

**WEST AMWELL TOWNSHIP**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**December 28, 2010**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:32 PM by Chairman Cronce.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Cronce: 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 28, 2010. 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 Cronce led the Pledge of Allegiance to the American Flag.

**ATTENDANCE/ROLL CALL:**

Roll call on attendance: Robert Fulper-present, Dave Sanzalone-present, John Dale-present, Ruth Hall-present, John Ashton (Alt. #1)-present, John Hoff (Alt. #2)-present, John Cronce-present.

Absent: Brian Fitting, Joe Romano

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

**PRESENTATION OF MINUTES:**

Regular Meeting Minutes – November 23, 2010 – Motion was made by Dale with a second by Sanzalone for approval of the minute's contingent upon confirmation (listen to recording) of page 3, Witness #1 statement as written. Roll call: Fulper-aye, Sanzalone-aye, Dale-aye, Hall-aye, Ashton-aye, Hoff-aye, Cronce - aye. Motion carried

**APPLICATION(S):**

*Chairman Cronce announced that the Breen Color application was being carried to January 6, 2011 and that the Quick Chek application was being carried to January 25, 2011.*

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*Atty. Palilonis apologized for not taking time last month to explain the duties of the Zoning Board of Adjustment. Zoning Board of Adjustment is a quasi-judicial board. Atty. Palilonis proceeded to explain the duties and the process of the Board.*

*Atty. Palilonis instructed the public that when questioning a witness, please limit it to questions, not comments, there would be ample time at the conclusion for comments.*

*Chairman Cronce announced that there would be a time limit on the meeting; the meeting would end at 10:30.*

**Continued Public Hearing: Green Power of West Amwell - Block 3 Lot 12/14 – Route 179 -Use and Bulk Variance Application/Site Plan Application (7:47pm)**

Anthony Valenti, attorney for the applicant, appeared on behalf of the applicant, Green Power of West Amwell, LLC. Atty. Valenti requested permission to proceed out of order, as their Planner was not yet present.

**Witness #1** - Robert Klein, Solar Expert - In response to questioning regarding ownership of Green Power of West Amwell LLC. Mr. Klein stated that one-third is owned by Lynn Ziegenfuss, one-third by Haines and Kimmelhouse, and one-third by Robert Klein. Joseph Laflame, Corporate Council for Green Power reiterated that the ownership was, Rob Klein owns one-third, and LZIG, LLC (Lynn Ziegenfuss) owns one-third, and JBH/JRK, LLC (Haines & Kimmelhouse) owns one-third.

A brief history of RK Solar was provided by Mr. Klein, stating the company started in 1952 by Mr. Klein's father and is currently installing a larger system in the state of Pennsylvania; a 3.6 mega-watt system.

Mr. Klein referred to a solar panel on display; primarily for the discussion of reflectivity. Stating, this is a polycrystalline panel; this particular modular is about 30 volts. DC Power coming off of the panel is converted to AC. The inverter will take that power to tie into the grid. This project will have four inverters. One additional line to make three phase needs to be run back to the solar facility to make the connection. This solar system will generate power equivalent to approximately 290 homes based on the statistics of 8000 kilo watt hours per the average home.

Atty. Valenti questioned whether there are any current issues being experienced with the current electrical grid that solar energy is intended to address. Mr. Klein related that we have few generating stations and we transmit the power long distance. By distributing a larger amount of small systems closer to the point of use, the power gets used with a lot less waste. The smaller systems are a positive impact on the grid.

Mr. Klein described the system as follows; will be installed on stainless steel, galvanized, and aluminum mounting system. Each array will house 28 panels; the

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array will be approximately 50ft wide and 3ft off the ground on the low side and 7ft off the ground on the high side. Panels will be at a 20° angle, more panels will be packed into the upper field at a loss of some efficiency compared to the original plan that was proposed. Mr. Challoner testified that the life expectancy of this project is 25 to 30 years. The panels are warranted for 25 years. The brand chosen, Schott, has the best life expectancy in the industry.

Mr. Klein testified that the solar panels require no maintenance; a panel can become defective in which case would need to be replaced. The inverters require service twice a year. The facility will be remotely monitored; no staff will be on site.

Mr. Valenti questioned whether or not this would be good for our environment, Mr. Klein opined that a solar panel system is one of the best things you can do for the environment. Once the panels are installed, there is zero emission from the panel. Of the emissions generated during production of the panel it is paid back after 2.5 years.

Mr. Klein responded to questioning with regards to wind velocity, the system will be designed to handle 100mph peak gusts for 30 sec. Panels themselves will hold up to all kinds of weather extremes including hail.

Mr. Klein testified regarding concern with interference to radio or television reception, stating that there would be none. The inverter would be the only device that can generate any noise audible or otherwise. The EMI and RMI interference comply with the FCC regulations at very low emissions and the sound level from the inverter, which is the only device that can generate sound. The panels have no sound capability whatsoever; also will not produce any audible sound off the property.

Mr. Klein continued his testimony regarding reflectivity, stating that the risk of glare from these panels to traffic, planes or residents was none. The reflectivity of this particular panel is less than that of a crop in the crop field. At a certain angle you might be able to tell that they are there, however they are very low in reflectivity. Mr. Valenti questioned again regarding noise, Mr. Klein responded that the solar panels have no sound to them, and the inverters at a distance of about 300 feet are less than 35 decibels, at that point, it's getting to the threshold of what you can hear.

Mr. Klein testified that solar is considered a renewable energy source as is wind turbines, although not comparable. Wind turbines generate noise and solar does not.

Mr. Klein testified that that all high voltage will be behind locked metal enclosures and a fence will surround the entire property.

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Mr. Valenti questioned whether the solar panels generate smoke, fumes, dust or air pollutants, and whether there would be any traffic to the site as a result of the solar farm. Mr. Klein responded; zero emissions, zero pollutants, any traffic generated will come from services two times a year for regular maintenance or a call out if needed.

Mr. Klein responded to questioning, it is typical to replace farms with solar facilities. There is no use of the machinery with the solar farm. No use of pesticides and herbicides with the solar farm vs. farm. And there is no water supply required for the solar farm.

Mr. Klein stated the size of project is 302 arrays, each with 28 panels, equals 8456 panels; each panel will produce 235 watts.

Mr. Klein related the process of approval for connecting to the grid as follows; the project requires an interconnect with JC P&L, perform a feasibility study through PGM, then an impact study which is done by the utility that hosts the distribution lines; First Energy. The impact study has not been done yet; the preliminary application has been filled out. The applicant felt it was important to get the site approved first. Mr. Klein opined that the project would be viewed positively because of its size; a 2 mega-watt project typically run on a fast track thru PGM for approval.

Mr. Klein testified to Federal and State of NJ promotions for the use of solar energy; currently there is a Federal program in place allowing a 30% tax credit, made it a grant in lieu of the tax credit and that grant has been extended thru December 31, 2011. Anticipated investment of the applicant, \$10 million, doesn't anticipate they would walk away from once constructed.

Chairman Cronic opened questioning to the Board members:

Questions were raised regarding sound from the inverters and the distance from nearest home, at what distance would you expect not to hear any sound, what is the output voltage, Mr. Klein testified that the nearest home was approx. 800ft; at 500ft you could expect not to hear any sound, and the output voltage is 12,400. Determining the Sound of Power was entered into the record as Exhibit G-4.

Mr. Klein testified that if the power were to shut down, the facility would go off line until the grid becomes stable for five minutes. The system must go down in less than one cycle, according to the law.

Mr. Klein gave an overview of the mounting system; the base is galvanized channels driven into the ground 4-5 ft., 10ft apart, on a 20° tilt, from the front it is impossible to see them, they are visible from the last row. Spacing is approx. 18ft

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between rows. No glare off galvanized, they are hidden. Solar Panel Mounting Detail was entered into the record as Exhibit G-5.

Mr. Klein responded to questions regarding any liquid in the panel, and possible ground/water exposure to contaminants, stating there is none. Mr. Klein stated the panels don't require any cleaning; they are cleaned by the rainwater.

Panels are portrait mount 2 high by 14 wide that makes up the 28, approx. 50ft wide and about a 4 inch gap to the next 50ft.

In response to Engineer Decker's questions regarding batteries, Mr. Klein testified that there wouldn't be any batteries; including no lead acid batteries. Board Engineer Decker questioned a grading design; response was that they would go with the grade of the property.

Chairman Cronce questioned the exiting plan, Mr. Klein testified that the pads would be removed, the metal would be recycled, and the fence removed. Engineer Decker added that a demolition plan is put together at this point, other towns require a demolition permit, and applicant puts up a performance guarantee. The plan would be a narrative describing what they are going to do. This would be provided in the form of notes on the plans.

Chairman Cronce opened the floor to the public for comments/questions of the applicant's expert:

*Chairman Cronce questioned Mr. Goldberg whether the residents understood that Mr. Goldberg would be speaking for those residents he represented. Attorney Goldberg requested that they be allowed to speak and ask questions. Atty. Palilonis stated that they would be allowed to speak at the appropriate time, but it was Mr. Goldberg's job to cross examine witnesses. Atty. Palilonis stated that the Board reserves the right to limit questions from the residents that are represented. Atty. Valenti reserved the right to object.*

*Secretary Hall read into the record a letter dated November 22, 2010 containing names of those residents represented by Attorney Goldberg.*

Eric Goldberg - attorney representing neighbors- Mr. Goldberg requested Mr. Klein to explain the process of selling power to the grid. Mr. Klein explained two processes one being behind the meter in a net metering agreement, that is not what is being used here, the second method is to apply for a feasibility study through PGM Gas, an on-line application with fee. PGM will do an initial feasibility study. If they are satisfied with what data they've collected you will move forward with another submission to PGM Gas, they will hand it on to the particular utility that you're connecting to, here it is the First Energy Utility that we're connecting to on the distribution lines, Jersey Central Power and Light, a First Energy Company.

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Mr. Goldberg questioned, how the applicant chose First Energy Utility, and is there an agreement in place. Mr. Klein responded that they are the electrical distribution company for the site. A contractual agreement will be reached, at this time none exists. Mr. Klein stated that in anticipation of zoning approval, they would anticipate having an agreement within approximately six months. 2 mega-watts and less run on what they call a fast track.

Mr. Klein testified, after selling the power to the grid, the power will push back into the lines and from there the power would actually be consumed by residents in the area. The power will be consumed locally. It's not going to travel too far, who actually gets that power, there's no way of knowing. This applicant does not sell to consumers.

Mr. Klein responded to questioning as to the reason this particular site was chosen, stating that it meets the criteria for location, good distribution, and southern facing terrain; free of shading issues, its ideally suited for those particular reason and doesn't require any major land excavation, clearing of trees. Mr. Goldberg questioned whether other sites could provide solar energy, could solar panels be located on roof tops, Mr. Klein responded that they could be but he isn't aware of any.

Mr. Goldberg questioned if the reason for the site being fenced with barbed wire was due to the concern of vandalism, Mr. Klein stated that vandalism is some concern. Atty. Palilonis stated they would need relief. Atty. Valenti remarked, for clarification purposes, at the first meeting (October 26, 2010) the applicant abandoned the request for the barbed wire. The variance that is being sought is for height because they still feel that for security the 8ft. fence is still needed. It was noted that the October 26, 2010 meeting was void.

Mr. Klein responded to questioning regarding ability to expand the facility stating that they would have to go back to PGM Gas and back in front of the Board to do everything that was being done now. 8456 panels in the current application.

Mr. Goldberg questioned whether the panel angles could be altered during the course of their life. Mr. Klein testified that the racking system would need to be redesigned. They could lay flatter but couldn't be increased; they would start shading the ones behind them.

Mr. Klein responded that the number of panels was decided based on a two mega-watt system and the only thing that would lead to an increase in the number of panels would be to increase the power.

Mr. Goldberg questioned whether there are other types of panels that can be used; Mr. Klein stated that this is a polycrystalline panel, from environmental perspective very safe panel. There are lower cost modules out there that could get damaged

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and perhaps leak contaminants into the ground. Different styles and different brands that aren't as antireflective. This company spends a lot of extra for antireflective glass and antireflective coating to optimize power in this panel. This panel is picked for reducing reflectivity and it is an environmentally sound manufactured panel.

Mr. Goldberg referred to Exhibit G-4, questioning whether Mr. Klein had prepared the document. Mr. Klein stated that it is a summary of the noise analysis that was done on the inverters, and done by the manufacturer; it is a common document to have with the inverter.

Mr. Goldberg questioned whether Mr. Klein was an expert in acoustics, Mr. Klein testified that he wouldn't call himself an expert but has certainly measured sound pressure level readings for ASHA readings and other reasons in the industry. Mr. Goldberg asked if he has been qualified as an expert, Mr. Klein stated he would not call himself a sound expert. Mr. Valenti reiterated that for the record he has been qualified as an expert in solar energy generation and their systems, sound generated from solar energy systems is a part of solar energy systems, experts are entitled to rely on documentation of this nature .

Mr. Goldberg questioned whether there is any degradation of noise with distance; Mr. Klein stated that the further away you get the less noise.

Mr. Goldberg stated that it was indicated in most all situations the solar panel creates a positive impact on the grid, under what situations where did it not create a positive impact, Mr. Klein testified, on a grid that is already so unstable that any load in or out of it can take it out of stability; there are various small areas within the United States where that exists, usually in metropolitan areas in underground vaults systems. There are some areas in the United States where there is no way you can contribute to stability.

Mr. Klein testified to the life expectancy of the panel; 25 to 30 years, warranted for 25 most people expect 30 years. No maintenance to the panels during that time. Only reason that the panel would be changed out is if it failed or if there's a desire to change it because a superior panel exists.

Mr. Goldberg questioned what the traffic would be during construction; Mr. Klein responded that typically construction would be over in 3 to 4 months, 12 to 15 employees with 3 to 4 vehicles per day. Access would be via the access road from route 179, lot 16.

Mr. Klein testified that in the event that the solar facility is removed, the concrete would be removed with the posts. When installing the posts, it is not unusual for 2% or 3% of the posts to hit rock obstruction, two ways to proceed would be to remove the rock and drive the pylon in or pour concrete.

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Mr. Valenti – it was indicated that fencing is required for vandalism and theft, in your experience did the solar panel farms experience any increase of vandalism or theft then any other operation or farming operation, Mr. Klein responded no. Are you aware of any existing black market for solar panels, Mr. Klein replied no stating that any grant program require new panels be used.

Mr. Valenti questioned if there was a possibility of increasing this solar panel farm, does the applicant have any intent at this time of increasing this project, Mr. Klein stated that he did not. Mr. Klein acknowledged that if they were to alter the footprint in any way, it would require the same approval process all over again.

*(Chairman Cronce related that there would be a brief recess at this time – Meeting recessed 9:03 PM – 9:14 PM)*

Andy Zalescik - 24 Music Mountain Blvd – please describe the advantage/disadvantage to using PV tubes which would allow snow to fall through and evidently could make the land very productive. Mr. Klein responded that it is a fairly new company, this is a 25 to 30 year life, the tube hasn't yet proven itself for that type of duration. The testing and installations haven't been in our climate extremes. The company hasn't proven themselves. We are staying with a 125 year company, 52 years of making the panels. We want to make sure our customer has the ability to collect on the warranty if necessary.

Mr. Zalescik noted that it would be great if we could investigate large scale developers who are installing on rooftops in this state. Mr. Klein stated that it would not be something that they would be looking at. Mr. Klein responded that he didn't know the answer as to whether they gave off more glare.

Herb Villa - 30 Ferris Wheel Drive- when is the 2 mega-watts, is that on the longest day of the year, summer solstice, is that the shortest day, Mr. Klein provided an explanation as follows; 2 mega-watts is the actual full power output of the system on a day which is considered a standard full intensity day, 1000 is the actual number. Not to say some days aren't brighter sun, this is the power that this system will produce of what is considered in the industry standard in the middle of the day. In this part of New Jersey we are working on a 4.3 to 4.4 hour per day of that 1000 standard. In the winter months we have a much shorter day and in the summer much longer. In July were going to be making considerably more power when the sun is up longer and much more intense. We take a look at the average (published statement) for this area between 4.3 and 4.4 hours per day and that's the number that we use. We are going to make 2 MW for 4.2 hours per day gives you your mega-watt hours. This system will make about 2.5 MW hours per year. The average home use is about 8000 KWH.

Mark Evanko - 25 Ferris Wheel Drive – in response to questioning by Mr. Evanko, Mr. Klein advised that the height of the inverters is approximately 7ft.

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Mr. Evanko questioned where the connection for the 12,400 would be and the reason for the barbed wire fence. Mr. Klein stated it will run underground until it hits the rising pole, then it will go up the pole and connect overhead. There will be a connection on the inverter for the 12,400 volts, stating that it is not the reason for the proposed barbed wire fence.

Mr. Klein responded to questioning regarding the grid capacity in the area, stating that he was unaware of the capacity in the area.

Mr. Klein provided testimony regarding the negative impact from glare on the neighboring community with the 30 - 40 ft. elevation differential.

Dan Goodman – 31 Ferris Wheel Dr. - Mr. Klein testified that the panels have no toxicity, no cadmium; 0 grams. The panels as well as the inverter will be monitored by a computer system, requiring no structure to be built; the components are built into the inverters. The fence will be located inside the buffer zone. Front farm field will be used for farming, creating a dual use. Power generated will not be used for the homeowner; they are not tying into the meter. Mr. Klein restated the amount the applicant was putting into the project as \$10,000,000 (budgetary). Mr. Goodman asked the amount the applicant is looking to get as return investments. Mr. Valenti objected as proprietary information, Chairman Cronic agreed. Mr. Goodman felt that it was being done as a commercial entity not simply as the greater good to supply power to the grid. Mr. Valenti related his objection

Rich Storcella- 40 Woodsville Rd. – on a \$10 million project, what do you think the cost could potentially be for decommissioning this project in 25 to 30 years, in today's dollars,

Mr. Valenti instructed Mr. Klein not to answer if he didn't feel qualified to, Mr. Klein felt that he could answer, stating in the neighborhood of \$100,000 to \$150,000 Mr. Klein responded that this will be his first experience with a decommissioning plan request.

Herb Villa – questioned whether there are other perfect sites, Mr. Valenti responded, because they don't own other sites. Testimony is the suitability of the site; it is available and is suitable for the use.

Tom Parisi – 30 Rose Run – of the 25 sites in Pennsylvania that you are associated with, how many are residential zoned, Mr. Klein responded that he has been through three where it was a zoning variance change. Responding to questioning, Mr. Klein stated that he was not a part owner of any of those three. When asked if he is aware of any other areas within West Amwell that were good for a solar farm and for sale, would he potentially approach those other individuals, Mr. Klein stated that he was not in business of doing that. Mr. Klein testified that the 35 decibels is not audible to animals; it is more of a hum, a 60 cycle hum, not a high pitch.

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Laura Buckenberger – 10 Terrell Rd. – do you see any technology that would render this obsolete within 7 to 10 years, what time frame would you say they would be obsolete, Mr. Klein stated they would not be obsolete in 7 to 10 years, not sure that this particular style panel will ever be obsolete. There are improved technologies in the manufacturing and efficiency of the panels. There are newer technologies; they come with some environmental costs. Not sure how well they will do because of environmental concerns.

Dan Goodman- Mr. Klein responded to whether or not this was the first location on the applicants property that was considered for the solar panels, stating that it was always considered but there was additional space that was also considered. There was never an area in the light industrial zone considered.

In response to questioning by Mr. Valenti, Mr. Klein testified that the applicant is seeking a variance for an 8 ft. fence while abandoning the idea of barbed wire fence. Mr. Klein opined, in today's standards, it is definitely considered state of the art. There are other state of the art technologies out there but each come with their own decisions that have to be weighed out, this system is the most environmental friendly. Mr. Klein stated, regarding noise, that he has not experienced any problems with dogs in any of the other towns that he is involved.

Vincent Ranieri - neighboring resident – Mr. Klein responded to questions regarding sound, stating that during the day it would be in the area of 30 decibels, the nearest inverters would be located closest to the Ziegenfuss home, it was noted that it is owner occupied. The next closest residence would be approx. 800 feet.

Ron Spagnolli – 28 Ferris Wheel Dr. - In response to questioning Mr. Klein provided the physical characteristics of the inverters and fence, stating if the moonlight is shining on them, they will be seen just like you be able to see corn in a cornfield. They are on a 20° angle reflected down.

Chairman Cronce opened questioning to the Board members:

Board asked for clarification on the total energy output for the year, Mr. Klein recognized the mis-statement and will confirm the calculations.

*(Chairman Cronce related that there would be a change in the agenda order of business 9:44pm)*

## **CORRESPONDENCE:**

The following items were distributed as correspondence

- A. EPL/POL Claim Reporting Notice – received from Township Clerk, Public

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Officials and Employment Practices Liability. Township is changing insurance companies and would like to know if the Board is aware of any upcoming lawsuits.

Confirming none at this time, Clerk Olsen will be made aware,

**PRESENTATION OF BILLS FOR PAYMENT:**

The following bills were received:

Stewart Palilonis – Total: \$550.00  
Ziegenfuss Escrow Account – \$\$350.00  
Breen Escrow Account – \$75.00  
Quick Chek Escrow Account –\$25.00  
ZBA attendance- \$100.00

William Shurts, Esq. - \$90.00 – Ziegenfuss Escrow Account.  
Van Cleef – Ziegenfuss Escrow Account -\$3,128  
Van Cleef – Breen Escrow Account - \$2,847.  
Mercantante – Breen Escrow Account - \$1,197.

Motion made by Fulper with a second by Sanzalone to approve bill list contingent upon certification of funds. Motion carried on roll call vote – all ayes

*(The regular order of agenda business resumed – Green Power Application)*

Continued Public Hearing: **Green Power of West Amwell - Block 3 Lot 12/14 – Route 179** -Use and Bulk Variance Application/Site Plan Application **(9:56pm)**

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

Mark Evanko – 25 Ferris Wheel Drive - Mr. Evanko questioned, regarding elevation differential, whether it was possible that the calculations were not taken from his area of residence where the elevation is about 30 feet higher in elevation, looking down into the field. Mr. Klein replied that testimony was provided from calculations taken from the rear of the house across the street from Mr. Evanko's residence.

In response to questioning by Atty. Valenti, Mr. Challoner provided a history of his visit to the neighborhood with his findings; with regards to view shed, stating that there are some portions that are visible but the majority of it is obscured.

*Discussion ensued on whether the application was to be bifurcated; Mr. Valenti was reminded that at the beginning of the hearing the applicant chose not to bifurcate.*

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*Mr. Valenti related that he would like to go into the site issues with Mr. Challoner, the Board agreed*

*At the public's request, Atty. Palilonis provided an explanation of bifurcation.*

**Witness #2** - Stuart Challoner, P.E. – Mr. Valenti questioned whether Mr. Challoner was familiar with the zoning ordinances of the township, Mr. Challoner responded that he was and that public utility is an allowed use in all localities. Mr. Valenti questioned whether Mr. Challoner had an opinion as to whether this would be considered a public utility; Mr. Challoner offered his professional opinion that this was a public use; to generate electricity to be sold for wholesale, so by definition that would be considered a public utility. Mr. Challoner testified that his understanding is that this will be under the jurisdiction of the public utilities commission. The project is solely for the general public and not to be used on site. The applicants are required to seek approval from the PMJ, which is the authority that oversees the grid, and then it goes to the local authority from there and also requires site plan approval. Mr. Valenti questioned whether he was familiar with the conditional use ordinance of the township, Mr. Challoner responded positively; 109-97 public utilities. Mr. Challoner stated that we have met all the conditions of the ordinance and gave a review of the five conditions of the ordinance.

Mr. Challoner stated again that the panels themselves make no noise, the inverters and transformers produce some noise; at 45 decibels which falls well below the daylight noise requirements and at night the facility produces no noise, no glare no safety issues.

Mr. Valenti stated that in addition to the specific requirements, there were general requirements that the board has to consider; preservation of natural resources on the site. Mr. Challoner testified that a meeting took place with the West Amwell Community Forestry Committee and found that the trees were not a significant value. No additional clearing for the proposed construction, the construction will be on the soy bean field. Mr. Challoner was referring to Exhibit G-3

Mr. Challoner testified that the site would not require any on-site parking, it is an unmanned facility, has a gravel access road for access to the inverter pads, remotely monitored for service, and would require two routine maintenances per year, no light fixtures, and requires no onsite parking.

Mr. Challoner stated that the main access way is provided by an access easement from route 179. Mr. Valenti provided deed book 907, page 924, as the original deed that created the 18 ft. right of way from the current owner dated May 4, 1927, and entered into the record as Exhibit G-6.

Mr. Challoner referred to the report on air quality dated September 30, 2010, revised November 11, 2010 entitled Green Power of West Amwell Impact Statement.

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Mr. Challoner testified that there is no impact on air quality because of this project.

Mr. Challoner testified the solar panels don't require any onsite facilities in terms of maintenance, or personnel, water quality would not be affected there are no septic systems, no use for irrigation and the DEP has determined the panels themselves are considered pervious structures. The panels themselves are benign when it comes to water quality.

Mr. Challoner testified as to community appearance stating that the original application was proposing a solar field in the southwest corner of the property; the redesign has placed them closer together and in the northern field so the southern field would be completely left in its existing state as a farm.

In response to questioning, Mr. Challoner stated that in the event a condition was not met, it would require a use variance; a d-3. We would have to show that the site will accommodate for problems associated with the use even though the proposal did not comply with that particular condition.

Mr. Challoner stated that one of the requirements is that all properties have frontage on an existing roadway, when the property was subdivided, the access was only through a legal right of way. A variance is being sought based upon the existing non-conforming use for not having frontage.

Mr. Challoner provided that it is his professional opinion that the variance for frontage as well as variance for the condition could be granted without substantial detriment to the public good. Stating, for the frontage it would have no impact whether or not the property has continued all the way through to route 179 because the property doesn't require access in terms of employees. There won't be an increase in traffic. The actual use of the farm road will be maintained. Being set back from the highway visually is actually positive. An 18ft. access road is more than adequate for a two mega-watt solar farm. Mr. Challoner opined that the fact that we can maintain our facility with an 18ft. farm road would be keeping within the character of the neighborhood.

Mr. Valenti questioned whether the deviation from that condition impairs the purpose of the zoning plan; Mr. Challoner stated that it would not because the use is such a benign use, in terms of not requiring access, not requiring employees, no personnel to and from the property. When the ordinance was written, most uses require access in and out of the property; the solar field doesn't require public access. When the property was subdivided and created it was created with an 18ft right of way that is a right of way to the public road, although it doesn't meet the requirements of the townships 50 ft. right of way. Mr. Challoner agreed with Mr. Valenti that this area is rural in nature with limited public roads. That the common issue then requires some kind of access easement, as opposed to direct access, similar to utility properties that also need access.

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Mr. Challoner provided a description of the c-1 variance, stating that the configuration of property is irregular in that it does not have frontage on to route 179. It is a condition that is pre-existing to the application. It would be considered extraordinary and exceptional to this case and the property. The lack of a variance permitting this would inhibit the use of the property; it would be considered isolated.

Given the late hour, it was agreed to continue the hearing on this application to the next regular meeting of the Board.

Applicant and members of the public were advised that the public hearing would be continued to the January 25, 2011 meeting of the Board at 7:30 PM. No additional notice will be made. (10:28)

**DISCUSSION:**

- A. Application Review Correspondence - Environmental Commission (CARRIED)
- B. 2011 Professional Services Review –contracts from our existing professionals were solicited for 2011 under the non-fair and open process as we have traditionally done. If we choose to continue with our current professionals, I have their contracts and we can appoint them at our Jan 6/ reorg meeting. None of the hourly rates have changed. It was agreed to continue as with past practices.

**OPEN TO PUBLIC:**

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

**ADJOURNMENT:**

Motion was made by Fulper with a second by Dale to adjourn at 10:36 PM. All voted in favor of adjournment.

Respectfully submitted,

Ruth J. Hall