WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
June 28, 2011

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:31PM by Chairman Fulper.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public meetings Law. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and Trenton Times on January 10, 2011. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Zoning Board of Adjustment Office.

The meeting was recorded via digital recording system and copy of CD is on file in the Zoning Board of Adjustment Office.

Chairman Fulper led the Pledge of Allegiance to the American Flag.

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Joe Romano-present, Ruth Hall-present, Dave Sanzalone-present, John Dale-present, John Ashton (ALT. #1)-present, Robert Fulper-present.

Absent: Brian Fitting, John Hoff (ALT. #2)

Professionals Present: Stewart Palilonis, Board Attorney; Tom Decker, Board Engineer; Tony Mercantante, Board Planner

PRESENTATION OF MINUTES:

Regular Meeting Minutes – May 24, 2011 – Motion was made by Sanzalone with a second by Dale for approval of the minutes with corrections as discussed. Roll call, Cronce-aye, Romano-aye, Hall-aye, Sanzalone-aye, Dale-aye, Ashton (ALT. #1) aye, Fulper-aye.

APPLICATION(S):

Public Hearing: New Cingular Wireless PCS, LLC (AT&T) – Block **5.01 Lot 3 –125 Alexauken Creek Road** – Completeness Determination/Public Hearing–Variance Request – Use/Height/ Preliminary and Final Site Plan Approval. (7:39PM)

Chairman Fulper related that New Cingular Wireless has requested to be carried to the August meeting, stating they appeared on the agenda for completeness and public hearing and were previously
deemed incomplete. Attorney Palilonis stated the applicant is not complete and have done nothing in moving toward completeness, suggesting the applicant be advised to make the application complete and re-notice, but not until they have been deemed complete. Members of the public were advised that New Cingular Wireless has been moved off of the agenda.

Continued Public Hearing: Messick – **Block 21 Lot 7 – Route 31** – Variance Request – Use/Height/Accessory Structure/Appeal of Zoning Officers Denial. (7:43PM)
Application, checklist, and plan titled Site Plan comprised of one sheet; sheet 10, prepared by Goldenbaum Baill Associates, Inc. dated March 9, 1990, were distributed.

Andrew Walheim, attorney for the applicant, stated they were here to appeal the revocation of the construction permit that was issued by the construction official. In addition to that appeal there were other adverse findings in the denial notice regarding other alleged violations or non-compliance relating to the property use. The Zoning Official denial mentioned several other items of noncompliance as far as the current use of the property relating to certain ordinances and board resolution.

Attorney Palilonis questioned the validity of the construction permit; Attorney Walheim stated the permit was extended under the Permit Extension Act. In 2010 the Permit Extension Act was extended until 2013. Once the permit is issued, under general terms, you have a year to start construction or it expires, or if you start the work within the year and have a six month lapse in construction, it will expire. Under the Permit Extension Act, any permits that were issued within a year of Jan 1, 2007 were extended, this was issued in Dec of 2007.

Attorney Palilonis clarified that Mr. Walheim is speaking of the zoning permit not the construction permit. Mr. Walheim stated no zoning permit was issued, the zoning official signed off on the plans and said to get the construction permit. Attorney Palilonis stated that you are here to appeal a revocation of the zoning permit.

Zoning Officer Lonnie Baldino – stated the construction dept. recently found misfiled permits issued to the Messick's that include a zoning permit. Entered as Exhibit T-1, packet consisting of construction permit, zoning permit, copy of inside jacket of construction permit, and a partial engineering plan. Mr. Baldino stated the zoning permit issued by Zoning Official Venettone states to replace existing structure, same size and footprint. Adding, if you scale the plan out it is 24x58, the building permit is 40x70, and they don't match up. Mr. Baldino provided the definition of a structure from the township ordinance. *For the purpose of determining compliance with yard requirements, a structure shall include unroofed porches above finished grade, roof overhangs*. Stating, in this case we are looking at roof overhangs that encompass the whole structure, not just the footprint of what it is built on.

Mr. Baldino questioned the date of demolition for the original building. Mr. Messick responded that he has dates and photos. Mr. Messick added that he previously testified that he called Mr. Venettone who said that the overhang would be considered part of the building making it 40x70. Mr. Baldino stated the permit shows to replace existing, unless Mr. Messick has something in writing from Mr. Venettone to show that the 40x70 was approved.

Erik Peterson – attorney for the applicant – offered, the construction permit states 40x70, the zoning officer says same size footprint, adding, Mr. Messick just explained the same size footprint also had an overhang. In accordance with the definition, it would be the footprint and where the actual foundation extends out and the 40x70 as stated in the permit that was issued. Mr. Baldino responded that he is coming up with an inaccuracy between what the engineering

plan shows and the way it is being explained that the overhangs were not included in the footprint, stating that he disagrees with the explanation.
Mr. Baldino offered as Exhibit T-2, Google Image dated January 1, 2002 indicating the structure was not there. Mr. Messick offered Google Image dated July 15, 2006 indicating the structure was demolished in 2006.

Mr. Baldino testified there is a discrepancy, stating, as a licensed construction official, the building permit is null and void because it doesn't match the prior approval. The prior approval shows one thing and the building permit issued shows something completely different. The definition provided is from the township ordinance.

Mr. Walheim questioned whether the testimony provided regarding definition of the size of the structure includes the overhang, Mr. Baldino agreed it encompasses the overhang, stating based upon the Zoning Officials description to replace the structure with the same size, there is a discrepancy. Mr. Walheim questioned where the discrepancy is if the Zoning Official said the structure includes the overhangs which brings the structure to a 40x70, and then says go get your building permit. Mr. Baldino responded the discrepancy is on the zoning permit and on the zoning sign off by the Zoning Officer, there was no description of the size.

Vice-chairman Cronce stated, according to the scale indicated on the plan, the structure scales out to 58x24. The zoning permit states replace existing structure same size footprint signed by Gene Venettone. Adding, this board can only deal with the size as Gene Venettone states it. Adding, the construction permit appears to be inaccurate at 40x70 and you can only build according to what the zoning permit indicates.

Mr. Peterson offered when Mr. Messick applied for the permit, it says pole barn 40x70 which is what Gene Venettone went off of. He doesn't set forth a square footage of dimensions on the approval. Then the construction official issues a construction permit for a 40x70, stating that information came from somewhere.

Vice-chairman Cronce offered the permit states same size/footprint, the plans were prepared by an engineer showing scale, and stating replace existing building same footprint signed by Gene Venettone adding, the paper trail keeps saying same size/footprint.

Mr. Messick testified that Gene Venettone visited the property and gave permission to extend the building out to the existing piers; the area was measured by Mike Messick and approved by Gene Venettone.

Attorney Palilonis stated the Board can only rule on whether or not the zoning permit was valid at the time it was issued. Zoning Officer Baldino opined the zoning permit expired prior to any construction permit being issued.

Chairman Fulper questioned the validity of the zoning permit issued in 2006, Mr. Peterson responded, stating the Permit Extension Act was enacted Jan. 1 2007, any valid permit at the time of the Act becomes extended and was extended again from 2010 to 2013. Mr. Baldino stated the Act was extended in 2009 taking into effect the extension of permits back to 2007, the zoning permit was issued in 2006. Mr. Peterson offered the intent of the Act was to allow existing permit holders that couldn't afford to construct due to the economy not to go through the process and cost of securing a permit again. The Messick's permit was only 13 days old when

the Act took effect and is valid until 2013, then reverts to the original way, if they took no action within a year it would no longer be valid or if they ceased doing construction during any six month period. Until 2013 it is a valid permit.

Chairman Fulper requested clarification that the Act dealt with zoning permits and construction permits and it doesn't say in the Act that it was date of issue, it was a valid permit at the time the Act was enacted. Mr. Peterson responded that it was all permits and believes it states valid. Mr. Peterson referenced the Act stating, if the valid permit was in existence at the time of the extension, it is covered under the Act.

Mr. Peterson stated the zoning permit was revoked at the time Mr. Messick applied for revisions to the project and was informed that he didn't have a valid permit. Mr. Peterson stated they are appealing the Zoning Officers ruling that states Mr. Messick can't construct what the permits indicate can be constructed and that the permits are still valid and that he can continue with the construction.

Attorney Palilonis stated that he looked into the Permit Extension Act, stating that the only issues to be dealt with is whether or not the zoning permit is valid.

Vice-chairman Cronce requested clarification on the height of the proposed structure; Mr. Messick testified it would be two stories with the second story being a loft style for storage.

Motion was made by Romano with a second by Sanzalone to reverse the decision of the Zoning Officer and find the Zoning Permit issued on 12/19/06 still valid. Roll call: Cronce-aye, Romano-aye, Hall- aye, Sanzalone- aye, Dale- aye, Ashton (ALT. #1) - aye, Fulper- aye. Motion carried. (8:40PM)

Board member Cronce commented that he agreed with the motion, voting aye, stating he believes this application is in order to what we have to deal with.

Attorney Peterson suggested the Board address the additional issues in the Zoning Officers denial, Zoning Official Baldino suggested they should become a separate issue, and should not have been included in the denial. Attorney Peterson responded that since no formal violations have been issued, they will be dealt with if and when they occur.

(Chairman Fulper related that there would be a brief recess at this time – Meeting recessed (8:44 PM - 8:51PM)

Continued Public Hearing: Garden Solar LLC – **Block 18 Lot 1– 624 Brunswick Pike** – Completeness Determination/Public Hearing – Variance Request –Conditional Use/Second Principal Use/Non-Conforming Use Variances**.** (8:51PM)

Plan titled "Preliminary and Final Site Plan, Clean Generation Solar Energy Farm W2-076"; comprised of fourteen sheets and prepared by Engineering & Land Planning Associates, Inc. dated April 7, 2011, revised May 9, 2011 and Existing Conditions Plan dated May 9, 2011 were

previously distributed. Report from HCPB; Conditional Approval Not to Construct dated May 5, 2011, D&R Canal; Drainage Report dated June 8, 2011 were distributed.

Walter Wilson, attorney for the applicant, appeared on behalf of the applicant Garden Solar LLC, (property owner, West Amwell Properties, LLC).

Jacqueline Klapp, Certified Court Reporter, Flemington, NJ - present on behalf of the applicant Garden Solar.

The following witnesses present on behalf of the applicant were sworn in by Attorney Palilonis:

Chris Nusser, Engineer - 54 Old Hwy 22, Clinton, NJ
Eric Raes, Planner - 54 Old Hwy 22, Clinton, NJ
Tim Ferguson, Garden Solar LLC - 34 Coppermine Village, Flemington, NJ

Mr. Wilson offered background for the application, stating the application seeks use variance relief, preliminary & final site plan approval. Testimony will be provided on intensification of the nonconformity, although disagree that it is nonconformity and believe that it is a principally permitted use under the ordinance. Also seeking relief for two principal uses, although currently two principal uses on the property. Also applied for a use variance for conditional use, the use being a major solar photovoltaic system, which is a conditionally permitted use under the ordinance, the condition not being met is the 20 acre minimum lot size, whereas 17.9 acres is proposed. Property located at intersection of Rock Road and Brunswick Pike. Submitted and have received County PB review, HC Soil Conservation District review and Interpretation, met conditional requirements for DRCC, applied for NJDEP permits and approvals, received site visit and expect confirmation of LOI, FHA (flood hazard area). No off-tract improvements proposed.

Witness #1 - Chris Nusser P.E. **-** Mr. Nusser offered his credentials and testimony experience and was accepted as an expert witness.

Entered as Exhibit GS-1, Overall Site Plan, Solar Energy Plan, W2-076, Block 18 Lot 1, West Amwell Township. Mr. Nusser stated in response, the W2-076 is a queue position assigned by the PJM Grid, which is the controlling entity for the power supply. PJM conducts with utility, a feasibility and impact analysis for every site, first assigning a queue number. Plan Dated May 24, 2011, prepared by Engineering & Land Planning Associates, Inc., color rendering of overall site plan- sheet 3 of plan set,

In response to questioning, Mr. Nusser stated, access for the proposed facility is from the entrance on the westerly side of the existing mason supply. The site has an approved on property point of interconnection from PJM along route 518. The interconnection will leave switch gear on the eastern side of field, run underground to the pole on the street with a manual disconnect and metering equipment, it then connects to the pole same as any other electric service would.

The arrays will be fixed tilt; low side will be on the southerly side facing route 518. Topographic conditions on site slope moderately at about 2% with no change proposed. Mr. Nusser provided

detail on existing conditions as, West Amwell Mason Supply with auxiliary building in rear, storage, gravel parking area and the remaining portion of property is agricultural land.

There are several regulated features on the property, as far as wetlands, there are two tributary wetland features located along Rock Road as well as a non-connected wetland and has no buffer on the north end of the mason supply lot. There are three tributaries located off site and there are two tributaries of the Alexauken Creek located on the north side of Rock Road, and a tributary to Swan Creek located on the northwest corner where Rock Road bends. In response to questioning, Mr. Nusser testified, as proposed the wetland located in the north central portion of the site, the buffer extends into the area of the solar arrays. A transition area waiver was applied for with NJDEP to buffer average down to reduce that transition area and to increase it to the north side of the wetland. In response, Mr. Nusser stated, this is the wetland buffer area; not the wetlands, no change in grade is proposed. The area is currently cultivated. Permits have been applied for and are currently under review. DRCC application is viewed as complete and ready for approval pending municipal approval.

In response, Mr. Nusser related the process for selecting a site as having limited proximities to sensitive features, site availability, non-residential zoning district, suitable topography, point of interconnection approvable by PJM Grid.

Mr. Nusser confirmed the proposed location is in the NC zone, example of permitted uses being retail trade establishments, business professional medical offices, restaurants, personal service establishments, childcare centers. Agreeing, conditional uses include solar facilities; this is a photovoltaic solar facility, meaning the panels will convert sunlight to electric energy. Mr. Wilson questioned whether they met the conditional use requirements of the West Amwell ordinance, in response Mr. Nusser stated no they did not. Mr. Nusser agreed that he participated to an extent with the Planning Board during the drafting of the ordinance. Mr. Wilson questioned the thought process involving the 20 acre lot size, Mr. Nusser stated, it was his understanding the statue was written for being a principally permitted use in an industrial zone, you have to be an industrial zone of a minimum size of 20 acres. Mr. Nusser stated yes, the Planning Board felt they wanted to be consistent with that.

Mr. Wilson questioned whether there is a difference between conditional use standards and this application and what you would find if this were in an industrial zone, adding, if this were in an industrial zone, you would simply meet the requirements of the industrial zone. Landscaping, buffering would be as per the industrial zone. Whereas this is a conditional use, there are additional requirements imposed by way of landscaping, Mr. Nusser responded by stating yes.

Mr. Nusser provided a description of the proposed system as a photovoltaic solar system; the main components are the solar modules, the inverters that convert the dc energy produced by the solar arrays into ac. A total of two inverter pads will be located in the central portion of the property. A switch located on the southeast side of the facility has several redundant shutoffs in it in case of any faults within the system it can be shutdown automatically, as well as JCP&L is able to manually shut down the system.

The system operates from dawn to dusk when the sun is up. No lighting proposed that will be on at all times, there will be switch actuated lights at the inverter pads equivalent to a 60w bulb. Expected traffic to the site would be weekly, monthly, semi-annually, or annually from a SUV

type vehicle for regular service or maintenance, if required. The system is subject to 24 hour off site monitoring.

The panels will be mounted at a maximum height of 10ft. attached to a racking system made of galvanized steel or aluminum and fixed to the ground by driven pier or helical screw. In the event that the pier cannot be driven deep enough to gain appropriate level of uplift, concrete footings would be used.

Preparation of the site requires no topsoil to be removed, no grading necessary. Utilizing the existing western side of the mason supply for entry results in no need for any form of maintained or improved access road. The farm field remains topsoil in place and capable of being returned to an agriculture use at the end of the life of the system. Expected life of the system is 20-30 years, based upon degradation of the efficiency of the panel.

Ground surface under the arrays would be a vegetative surface, consisting of a shade tolerant meadow mix that will provide a solid efficient coverage.

Mr. Nusser testified, for security a 5ft. aluminum architectural fence is proposed along the frontage of Rock Road to the west, and route 518 to the south, the remainder of the property will have a 6ft. chain link fence. Access will be provided through two gates, one gate is located near the inverters in the central portion of the property and a second gate on the southeast side of the property near the switchgear location. Gates will remain locked with appropriate signage and a knox box for emergency vehicle access.

In response Mr. Nusser stated, JCP&L mandates several redundant shutoffs and remote monitoring via phone line. In the event of a fault in the system or the grid, the system can be or will automatically be shut down.

Mr. Nusser stated the proposed landscaping along route 518 and Rock Road, same area as architectural fence, behind the fence there will be double staggered row of arborvitae, in front of that there will be conifer trees, shrubs and native grass pods along the road frontages. Along the northern edge of the field will be an evergreen buffer consisting of a double staggered row concentrated in the areas where there are residences. Along Rock Road where there is an existing significant buffer there is a proposed single row of evergreen trees, referencing sheet 6 of Overall Landscaping Plan, exhibit GS-1.

Entered as Exhibit GS-2 Preliminary & Final Site Plan, Clean Generation Solar Energy Farm, W2-076, last revised May 9, 2011 prepared by Engineering & Land Planning Associates, Inc. consisting of 14 sheets.

Entered as Exhibit GS-3 Existing Conditions Photo, photo taken by Mr. Nusser in early May 2011from south side of Brunswick Pike (Route 518) approx. one-third along frontage of the proposed solar farm, looking north east towards existing mason supply.

Entered as Exhibit GS-4 Photo Rendering of Exhibit GS-3, GS-4 photo has been rendered to show the improvements of the facility including the solar arrays as well as the landscape

buffering in front and behind the architectural fence at a five year grow-in, based upon the ordinance.

Entered as Exhibit GS-5 Existing Conditions Photo, photo taken by Mr. Nusser in early May 2011from
Rock Road to the north of the proposed facility, taken at the end of the driveway of the second house in from the turn on Rock Road going east. Photo taken looking through the existing wooded area toward the existing mason supply facility.

Entered as Exhibit GS-6 Photo Rendering of Exhibit GS-5, GS-6 photo has been rendered to show the evergreens and array as it will appear from the same location.

In response, Mr. Nusser stated, panels are meant to absorb light, not reflect it. Any glare would be minimal with no negative effects to any adjoining residential properties or travel ways. Panels are designed not to reflect. Angle of panels is such that any reflection would go above the roadway. During the winter season, at the lowest point of the sun, at approx. 25ft. from a panel, any reflection would be approx. 225ft. in the air.

Mr. Nusser testified the only noise created would be at the location of the inverter pads with no impact at the property lines, stating there are fans within the inverters similar to commercial size air conditioners. Acoustical calculations at the property line are relied upon for location of the inverter placement. Based upon those calculations there is no acoustical impact at the property lines from the inverter location as designed. The facility shuts down at night, allowing time for the system fans to cool down. The inverters will be located inside of a weatherproof shed, setback distance is far greater than what is required.

Mr. Nusser testified there is no electromagnetic interference from the facility, there will be no impact. The fire risk for the facility is very low, equipment will comply with all codes, largest risk is a brush fire. The maintenance plan as proposed will be maintained for the life of the system. Maintenance included for the vegetative surface under arrays, reseeding, replacement of buffer material.

Mr. Nusser stated, the change of the land cover from a rotation crop to a meadow condition underneath the panels will result in a decrease in the amount of stormwater runoff from the site, while the water will flow off the panels and onto the ground, it will flow beneath them. Grasses grow to approx. 30in. tall, same height as the low point of the panel. Maintenance occurring approx. two times per the growing season to prevent weeds, trees from growing. Most maintenance is hand operation with minimal power equipment.

Panel rows are positioned with 20ft. between each panel row, providing access and preventing shading of the next row, also providing substantial areas of grassy cover from a stormwater standpoint. In response Mr. Nusser testified, regulations do not allow increased water flow off the site, adding that regulations require increasing the recharge water, as the plan includes.

Chairman Fulper opened questioning to the Board members:

In response to questioning by Board members, Mr. Nusser stated the distance is approx.14ft. from the fence line to the curb. The sound at approx. 35ft. from the inverters would be like a

commercial air conditioner type fan. Each row of panels will have a liner box where all of the underground wires come together to go to the inverter. The angle of the panels at the highest point will be 10ft.

Attorney Palilonis requested clarification on the minimum distance of the panel above grade, Mr. Nusser replied 30in., Attorney Palilonis noted the detail states 2ft.

Each module is approx. 65½" in height by 39" in width, depending on panel manufacturer dimensions may vary. Approx. 6600 modules total. Suntech model STP280 used for design, the final panel orientation, design and panel used will be subject to the final manufacturer of the design.

In response, Mr. Nusser stated that both point sources of the inverters were taken into account for the noise at the property line, taken from the acoustical center of both inverters. Mr. Nusser added the proposed decibel level would not exceed the 40dB level, stating they did not have the calculation, and would look into it.

Mr. Nusser stated the structure would be a prefabricated metal building to house the inverters. Angle of panel is 25°, from horizontal to the ground. Angle will be a constant 25°.

Ambient noise as measured off route 518 is 39.1dB, normal conversation is 60dB to 70dB.

Engineer Decker questioned whether the proposed buffering will provide 75% screening at five year growth as required by ordinance, Mr. Nusser replied, if you look at the overall length of the frontage and take into account what you can see, you will have the 75% coverage. Mr. Nusser agreed, the reason why they are looking at the arborvitae opposed to trees that grow taller is because they are screening a portion of the front of the panel and a taller tree may cast a shadow on the panel. The enclosure for the inverter pads will be a maximum 12ft. high. No on-site consumption of power, the facility is solely a generator.

Planner Mercantante pointed out item J, attachment b1 in the binder is a sound level characterization. Planner Mercantante noted, if the drip line effect were to happen, it would happen in the north westerly direction because of the property grade and who would know until it became a problem. Asking if it would be part of the regular maintenance, in response Mr. Nusser stated it would be included as part of the semi-annual and annual inspection.

Mr. Nusser responded, the distance to the building is significantly less than what it is to the nearest property line, and although the existing site has employees, the noise level would not cause a problem for the people that are there all day long.

Hours of construction would abide by township ordinance. Temporary lighting would be provided until fence is secured. A temporary fenced area could be provided to eliminate the need for temporary lighting.

Chairman Fulper opened the floor to the public for comments/questions of the applicant's engineer:

Pamela Bland, Rock Road West - lives on the corner of the property that adjoins the proposed project. Mrs. Bland clarified the roads as Rock Road Extension and Rock Road West.

Expressed concerns with the location of the inverters, asking why they can't be moved away from any residential property. Mr. Nusser responded, the inverters were located primarily from an electric wiring standpoint as well as it does meet the setback for noise, there will be no physical impact on property, additionally as you collect the panels wiring, it come to the end of the row and reaches the liner boxes they are put underground to the inverters, they are centrally located.

Mr. Nusser stated the approx. distance from the inverters to the property line is 180ft., from the house to the inverters is approx. 320ft. At the property line the noise will be below the 39.1dB,

Mrs. Bland objected to the definition provided in the chart as typical suburban night, stating we live in a rural area. Another definition is provided for a quiet rural area, at 30 dB, adding that it is more in keeping with our location.

Mr. Nusser reported the actual ambient level was recorded at 39.1, taken from the rear area of the parking lot at the church on Rock Road Extension.

Mrs. Bland restated her first concern as, why can't the inverters be moved further away and run the lines a little bit further to collect the energy rather than having it so close to a residential property. The second concern is related to water drainage, currently the water flows from the field onto her property when it rains heavily, steams occur on her property. Mr. Nusser replied, based upon the analysis, there would be no increase in the amounts that would flow. Having a grass cover in place is an improvement over a bare soil condition in the winter months. Mrs. Bland questioned who to contact if the condition becomes worse. Mr. Nusser advised contacting the zoning officer, as it would be a potential for violation as part of the maintenance plan that the vegetative cover remains in place. Mrs. Bland suggested it would be somewhat judgmental as to whether the runoff is getting worse or it was an improvement, not sure who would make the decision or how it would be measured. Mrs. Bland questioned the size of the proposed trees at time of planting, Mr. Nusser stated 6ft. to 8ft. tall. In response, Mr. Wilson stated construction would begin in this calendar year, if approved.

Robin Horsnall, 136 Rock Road West– expressed concern with the 5ft. architectural fence, questioning if it was see thru. Stating the ordinance is 4ft. Mr. Wilson provided a description of the fence and stated the solar ordinance provides for 8ft. fence. Mrs. Horsnall questioned the property size and how many acres will be used for the panels; Mr. Nusser stated the projected footprint of the panel arrays will total approx. 3 acres, and the area within the security fence totals approx. 9.7 acres. Mrs. Horsnall asked the effect with electrical storms on the facility. Mr. Nusser stated the systems are electrically grounded as per the electric code. Mr. Wilson stated that it is possible there could be damage from a direct electrical strike and the equipment would have to be replaced.

Jim Holohan, 120 Rock Road West – suggested using a berm, stating it becomes an engineering opportunity for stormwater. Also stating concern with arborvitaes, adding it is deer candy. Mr. Holohan expressed concern with the decibel level of a pile driver.

Hearing no other questions, the floor was closed to the public (10:36 PM).

Chairman Fulper advised the public that due to the late hour, the hearing will be continued to the next meeting on July 26, 2011 at 7:30PM

CORRESPONDENCE:
The following items were distributed as correspondence:

Hunterdon County Planning Board, letter dated May 5, 2011 re: Garden Solar Blk 18 Lot 1

Thank You from **Mayor** on behalf of **Fair Committee**

NJLM Mayors Advisory re: A-3992/S-2887 Exempts certain wind turbines from local review

DRCC, letter dated June 8, 2011 re: Garden Solar Blk 18 Lot 1

Hunterdon County Board of Health complaint dated June 16, 2011 re: Blk 21 Lot 7 - Messick

Fax from Attorney Walheim dated 6/27/11 re: WA Twp. Construction Official Notice of Violation-Order to Terminate - Blk 21 Lot 7 - Messick

Approval of Bill List 6/28/11:

Secretary Hall stated that Attorney Palilonis submitted his voucher late and therefore was not included in the bill list. Revised total for 6/28/11 bill list is $719.00
A motion by Cronce, seconded by Dale to approve the Bill List for payment to include Palilonis, 6/28/11 revised bill list was unanimously approved by voice vote

DISCUSSION:

The floor was opened to the board for discussion, hearing none, the floor was closed.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed.

ADJOURNMENT:

A motion by Cronce, seconded by Ashton to adjourn was unanimously approved by voice vote (10:42PM)

Respectfully submitted,

Ruth J. Hall