

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

December 03, 2015

Vice Chairman Cohen called the Planning Board Public Meeting of December 03, 2015 to order at 7:39 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

Vice Chairman Cohen announced the meeting has 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
Michael Merdinger - Present
Committeeman Frank DelCore - Present
Steve Cohen, Vice Chairman - Present
Dr. Daniel Marulli, Secretary - Present
Neil Julian - Present

Sam Conard - Absent
Dr. Steven Sireci, Jr., Chairman - Absent
Robert Wagner, Jr. - Present
Robert Peason (Alt. #1) - Present
Shawn Lipani (Alt. #2) - Present

Also present: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

October 01, 2015

A motion to approve was made by Deputy Mayor Burchette, seconded by Mr. Merdinger.

Roll Call: Mr. Wagner - yes; Mr. Julian - yes; Dr. Marulli - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Deputy Mayor Burchette - yes; Vice Chairman Cohen - yes. Motion carries.

DISPOSITION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Krismic Assoc., Inc. - File 14-PB-21-MSR - Extension through 04-30-16

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

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

Glen Gery (GG RE Co.) - File 15-PB-04-MR - Extension through 01-31-16

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

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

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS

County of Somerset / SMITH & WEINBERG - File 15-PB-16-MRV - Block 173, Lot 8 - 19 Wertsville Road. *TRANSFERRED TO THE BOARD OF ADJUSTMENT WITH RE-NOTICE ('d' variance involved).*

Vice Chairman Cohen announced the transfer of application 15-PB-16-MRV to the Board of Adjustment, with re-notice.

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- **Valley Holdings, LLC - Solar Installation** - File 15-PB-15-SVR - Block 143, Lot 7 - 321 Valley Road.
Applicant seeking Preliminary and Final Major Site Plan Approval; and 'c' Bulk Variances for relief from Minimum Side Yard Setback (existing nonconformity); Minimum Rear Yard Setback (existing nonconformity); Maximum Impervious Coverage; Waiver from submitting a Traffic Impact Statement; and Waiver from submitting a Community Impact Statement, to construct a 1.2MW solar array installation and a 6,000 sf. building to house certain existing outdoor operations, on property located in the GI, General Industrial Office & Research District (EC Agenda: 11-23-15).

APPROVED

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Alexander Fisher, Esq. of Mauro, Savo, Camerino, Grant & Schalk representing the Applicant, asked to have all four of his witnesses sworn.

George Folk, PE; Charles Kartsaklis, RA; Karl Massaro; and Vincent Agovino, Ph.D. were sworn in.

Mr. Fisher gave a brief overview of the property. He said the application is for two requests: to enclose the existing operations for a tenant, Sea-Box, rather than have them work outside all year; and also to construct a 1.2 megawatts ground-mount solar facility. There are two pre-existing variance for setbacks. The plans have been revised so that there are no impervious coverage issues.

George Folk, PE, reviewed his credentials, was accepted by the Board and gave the following testimony:

Mr. Folk reviewed **Exhibit A1** and described the overall site operations. He said the intent is to use an area of impervious coverage, which currently consists of broken stone, millings, and recycled concrete and construct a 6,000 sf. building and concrete pad for Sea-Box to facilitate the large machinery that move the large containers in and out of the building, and also create a 1.2 megawatts solar facility in the northeast corner of the property. The site has delineated wetlands and has the Roycebrook running through it. There is a 50 ft. buffer for the wetlands. The site has an existing detention basin that services the stormwater for the site through a series of pipes that drains out to the southwest, to the Tributary of the Southbrook. The solar array will not impact the buffering of the wetlands, extending beyond the buffer by an additional 20 to 50 ft. The wooded buffer and bermed areas will remain. The solar array will not be visible from Valley Road or from the east; there is no development to the north. The project is to create solar electricity for the plant facility and allow for outdoor operations to operate indoors in inclement weather.

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Mr. Merdinger commented that the berms that are in place were imposed many years ago by the Township for the development of the property.

There is an existing nonconformity for the side yard of the existing building; 32 ft. where 100 ft. is required. The existing building is deficient by approximately 10 ft. for the rear yard.

Mr. Fisher added that deficiency is a result of the dedication for the Auten Road loop by the property owner.

Mr. Folk agreed that the project does not increase any existing nonconformity. He said after the time of the site-walk with Mr. Maski, the stone was removed from the patchy grass area. An additional stoned area just beyond the proposed solar array will be removed for the seeding of grass. The impervious coverage will go from an existing 42.9% to a proposed 41.5%.

Mr. White asked what type of foundation will be holding up the solar panels.

Mr. Folk said his understanding is that it will be a ram-post design.

Mr. Folk addressed the comments in the professional's reports. He said the Applicant will agree to comply with all four items listed in the Fire Marshal's report of 11-24-15. Mr. Folk agreed to comment #1 in Mr. White's engineering report dated 11-20-15; a waiver was requested from submitting a traffic report. The Applicant will comply with item #4; a contribution will be made as per item #5. The Applicant will comply with item #1 of the site considerations.

Mr. Folk said Sea-Box creates the chassis for the storage containers in the facility. The finished product has then been stored outside. The size of the orders and times for pick-up vary. The outside yard is a storage area for the chassis and Sea-Box storage containers. The containers are refurbished on-site. There are various employee parking areas near entrances where the time clocks are utilized.

The owner will maintain a clear path from the entrance at Valley Road to the access for the solar panels, as an emergency access, in compliance with the request of the Fire Marshal.

Mr. Maski asked if that access will be marked or paved so that trailers are not stored there.

Mr. Folk said there is no way to mark it.

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Mr. Maski disagreed. He said the access can be marked. He said having seen the operations, there is no way a fire truck could get through unless the access was cordoned or marked off as a no parking or storage of trailers area.

Mr. Merdinger spoke in favor of the designated access, stating there has already been two fires at that site that proved to be challenging to maneuver around the site.

Committeeman DelCore asked if there is sufficient room for the fire trucks to maneuver.

Mr. Folk said there will be a fire access road that goes all the way around the panels.

Mr. Folk returned to addressing the comments found in Mr. White's report. Item #3: Instead of asphalt millings, recycled concrete will be used; Item #4: Grass will be planted underneath the solar panels; Item #5: Handicap signage will be provided. Lighting and Landscaping Comments - Item #1: There are currently building mounted fixtures illuminating the entrance areas to the buildings. Operations typically run 7 am - 3:30 pm, office staff are out by 4:30, the building closed by 5 pm. There is no outdoor activity that would require site lighting throughout the site. The Applicant would like to have the opportunity to work with the Township Engineer to create a solution that meets the Township's criteria.

Mr. White agreed, with the help of Mr. Maski.

Mr. Folk returned to the engineering report. Item #2: A tree planting plan was not provided. The Applicant would again like to work with the Township to come up with an agreeable plan.

Committeeman DelCore asked how many trees are being removed.

Mr. Folk said 151 need to be removed, some of which are dead, others vibrant and everything in between. The area is more of an unkept area, rather than a classic wooded area.

Mr. Julian asked for confirmation on the number of trees being replaced.

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Mr. Fisher said the Applicant will be replacing 460 trees but asked that the Hardship Waiver be adhered to in order to cap the expense at 1.5% of the total value, which comes out to \$60,000.

Mr. Julian asked how close to the 460 trees the \$60,000 would allow.

Mr. Fisher said it should be over 400 trees, possibly even the total 460 trees.

Vice Chairman Cohen said the Board did not have an issue with that.

Mr. Folk said the application will require approval from the D&RCC and asked Mr. White if any matters related to that approval can be worked out.

Mr. White agreed and said the D&RCC regulations are the same as the Township's.

Mr. Folk said the SCPB has issued a letter of approval for the application. This application was before the Environmental Commission; all concerns have been addressed. This project is not within the jurisdiction of the NJDEP. There is no work in the flood hazard area.

Vice Chairman Cohen asked Mr. Julian if the Environmental Commission had any issues.

Mr. Julian said he can address the Commission's comments when Mr. Agovino testified.

Mr. Folk addressed outstanding comments from the 11-18-15 Planning report. He said a waiver is requested from having to provide a Community Impact Statement. The landscaping buffer will be maintained. The fence around the solar array is 50 ft. from the rear property line.

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Mr. Maski asked that the security measures around the panels be explained.

Mr. Folk said there will be a 6ft. high chain-link fence around the circumference of the solar panels. A gate is proposed for access into the solar array. A second gate will be added to the back, as requested by the Fire Marshal.

Mr. Folk agreed to calculate the FAR out to the thousandths place.

Mr. Maski asked if the line between the grass and crushed stone area is a surveyed line or approximation.

Mr. Folk said it was an approximation.

Mr. Maski noted for the record that the 42.9% and 41.5% impervious coverage percentages testified to are approximations.

Mr. Folk addressed parking. He said the interior areas of office, manufacturing and warehouse can be provided. Based on the totals provided by the owner, the number of spaces required by ordinance comes to 171 spaces for the existing, 179 with the addition of the Sea-Box building.

Mr. Maski asked if the Applicant will accommodate the requirement.

Mr. Folk state the existing facility parks about 90 vehicles. After some discussion, Mr. Folk agreed to show existing and potential areas of parking on the revised plan that add up to 179 spaces so that a parking variance is not required.

Mr. Fisher stated the violation settlement agreement required the property owner remove all vehicles, repair all roughs and divets and reseed the area disturbed. Mr. Massaro spent about \$30,000 doing so. All was inspected and approved by the Township. This project does not impact that area.

Mr. Folk continued, Item 8.2: there is no additional lighting or signage proposed for the solar field.

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Open to the Public

Susan Gulliford - Hunt Club Road

□ Mrs. Gulliford asked a question related to the fire Mr. Merdinger referenced earlier.

Mr. Fisher said the cars had been removed years earlier, in compliance with the settlement. He indicated Mr. Massaro is aware the site is not to be used for storage of junk vehicles, as was done after Hurricane Sandy.

Karl Massaro, previously sworn, provided testimony in response to questions asked by Mr. Fisher. Mr. Massaro stated he is the President of Valley Holdings which is the owner of the site, and is familiar with the operations on the site.

Mr. Massaro spoke on the activities of Sea-Box. He said there are approximately 25 employees; the business is to modify containers and selling, rental and maintenance of their equipment; operations run one shift 7:00 a.m. to 4:30 or 5:00 p.m. Monday through Friday, sometimes on Saturdays 7:00 a.m. to 1:00 p.m.; material delivery method is by truck; this building is only meant for Sea-Box to do maintenance which they currently do outside; expected truck or trailer traffic will not change; the building will not cause any noise, emissions, glare, vibration, heat, odor, air or water pollution, or safety hazards; no anticipated expansion plans.

Mr. Massaro confirmed a tree replacement of 34 trees was done in 2012 which was inspected and approved by the Township. This plan will not affect that. Mr. Massaro demonstrated the location of the new trees on Exhibit A1.

Mr. Massaro confirmed that as part of the Copart settlement, all cars and car parts were removed; all divots and ruts were repaired; and the area where storage occurred was reseeded. There is nothing in this project that will have any impact on that area.

Committeeman DelCore asked for an explanation as to why there are approximately 90 cars on site when there are only 25 employees, as previously testified.

Mr. Massaro said there are approximately 90 cars for the total site, not just for Sea-Box. Mr. Massaro said most of the employees for his company, Hercules, carpool. Hercules has about 100 employees currently, but had approximately 200; hours are from 7:00 p.m. to 3:30 p.m. Monday through Friday, 6:00 a.m. to 11:00 a.m. on Saturdays. There are 1 to 2 employees at WAM Technologies.

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Mr. Merdinger said there are gaps in the trees on the Valley Road side of the property. Trees can be supplemented in those areas rather than adding trees to the heavily forested area.

Mr. Fisher said they would be glad to comply.

No questions from the Public.

Exhibit A2 - Solar Field was displayed.

Charles Kartsaklis, RA, previously sworn, of Code Green Solar, LLC (installers) reviewed his credentials, was accepted by the Board and gave the following testimony:

Mr. Kartsaklis said the proposed is a 1.2 megawatt system which consists of roughly 310 solar modules system. The racking will be pile driven poxycoated posts. A specially engineered "no mow" grass will be used underneath the panels. It can be mowed for the first two years to keep the weeds under control, but after that, it does not need to be mowed. It first grows to about 2 ft. but then rolls over itself to a height of 6 to 10 inches. The grass is extremely drought tolerant so it works well for these large systems.

Mr. Kartsaklis said Code Green Solar will be responsible for maintenance of the solar field for 5 years, as per the Board of Public Utilities.

Vice Chairman Cohen asked what happens after the 5 years.

Mr. Kartsaklis said Mr. Massaro is the owner of the system; this is not a PPA, a Power Purchase Agreement. With a PPA, the equity firm will receive most of the power benefits and the end user will not. This system will have Mr. Massaro as the owner and end user. The display shows what the solar array will essentially look like.

Mr. Kartsaklis said it is hard to tell how much electricity Valley Holdings uses but it is substantial, equivalent to that of 1,000 homes annually. This system will take approximately 1,200 cars off the road and save close to 4,000 trees a year for a Co2 offset. The power will not be exported; it will not be sold back to the grid.

Vice Chairman Cohen asked what the life expectancy is of the panels.

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Mr. Kartsaklis said the panels are guaranteed for 25 years. The system will be transformerless. Inverters will be on the back of every panel. The system will be very efficient with no heat displacement.

Mr. Fisher asked Mr. Kartsakis to explain why a roof mounted system is not being proposed.

Mr. Kartsaklis said roof mounted panels would not be as efficient. A ground mounted system provides good air circulation which helps to cool down the panels and help them run more efficiently and allow for the perfect tilt. This design allows for a quicker offset.

Mr. Julian stated that the Environmental Commission discussed the material under the panels and felt the "no-mow" grass was better for the bird habitat.

Mr. Kartsaklis said they try to be environmentally sound by not using stone or anything underneath the panels. I-beams which will be driven into the ground and a racking system will be used rather than concrete footings. If a pull test comes back negative, an additional screw will be used instead of a footing.

Committeeman DelCore asked how long the system will take to install.

Mr. Kartsaklis stated the racking and the modular go up in about two weeks, depending upon the season. The rest of the project will take approximately one month.

Mr. Peason pointed out that the plans reference a 600 megawatt facility.

Mr. Kartsaklis said there will be two 600 kW systems so as not to overload PSE&G. This gives the ability to shut down one of the systems in case there is an overload. Most of Hillsborough is going to be dependent upon this and the other large system in town. Having the two switches for this project, allows some flexibility.

No further questions for the witness.

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Vincent Agovino, Ph.D., of A.V. Agovino Associates, LLC, previously sworn, reviewed his credentials, was accepted by the Board and gave the following testimony:

Mr. Julian reviewed the concerns of the Environmental Commission that the applicant satisfied; grasslands are being retained under the system, which is good for the bird habitat; and the system is far enough away from the wetlands so as not to cause any disturbance.

Mr. Agovino agreed. He said whenever an Environmental Impact Statement is done; a threatened and endangered species search is done. The bird species, the Grasslands Sparrows, turned up on this site and primarily on the adjacent Duke Estates property. The 5.3 acres of "no mow" grasslands and seeds are being provided as an additional habitat for these grassland species that may or may not be using the site now. The area now is currently referenced as "disturbed uplands" from the years of truck traffic and gravel.

Mr. Julian noted there was soil contamination from a fuel tank years ago but there is a deed restriction on the property and no impact to the ground water at this point.

Mr. Agovino said there was a "response action outcome" letter issued by NJDEP, which is the equivalent of the former "no further action" letter which was issued for that. The tank area is several hundred feet from the area of the solar array so it will have no impact.

Mr. Julian said the Environmental Commission noted there is no disturbance in the 50 ft. buffer of the wetlands.

Mr. Agovino said the LOI and RAO have been provided within the EIS.

No further questions for the witness.

Mr. Fisher summed up the application.

A motion to approve with all agreements, conditions, waivers and comments, was made by Deputy Mayor Burchette, seconded by Mr. Merdinger.

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

Vice Chairman Cohen informed the Board there is no business scheduled to the meeting of December 10th.

A motion to cancel the meeting of December 10, 2015 was made and seconded. All were in favor, none opposed. Motion carries.

Vice Chairman Cohen said the next meeting is scheduled for January 07, 2016.

ADJOURNMENT

A motion to adjourn was made and seconded. All were in favor, none opposed. Motion carries.

The meeting adjourned at 8:49 p.m.

Submitted by:
Debora Padgett
Administrative Assistant
Planning Board Clerk