

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
May 03, 2012

Chairman Sireci called the regular Planning Board meeting of May 03, 2012 to order at 7:30 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 has been duly advertised according to the Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Deputy Mayor Gloria McCauley - Absent
Greg Burchette - Absent
Committeeman Frank DelCore - Present
Steve Cohen, Vice Chairman - Present
Tod Mershon, *Secretary*- Present
Neil Julian - Present

Sam Conard - Present
Steven Sireci, Jr., Chairman - Present
Marian Fenwick - Present
Daniel Marulli (Alt. #1) - Absent
Robert Peason (Alt. #2) - Present

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William Buzby, P.E., Alt. Board Engineer (Carroll Engineering); and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

February 23, 2012

A motion to approve was made by Mr. Mershon, seconded by Mr. Julian.

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon - yes; Chairman Sireci - yes. Motion carries.

March 01, 2012

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

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Conard - yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Chairman Sireci - yes. Motion carries.

April 12, 2012

A motion to approve was made by Committeeman DelCore, seconded by Mr. Julian.

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Conard – yes; Mr. Mershon - yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

Gibraltar Quarry / KDC Solar – File #12-PB-01-SR – 484 County Route 601, Belle Mead, NJ 08502 (Blawenburg-Belle Mead Road).

Exhibits: A1 – Aerial Photo
A2 – Site Plan
A3 – Aerial Photo Overlaid with Zoning Restrictions
A4 – Aerial Photo – Active Areas
A5 – Aerial Photo – Fines
A6 – Aerial Photo – Environmental Issues
A7 – Aerial Photo – Physical Limitations
A8 – Slope Map Overlaid on Aerial Photo
A9 – Drawing – Market Rate Buildings

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- A10 – Photo of Fines Pile
- A11 – Photo from Grandview Rd., Montgomery (winter)
- A12 – Photo from Grandview Rd., Montgomery (late summer)
- A13 – Photo from 601 with overlay of projected clearing of array location

Richard Schatzman, Esq. of Schatzman Baker, PC appearing for the applicant said this application is for preliminary and final major site plan approval for the Gibraltar Quarry solar array which will have the solar panels for the machinery both in Hillsborough and Montgomery. The crushing machine and pulleys are mainly in Montgomery, the electrical works are in Montgomery. The application does not involve the existing building on the property. Mr. Ringelheim's report has confirmed a solar array is a permitted use. We will be hearing from Mark Lukasik, Project Engineer; Heather J. Gracey-Petty, a Forester, who will talk about the tree issue; Anthony Silva from Trident who did some of the Environmental work contained in the EIS; and Tom Lynch from KDC Solar who will explain how the solar panels will work along with the quarry.

Mr. Lukasik, PE, CME, of Tectonic Engineering and Surveying Consultants was sworn in, qualified and gave the following testimony in response to Mr. Schatzman's questioning:

The Gibraltar Quarry is approximately 750 acres in its current footprint. About 550 acres lie within Hillsborough; approximately 200 within Montgomery. The array is proposed within Hillsborough at the southern most corner of the property and immediately adjacent to the municipal boundary. The quarry's most obvious feature is the fines pile which is left over from 3M, now grassed over, managed and permitted by the State DEP. The proposed solar array is located in the wooded area is in no way associated with that pile.

The purpose of the proposed 2.3 megawatts array is to serve the quarry with its annual electrical needs exclusively. The actual location of where the connection point is which is where the electricity generated by the array is connected to the equipment it will power is located in Montgomery. That location is about half way into the principal access road which has some overhead wires and a small substation and switching yard. By law, we need to make our connection at the meter. All electrical needs for Hillsborough and Montgomery are routed at this location. We propose to install an overhead wire on utility poles some 3,400 ft. to allow the electricity to get from the array to the switch yard. About 2/3 of that route lies within Montgomery; about 1/3 in Hillsborough.

The 2.3 megawatts array is comprised of 10,000 individual solar panels which are mounted on a racking system and will be placed anywhere from 5 to 8 ft. over grade at the highest point of the panel. The solar array is converted into usable current by the use of converters which are centrally located within the array. There are 2 transformers mounted on small concrete pads on this property that are in turn connected to the overhead wires that lead out of the array area. The agreement for the facility between KDC Solar and Silvi, the legal entity of the quarry, known as Constructural Dynamics, is a 20 year agreement with an option in place to extend that 5 years to maintain the equipment. At that time the equipment can either be dismantled and moved; Silvi can purchase the equipment; or choose to upgrade the equipment 25 years from now. The project has a footprint of approximately 20 acres within Hillsborough. We are disturbing about 13 acres in terms of soil disturbance. We will be fencing in approximately 12 acres of this area for security reasons. The array itself will be occupying about 7.5 acres. One of the items that has driven the footprint of the project is the trees which surround the array and are generally consistent to be about 100 ft. in height. We do not want those trees falling on the equipment so we have put a minimum standoff distance of around 100 ft.

Exhibit A3 shows an aerial photo overlaid with the zoning restrictions of both municipalities which gives us a perimeter around the property that cannot be encroached upon. In the case of Hillsborough the buffer is 50 ft.; Montgomery is 200 ft. **Exhibit A4** is an aerial photo showing the active areas of the quarry and highlights those areas where equipment is in place, stockpiles exist, roadways, machinery and where the actual quarry areas are. **Exhibit A5** is also an aerial photo showing the fines pile which is an area where we are not free to place a solar array. The rationale is that the materials left from 3M's operations are in a stable caposition pursuant to agreements with the DEP and not available to us. Silvi is looking for an opportunity to reuse that material in the future. Our duration of the solar array is at least 20 years, which is a long period for Silvi to commit to precluding any use at that particular location. **Exhibit A6** is an aerial photo showing the environmental considerations which highlights wetlands, stream corridors and similar locations on the property. The quarry has an LOI with NJDEP which remains valid through 2013. There are ordinary, intermediate and exceptional wetlands on the property. By excluding this in the screening process will not impact any of those wetland areas. **Exhibit A7** is an aerial photo that shows the physical limitations on the property, highlighting areas that are not southward facing. Easterly or northerly locations are excluded from any practical use. You can put a solar array in these directions but it would require a much larger footprint to generate the energy necessary for this particular use. **Exhibit A8** is a slope map overlaid on the aerial photo indicating the areas where slopes are in excess of 10% which is relevant because as the array is placed on steeper slopes, the spacing on the slopes much increase in order for each successive row from shading the adjoining rows. Once you eliminate the areas that have constraints; you are left with only 3 possible areas to install an array that meets the energy requirements for net metering of the quarry. The first location, northwest of the fines pile is insufficient in size. The second location is southwest of the fines pile is large enough but is immediately adjacent to some exceptional wetlands on the property. The shape of the land is not consistent with what we prefer but we could rework the land to potentially do that at that location. The third location is the one proposed which is southeast to the fines pile. This location has the best fit when it comes to slope, exposure and distance from any constraining environmental factors. As such, it became the preferred alternative for this project.

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One of the discarded areas is the area suggested by the Environmental Commission. The 5 acre area known as the 'bone yard' is already cleared but is not large enough to site the array in one shot. If we were to split the array up in two, the footprint would be larger and the environmental impact would increase.

Mr. Schatzman added there was a question here tonight about using a piece of cleared land which was also raised by the Environmental Commission. Mr. Lynch will review this question in more detail but as far as I am aware; Hillsborough Township's ordinance does not have a zone in which a solar array can be a principal use. The array would have to be on the same lot as the use it serves, otherwise it would require a 'd'1 use variance and would be before the Board of Adjustment. I advised by client that we would be hard pressed to prove there is not a substantial detriment to the Zone Plan and Master Plan.

Mr. Lukasik continued by saying the physical setting is important to understand. Geotechnical investigations were performed on the project; a number of borings and test pits were performed and documented in the EIS. As we get further south where the array is situated, the slope becomes much steeper. We tried to limit the amount of disturbance we did beyond the severe break in grade. No known historic structures or archeological resources were uncovered during the generation of the EIS. By virtue of the negative screen we used to site the array, there are no impacts to water courses, stream corridors or flood plains on the property. We have gone to great lengths to come up with the principals of a design to manage and address soil erosion concerns as reasonable as possible. We sought to limit the amount of removal of tree roots and whatnot that are already intrinsically holding the soil together. The stumps around the 100 ft. buffer around the array can remain. They will decompose over time but there is no need to go through the physical act of removing them. So for those approximate 7 acres of cleared but not grubbed area; we are looking to retain the stumps in that location. The entire area will be reseeded.

Mr. Schatzman stated we have filed a soil sedimentation control plan with the Somerset Union Conservation District. We received a review letter and intend to comply with all 4 of the comments.

Mr. Lukasik next addressed the soil types. He said all of the types of soil found are manageable with traditional soil erosion sediment control techniques. **Exhibit A10** is a photo of the fines pile. This photo shows the fines pile, fully vegetated in the distance. In the foreground is one of the sedimentation basins associated with the facility. One of the key points to this design was to remain isolated from the regulatory footprint of the fines pile, its sedimentation basins and discharge points which are to the east and west of the proposed array. We have strived to do in our design is site ourselves in an isolated position within the heart of the bypass channels such that any runoff associated with this pile, permits or sedimentation basins do not enter the equation of runoff with the array. The general principal is based on the concept that we have a wooded area that will become a grassed area and as a result, will have a slight increase in the rate and volume of runoff as it is discharged once the array is developed. Your Stormwater Management Ordinance requires us to control those rates to values which are less than, depending on the various storms, what they would be today in its fully wooded condition. To accomplish this we control the rate by a network of diversion swales which bring the water down and around in a circuitous fashion to slow it down and then we collect it in a facility that will retain the water at the base of the array before ultimately discharging lower on the property in a southerly direction, in the same general direction and paths that exist today. A number of jurisdictions have provided comments which essentially ask for an enhanced analysis of the runoff which would take a finer look at more locations along the edge of the property line and adjoining properties at the discharge points. We are in the process of revising that to make sure there are no localized increases found within the numbers that might be a cause for concern. We are preparing a revised Stormwater Management Report that takes that extra look. The site itself is fully compliant with the groundwater recharge standards and computational worksheets that are put forth by NJDEP. We exceed the minimum values required. Upon submission and concurrence, we believe you will find we have fully mitigated any potential impacts associated with the stormwater management.

There are no fire hazard issues. Solar energy is a clean source of energy production so there are no air quality issues either. The quarry's consumption of approximately 3 megawatts per year will be removed from the grid in aggregate. The greatest noise generating element as part of the array would be the transformers. The transformers are located on 2 pads in the heart of the array. The nearest residence is approximately 1,400 ft. to the west. When operational, the transformers are approximately 60 decibels but that sound would be attenuated over 1,400 ft. The array is designed to absorb the light, so no reflections are anticipated. It is our anticipation that we are sufficiently far from any active dust creating activities; there are no haul roads immediately adjacent to the array for daily use. **Exhibits A11, A12 and A13** are of the same area taken from different vantage points at different times of the year. We have projected the clearing of the tree canopy to give a sense of what it might look like at this particular location as to whether it would be a large disturbance or not. What we found is due to the height of the trees and the slope of the land from the area north of the array to the tree line just under the stormwater management facility, we are only losing about 70 ft. of grade which leaves 30 ft. native vegetation south of the array to screen anything that might be constructed on the property. Therefore, there is no direct visual line of sight surrounding the quarry to see the array. All you will see is a very thin line notched into the trees. We retained a line of vegetation approximately 100 ft. tall which equates to the top of the fines pile, at the north end of the array such that the clearing of the trees would not create a notch in the canopy or expose the fines pile when scanning the view from Grandview or 601.

The runoff from the proposed site does run off to the adjacent County property as it exists today. It is funneled there by an existing network of old road beds and channels that are still in existence in the woods. Similar to the comments of Mr. Buzby and the D&R Canal Commission, the County requires additional analysis of the local discharge point and how the water is

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creeping across the land which we plan to provide. We have agreed to make all of the revision in response to the comments provided by the DRCC. However, their principal concern was related to their definition of a stream corridor which is

somewhat coincidental of the Town's definition as it is applied in this instance. We will be providing to the DRCC a mapping of their stream corridor and how it overlays with the Hillsborough stream corridor, both of which is no longer on property owned by the quarry that created a "c" shaped ring around the quarry property.

We have had discussion with Mr. Buzby's office in reference to his March 23, 2012 Memo. We will be able to address all of his commentary and would prepare revised plans to address all of his comments and any comments brought forth this evening by the Board.

William Buzby, PE, Alt. Board Engineer, said my main concern with this project is how the stormwater is discharged from the detention facility. I walked the site with Mr. Lukasik and representatives of the solar company. There is a very small drainage way the water is being discharged into. I am not convinced that drainage way has sufficient capacity to handle the water without causing erosion into the eastbound stream. I have spoken with Mr. Lukasik of Tectonic and look forward to discussing the groundwater recharge chart with him further to discuss the impervious coverage calculated. I have not seen the revised plans so I cannot say any of my issues are resolved at this point but look forward to receiving them and commenting on them for the Board. I have had conversations with the County Engineer and Soil Conversation Commission. Our thoughts are similar in what our concerns are.

Robert Ringelheim, Township Planner, said in the Fire Marshal's April 30th memo he had concerns with emergency access. How do you propose to resolve that?

Mr. Schatzman read the revised Fire Marshal Report of May 2nd. The applicant has offered to pay for a vehicle which meets or exceeds the specifications provided by the fire district to be able to satisfy the access in and around this site. A letter from Mr. Lynch states a contribution of \$31,495.00 towards the purchase and outfitting of a Polaris Ranger 6X6 EUV 800cc EFI, a Kimtek Firelite Transport Supermax, and a Bri-Mar UT-718 trailer. The applicant intends to maintain the vegetation along the solar panels as noted in the April 30th report.

Chairman Sireci asked if the contribution would cover all of the equipment noted or if the Township would be responsible for additional funds.

Mr. Schatzman said the applicant has said the \$31,495.00 will cover all of that equipment. Mr. Lynch will testify to that.

Mr. Ringelheim said there are solar panels which are movable and move with the sun as it moves across the sky to capture solar energy. If the panels on the property were movable instead of fixed as proposed, would you be able to reconsider the location and therefore would some of the parameters change?

Chairman Sireci asked if it was more efficient by moving with the sun then perhaps the size of the array could be smaller then too.

Mr. Lukasik said we have proposed a fixed array. There are many trade-offs with having a movable array vs. a fixed array. If we were to put in a tracking array as was described, that scenario would probably occupy the same magnitude of a footprint for this particular project given the height of the trees that surround the area at this particular location. There are many variables to consider. The business model of my client is to install these fixed panel arrays, at these locations, at these particular sites.

Mr. Julian stated he, Mr. Peason and Mr. Mershon walked the site. He then asked for clarification from Mr. Ringelheim about a comment in his report regarding the site of the solar panels.

Mr. Ringelheim said in my May 3rd report sent in response to the Tectonic memo made the point that Section 162:B5 of the Ordinance provides an exemption from the tree preservation provisions as *'On land zoned for and/or used as a Township approved mine or quarry, removal of any tree located on that portion of land used or to be used for the actual extraction of mine or quarry materials or for a function essential to the actual extraction of mine or quarry material...'* The array itself is not part of the mining or quarry operation and therefore is not essential to the quarrying so with that the provisions do apply and they do have to comply with the tree preservation and tree mitigation requirements.

Mr. Julian asked whether that site could be used for mining at some point.

Mr. Ringelheim said I suppose if there was sufficient material underneath, it could be used for mining.

Mr. Julian asked for clarification on the detention basin.

Mr. Lukasik said one of the items that has been brought up is the computation from a stormwater management standpoint. One of the proposed solutions we will submit to you is to have multiple discharge points from the basin. There will be one pond but two ways out.

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Mr. Julian said I would like to see that enhanced and to see the calculations as well. As for the Environmental Commission report, we are concerned with the recharge of the water based on review of the site that it would not be sufficient to recharge the aquifers. The EC would also like to see the array at a different location that would not require cutting down some trees

which was talked about tonight. The other issue is the Economic Hardship Waiver calculation.

Mr. Lukasik said the 5 acres that is free of trees is in Montgomery but it is not open. It is occupied with quarry machinery, equipment and structures, etc. The exact disposition of those, whether they would be brought into reuse or scrapped in their entirety is not known by the quarry at this point in time, nor would they be willing to commit to it. He then reviewed his previous testimony of how the location of the solar array site was determined.

Chairman Sireci asked Mr. Lukasik to address the EC's comment that increased runoff from the site and the slope of the land below would cause the array area to create a high velocity runoff causing a possible dangerous situation and additional erosion.

Mr. Lukasik said until we are able to produce a report which satisfied your Engineer, that matter is going to remain unresolved. It is our goal to avoid any of those concerns and provide mitigation at a facility that manages them.

Mr. Schatzman noted that the DRCC report also raised those concerns. Although they did not approve the project, their conclusion in the report was that the recharge of the report and plans were satisfied in accordance with the regulations of them and the DEP. Mr. Buzby will look at that again after he looks at the new plans and hopefully come to the same conclusion.

Mr. Conard asked for a detailed description of the concrete foundation for the array.

Mr. Lukasik said the proposed array is racked on an aluminum racking system. It is basically a framework into which the arrays themselves are slid into and attached such that they are fixed in position. They will not become airborne in adverse weather. The current proposal is to utilize a reinforced concrete shaft. The soil will be augured and the concrete will be placed in the resulting hole with the reinforcing steel to create that foundation. Each sub-array would have 4 of these foundations, preliminarily 2.5 ft. in diameter. In some cases they will touch rock, in which case we will socket an acceptable distance in the rock. It does vary over the course of the array; some places the rock is deeper. We do not need to go that far.

Chairman Sireci asked if Mr. Lukasik had any engineering comments in reference to building the array at the site of the fines pile, in addition to the previous comments made.

Mr. Lukasik said principally, it is to honor an agreement that has been put into place with the community in the 3M days as to how that pile was managed or not and its potential runoff. It has a uniform and very stable cap which is managed by the quarry to maintain it in such a fashion that there is no dust emanating from this pile. Runoff from it is managed by the sedimentation basins. Any infrastructure placed on that will require approvals and potentially compromise the management plans in place.

Mr. Julian said in visiting the site it seemed that the swales protecting the roadways could be a potential problem for runoff. He asked Mr. Lukasik to review one of the items in the Tectonic report.

Mr. Lukasik said we established we do not reside in the drainage areas associated with the fines pile, we lie below that. Through the woods now, it generally heads in a south – southeast direction until it gets to the general vicinity of this property line where it gets picked up by an existing sequence of roadbeds and swales and sent to the southern most point of the property. The access road you are speaking about in Montgomery is lined with manmade gabion reinforced swales and channels. Those are all constructed and associated with the discharge of the principal sediment basin associated with the tailings pile and discharging onto County land in the vicinity of Dutchtown-Zion Road. The array stormwater discharge will not enter this channel system. Instead, it heads through a sequence of channels to a small culvert on Dutchtown-Zion Road before crossing to the south and joining up somewhere downstream. Mr. Lukasik pointed out the discharge locations on the display.

Mr. Schatzman said Mr. Lynch from KDC Solar answer your questions further about the solar panels and will provide testimony as to the pros and cons of movable panels.

Open to the public

Bill Dondiego – Gulick Court

Mr. Dondiego said I am a resident and also a member of the Environmental Commission. He asked about the disturbance mentioned if the array was put in a different location.

Mr. Lukasik said if we were to separate the array putting one portion in Hillsborough and a small portion in Montgomery; you would create a gap where they once touched which you would now have to clear and buffer the associated areas. The result is that you would increase the area of disturbance on all sides now where you did not need it before.

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Mr. Dondiego asked instead of creating two rings and have an equal perimeter, can the array site be moved completely to the north where there are no trees. I thought in the EC meeting you said that could be a possibility. The area to the north is actually downstream from where the transmission line could go. Mr. Dondiego point out the area suggested on the display.

Mr. Lukasik said the area in question is to the right of the entrance located in Montgomery. We discussed this area before.

There are some structures, some in use some not, some equipment, varying degrees of utility. There is an area that has no trees but does have this various equipment. The prior discussion was that there are no immediate plans for this equipment but the area is large and irregularly shaped. If we were to utilize it in some fashion, we would still need to standoff any distance from these trees which are everywhere on this property which is adjacent to this cleared area. We would have to move the equipment somewhere else on the property. We would either have to clear an appropriate area or be left with a very tiny footprint if we were to come in 100 ft. as a buffer. Setting aside Montgomery ordinances; it still is a project that increases the overall footprint and overall disturbance no matter how you slice it. We cannot situate the entire array on these 5 acres so the array would then be separated. We would have to build 2 power lines and additional infrastructure.

Chairman Sireci asked if the applicant can have the 15 acres adjacent to the 5 acres cleared which would save 5 acres of trees.

Mr. Lukasik answered when we went through the 6 factors we went through we only come up with 3 locations. We would now be talking about Montgomery where there is a 200 ft. property line restriction which takes up a portion of the property that is already cleared. The pitch of the land is generally flat but pitches to the wrong direction because it faces north and would be inefficient.

Mr. Dondiego said we saw a very different land than the one just testified to when we walked the site. It does not appear there was a problem with the slope of the land and I do not see it facing north. Maybe someone should look at this site seriously.

Peg Van Patten – Longhill Road

Ms. Van Patten had her own map displayed which Mr. Lukasik said was not from the application.

Mr. Bernstein stated Ms. Van Patten needed to be sworn in if she was giving testimony.

Ms. Van Patten was sworn in and said I obtained this map from the Hillsborough Planning Office. It is the same map that is in your packets.

Mr. Bernstein noted for the record, the map appears to be a Wetlands Delineation Map from Stires Associates, stamped received by this municipality February 8, 2012. This is not a municipal map but created by the applicant through a surveyor who at the moment has not yet testified as to the provisions of the map.

Ms. Van Patten clarified that she bought a copy of the map after going through the application file within the Planning Office. I also purchased the EIS. This map is in totality of Hillsborough and Montgomery. I am trying to show if there are alternative places. She asked Mr. Lukasik whether alternate sites were considered for the entire site or just in Hillsborough.

Mr. Lukasik said we applied our screen to all 750 acres.

Ms. Van Patten asked did you use the United States Green Building Council Guidelines in sighting this solar panel.

Mr. Lukasik said no, we did not.

Ms. Van Patten asked the degree of grade the slopes range.

Mr. Lukasik stated the slopes are inconsistent throughout the area but are largely less than 10% with a portion of the slopes in the area exceeding 10%. The grading plan shows areas that exceed the 10% that have been adjusted to 10% as part of the project.

Ms. Van Patten asked the same question of Mr. Buzby.

Mr. Buzby said the plans generally indicate the slopes are 10%. There are areas that are 15%.

Ms. Van Patten asked Mr. Lukasik if the Hillsborough Township Natural Resource Inventory Map No. 5 was used when making up this map.

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Mr. Lukasik said we used a variety of record information from Hillsborough. Whether that exact map was used; I cannot say.

Ms. Van Patten asked, are you aware that Chapter 160 which is the Environmental Commission chapter says there is to be no development on steep slopes that are severe to critical.

Mr. Lukasik said I am aware.

Ms. Van Patten asked about the soil types.

Richard Miner – Dutchtown-Zion Road

Mr. Miner said I am probably the closest neighbor to the array. My property borders on Barber Hill Road. Is that one of the drainage ditches for the array?

Mr. Lukasik said the road is not but some of the ditches adjacent to the road are.

Mr. Miner said I have watched the flow off of that hill over the past 40 years; it is severe by my own definition. If you check Montgomery road repair records, you will probably find that the area off of Dutchtown-Zion Road is repaired more than any other area in the County. It is done at least once a year because the water flows down at a rapid rate, washed out the road. I think the road will be washed out even more so if you intend to use that ditch.

Mr. Lukasik said the flow you are referring to now is associated with the westerly discharge from the tailings pile and diversion from their stormwater swale system. That watercourse is not associated with any flow from the array as proposed. Nothing would change at that one 3M ditch at that particular location as it functions now. The Barber Hill Road flow is the same general flow that was raised in question by the County, by Mr. Buzby, and by the Soil District. Both will need further mathematics to make sure the flow is at a level consistent with the ordinance and values that the members of the public would not be concerned with.

Mr. Miner said there is also a small drainage ditch perpendicular to it going in the opposite direction. In what direction will the flow travel?

Mr. Lukasik said all existing drainage patterns will be maintained. We will not transfer water from one watershed to another. The flow will generally be in a south – southeast direction. The topography provided is from the ground, not from the air. There is no pronounced ridge through the center of this site as you have described however; I would probably characterize the area of the array as the back of a saucer which does have a curve to it. It is not normal in the same direction across the entire footprint of the project.

Mr. Miner asked if the array could be moved back so that the drainage will not flow towards my property. Also, is it possible to eliminate the existing access road?

Mr. Lukasik said the net effect would be to remove the trees we went to great length to retain at the back of the array which provides a visual screen for the fines pile from any observer from afar to the south or west of the project. We thought it prudent not to expose that completely new view shed where it does not exist today. We have provided an Environmental Impact Statement that looks at many aspects of the project. We feel we have provided a project that presents the most reasonable approach to a variety of many topics and most harmonious with the community, its ordinances and development goals.

Break

George Marios – Club Road

Mr. Marios had questions related to the fire equipment to be purchased which will be addressed by another witness.

Frank Araco – Dutchtown – Zion Road

Mr. Araco said I am one of the closest people to the array and I was not notified of any of this.

Mr. Ringelheim said the property may not be within 200 ft. of the property line. Mr. Araco's block and lot did not appear on the certified 200 ft. list.

Mr. Bernstein stated under the Municipal Land Use Law, Mr. Schatzman was provided with a certified list from the Tax Assessor's office of property owners within 200 ft. of the application. If your block and lot was not on that list, he is still permitted to rely on the list provided to him by the municipality for purposes of notice. We will inquire from the Tax Assessor on the issue.

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Mr. Araco asked what kind of sound this array will emit.

Mr. Lukasik said the principal noise producing components of this project are the two transformers. The pair of inverters within the transformers are centrally located in the array. Your property is probably not the closest but still within 1,400 ft. of the equipment which emits approximately 60 decibels. That is analogous to a little more noise in a library than might be there.

It is very quiet. It is nothing that will be perceived as background noise in the neighborhood.

Mr. Araco said I have lived here 7 years and I have seen the road spoken of earlier washed out 4 or 5 times now. Is Gibraltar Rock willing to reconstruct this portion of the roadway so that this does not happen?

Mr. Schatzman said it is not connected with this project. The law states there has to be a rational nexus between what we are asking for and what the municipality can require us to do. As Mr. Ringelheim noted in his report, an off-tract improvement fee may be assessed to the applicant subject to a determination by the Township Engineer in accordance with Section 188-67 of the Ordinance.

Mr. Araco asked what happens to the water coming into the swale near my home.

Mr. Lukasik said as I understand the location of your property, you are on high ground above a delineated water course which flows down to Dutchtown-Zion Road. That water course is protected by municipal buffers which extend 150 ft. beyond the banks in either direction. After a recent subdivision, the County now owns a large portion of the land that contains the water course described. That channel receives discharge from a portion of the tailings pile but will not receive flow from the array on this side of Dutchtown-Zion Road. The water will come down the hill from the array but will find a route to the bend in the road. The water will not be going into the creek behind your home.

Chairman Sireci noted perhaps the reason Mr. Araco was not noticed was because the boundary lines have recently changed due to the subdivision by the County, but we will check on the matter.

John Jegla – Longhill Road

Mr. Jegla asked, can you assure us you have done a blasting resistance of the array. I live farther away and I can feel the blasting upwards of 5 seconds each time.

Mr. Lukasik said the foundations might be subject to any of that when they are designed and submitted for a building permit; those computations will be reviewed at the municipal level if they need to be taken into account.

Mr. Jegla asked why the array is this size.

Mr. Lukasik said the array has been designed to give sufficient power to meter the quarry's energy use. The goal is to have all of the power for the quarry coming from the array. Additional testimony will be offered by another witness.

Mr. Jegla asked if measures have been taken to reduce the quarry's energy needs in order to reduce the size of the array.

Mr. Lukasik said I am not aware of it.

Chairman Sireci said it is not in the law for us to tell them how to run their business.

Mr. Jegla said dust was considered when finding a suitable location for the array. In the future if they decide to dig into the tailings pile, which you will be locating right next to, won't a dust concern be brought back into play that is not already there?

Mr. Lukasik said they would be shooting themselves in the foot to be doing something like that to cause any degradation.

Jim Reznick – Long Hill Road

Mr. Reznick asked are the flat fixed panels the cheapest way to go with solar as far as cost and installation.

Mr. Lukasik said the economics of the solar panels would be better answered by KDC Solar.

Mr. Reznick said right now Montgomery and Hillsborough both know Long Hill Road and Dutchtown-Zion Road have major issues with flooding with every storm. Where are you going to direct the water to?

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Mr. Lukasik said we are going to maintain all of the existing drainage patterns and mitigate any increases and flows with stormwater management facilities in accordance with the ordinance.

Mr. Reznick expressed his concern about the increased water.

Chairman Sireci said that matter was discussed earlier. The point was made that our engineer has to be comfortable with the stormwater being engineered. The Board will need to be assured that our engineer is satisfied.

Suzanne Hornickel – Montgomery Road

Ms. Hornickel said she applauds the owner for looking to use alternate energy resources and asked whether the solar panels can instead be put on the roof of the buildings and constructed over the parking areas as is becoming more and more common place.

Mr. Lukasik said we do not have a broad expansive parking area where we can put a canopy. The areas that we do have employee parking are generally close to heavy machinery and high dust generation areas and would cause an obscure on the panels. We eliminated such areas during our screening process.

Jennifer Coffey – Stony Brook – Millstone Watershed Association

Ms. Coffey said I know the SCPB has reviewed the application and noted its concerns with the applicant relying on the roots from all of the cut down trees because they will degrade and decompose over time. Given that the contract is on a minimum 20 year basis, how do you propose to address soil stability?

Mr. Lukasik said the statement earlier was that we do not want to excessively disturb the ground. In the areas where we feel we do not have any abiding need to disturb the stumps, we do not intend to do so. We are not relying on the roots to hold the soil in place but will go back and seed in those areas which will establish turf to provide the erosive control in those areas. We feel it can only do more harm than good to remove the stumps from those areas.

Peg Van Patten

Ms. Van Patten stated she has been a member of the Technical Advisory Committee working with 3M and is very familiar with the quarry property. She asked Mr. Lukasik, what did you mean earlier when you said the D&R review had a different definition of stream corridor than you do.

Mr. Lukasik said the DRCC has its definition, Hillsborough has its definition. They are no based on the same methodologies and do not draw the exact same line however; they are in the same general proximity on this project.

Ms. Van Patten asked Mr. Ringelheim what do you make of the answer you just heard. Is there a dramatic difference in the definitions?

Mr. Ringelheim said I do not know what the DRCC's definition is; I can only tell you what Hillsborough's definition is.

Ms. Van Patten asked Mr. Lukasik if his definition sides more with the DRCC or with Hillsborough's definition.

Mr. Lukasik said it is our responsibility to satisfy both.

Ms. Van Patten said the perimeter of the Gibraltar property has changed slightly with the sale of property to the County for Open Space. Is it your contention that there are no open waters on the bottom portion of the quarry site?

Mr. Lukasik said the array does not impact any open waters ore fresh water wetlands as part of its limit of disturbance; whether that is for physical ground disturbance or tree clearing. The water courses I believe you are referring to are principally on what is now County property. They do extend north and west. Depending on where the final point is determined to be; they may extend onto quarry property. However, that is an area that is far to the west of where the array is proposed.

Ms. Van Patten asked if the traces of the State Open Waters areas is greater or less than 50 ft. from the project site.

Mr. Lukasik said they are greater than 50 ft. There is an intermediate resource wetland at the western corner of the array. We have honored that regulatory buffer set by the DEP.

Ms. Van Patten asked in your opinion, do the 2,000 plus trees that are to come down provide a buffer to the people on Dutchtown-Zion Road against dust and noise.

Mr. Lukasik said the trees are a contiguous stand that exists on the slope today.

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Ms. Van Patten asked Mr. Schatzman if the array were to be placed in Montgomery that a variance would be required.

Mr. Schatzman said yes, a 'd'1 variance would be necessary.

Ms. Van Patten asked what did you mean when you said you would have to prove to Montgomery that the solar array was not a substantial deterrent.

Mr. Bernstein said Mr. Schatzman's testimony is of no value in terms of the decision made by this Board related to an application that may or may not ever be brought in a neighboring municipality in a neighboring land use Board. This Board is obligated to look at the application before it as presented. There is no Use Variance before this Board.

Chairman Sireci said the attorney cannot testify so it is not testimony anyway.

Ms. Van Patten asked for more details on the stormwater runoff and expressed per concerns about flooding.

Chairman Sireci said the issue of whether or not the road floods during a storm is not the issue. The issue is whether with project contributes to it in some way. That is the only thing Mr. Lukasik can answer to.

Mr. Lukasik said we prepare a stormwater analysis of the project, one where additional resolution needs to be made to it. We are going to make that modification as requested such that we can demonstrate to this Board, professionals and community that we are meeting that standard.

Mr. Ringelheim said I have discussed scheduling the application to June 14th with Mr. Schatzman. The MLUL clock runs through June 14th so an extension is not required.

Chairman Sireci said this application is carried to June 14th without further notice.

Mr. Schatzman said we will be supplying revised plans in time for Mr. Buzby to review with the stormwater calculations as well as to the County.

Mr. Buzby said I have said I will need sufficient time not only to review the plans but to go out to the site hopefully with Mr. Lukasik to look at the additional drainage ways to see where they are putting the water and what is downstream.

Mr. Schatzman said we have agreed to that, of course.

ADJOURNMENT

The meeting adjourned at 10:33 p.m.

Submitted by:
Debora Padgett
Planning Board Clerk