Burchette - yes; Chairman Sireci - yes. Motion carries.

**CORRESPONDENCE**

- SCPB letter dated 10-20-15 - Block 183, Lot 38.01 and Block 183.01, Lot 1
- Resolution Supporting Somerset County Planning Board's Non-Consent to the Proposed Water Quality Management (WQM) Plan Amendment Entitled "Royce Brook Center"
- SCPB letter dated 11-13-15 - Proposed Changes to Wastewater Management Planning Requirements

Chairman Sireci noted the miscellaneous correspondence provided in the Board's packets for review.

Chairman Sireci stated the next meeting is scheduled for December 3<sup>rd</sup>.

**ADJOURNMENT**

The meeting adjourned at 9:49 p.m.

*Submitted by:  
Debora Padgett  
Administrative Assistant  
Planning Board Clerk*