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ROLL CALL:

Members Present: Joe Fleischner, Dan Nelsen, Judy Johnson, Nelson Russell, Steve Bedell, Brian Schaechter, Scott Van Ness, John Mania, David Koptyra, Michael Koroski, Howie Weiss

Professionals Attending: Chuck McGroarty, Planning Consultant, Eugene Buczynski, P.E., Edward Buzak, Esq. (7:08), Catherine Natafalusy, Planning Administrator

Professional Excused: Tiena Cofoni, Esq.

APPROVAL OF MINUTES

February 21, 2013 Public Meeting

Motion: Steve Bedell
Second: Nelson Russell

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
Steve Bedell - yes
Brian Schaechter - yes
Scott Van Ness - yes
David Koptyra - yes
Michael Koroski - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: All right let's move into committee reports. The first one Ms. Johnson do you have anything for the Mayor?

MS. JOHNSON: Nothing from the Mayor.

MR. WEISS: Mr. Mania do you have a Council report?

MR. MANIA: Yes I do. The survey went out for the sewerage of Old Flanders and overwhelming came back that the residents don't want it.

MR. WEISS: So do I assume then John that it's no longer an issue for the Council?

MR. MANIA: Well what we're thinking about maybe is just the sewerage of Park Place possibly; we're going to look into it.

MR. WEISS: Okay I'm sure you'll keep us posted.

MR. MANIA: I will.

MR. WEISS: Anything else?

MR. MANIA: That's it.

MR. WEISS: Joe do you have anything?

MR. FLEISCHNER: No.

MR. WEISS: Okay Nelson Environmental Commission report?

MR. RUSSELL: We discussed staffing for the well testing on the 27th and 28th.

MR. WEISS: Okay. Joe Ordinance Committee?

MR. FLEISCHNER: Nothing really to report.

MS. NATAFALUSY: Actually I need to talk to you about scheduling a meeting.

MR. FLEISCHNER: Okay.

MR. WEISS: Okay Street Naming Committee we have nothing, and we have no one from open space.

MR. KOPTYRA: If you're looking for somebody I'll go on open space.

MR. WEISS: I'm sorry?

MR. KOPTYRA: I'll go on open space if you're looking for somebody.

MR. WEISS: Can Dave, he's an Alternate?

MR. KOPTYRA: Oh all right.

MR. WEISS: I think being we have no other volunteers let me just check with Mr. Buzak. I say that . . . I'm getting that its okay?

MR. BUCZYNSKI: It should be.

MR. WEISS: So unless Mr. Buzak tells us otherwise Dave I will . . . we'll make sure you get the contact for the open space committee.

MR. KOPTYRA: Okay thank you.

MR. WEISS: I appreciate that thanks. And so much for starting early because we really can't move on with our agenda until the attorney is here.

APPLICATION #PB 13-08 – EARL BREAM – (BLOCK 3300, LOT 6)

MR. WEISS: Our first developmental matter of the evening, welcome Mr. Buzak, is PB 13-08 Earl Bream. Mr. Bream if you would you are here for a variance located at 16 Center Street which is Block 3300, Lot 6. Mr. Bream welcome this evening.

MR. BREAM: Thank you.

MR. WEISS: All right as soon s Mr. Buzak is ready we'll swear you in and then we do have a copy of the planning report, we have a brief understanding of what you want to do on your property but we'll see some pictures and what you're going to need to do is explain to us why you need to do what you want to do and seeing certain proofs. I'm sure if you have questions we'll certainly help you but there's a bit of an obligation on your part to prove the negative and positive criteria as I'm sure you're prepared if not we'll help you through the process. Mr. Buzak are you ready?

MR. BUZAK: I am thank you. Sir can you please stand, raise your right hand and place your left hand on the Bible that's at the end of the table.

(EARL BREAM SWORN IN FOR THE RECORD)

MR. BUZAK: Please be seated sir just state your name and address for the record spelling your last name.

MR. BREAM: Okay my name Earl Bream, last name (B-R-E-A-M) 16 Center Street in Budd Lake.

MR. BUZAK: Thank you sir.

MR. WEISS: Okay so Mr. Bream as I mentioned just a minute ago why don't you explain to the Planning Board what it is that brings you here tonight and explain the overall scope of your project.

MR. BREAM: Last year everybody knows about super storm Sandy and a tree in a neighboring yard fell on my garage, fell on and rolled off collapsed the roof on the garage side of it and shifted the actual walls on the garage. And I had an insurance company come out; they sent an adjuster out about a month later they said the garage portion was pretty much destroyed. The concrete walls on the workshop area were in good tact and were repairable and they provided me with an estimate what the adjuster saw as an estimate for repairs. The garage and workshop currently sit on a concrete slab in that corner in the yard.

MR. WEISS: Mr. Bream how old would you say that shed is?

MR. BREAM: Well based on that . . . pretty old based upon the drawing which was dated in 1975 it was already listed in that corner of the property.

MR. WEISS: Okay so was it there . . . did you put that shed up or was it there when you purchased?

MR. BREAM: It was there when I purchased the house in 1999.

MR. WEISS: Because I had asked I looked into that and we don't really know when that shed, I guess we'll call it a shed for purpose of the conversation, that shed or garage was installed. Your application calls for four different variances. Are you aware of that?

MR. BREAM: Well after you guys sent me the letter I was aware of two of the four, I was not aware of the other two.

MR. WEISS: Which one was that Mr. Bream?

MR. BREAM: The ones that I was aware of was the setbacks from the property line and the maximum building coverage.

MR. WEISS: Okay and those you were aware of those variances?

MR. BREAM: Yeah.

MR. WEISS: Okay because we need to address all four of them. You certainly need to address four of them. So again your home is on 16 Center Street. Just so we can define your property would you say the property is flat, level, hilly?

MR. BREAM: It's pretty flat.

MR. WEISS: It's flat. And is your home representative with the other homes that are in the area?

MR. BREAM: Yes.

MR. WEISS: Would you say that other homes are of like size, square footage?

MR. BREAM: For the most part yes. There is a brand new house on 24? It's a brand new house that they built it towers over everybody else's house on down the road.

MR. WEISS: But essentially your home is

MR. BREAM: It's pretty much the same as everybody else's.

MR. WEISS: As the other houses in the neighborhood.

MR. BREAM: Yep.

MR. WEISS: And would you tell us if other homes in the Center Street area of Budd Lake have sheds and garages in the same manner that your home does?

MR. BREAM: Yes actually the rental property next to me 14 they have two garages like sheds on their property. My neighbor at 18 just built a brand new metal shed it looks like it's about 16x16x20 he was 3 or 5 feet off of the property lines and all that.

MR. WEISS: Okay let's take just a step back for a moment just so everyone on the Planning Board understands the bulk standards. Catherine can you help us? Why don't you summarize the report and maybe he'll tell us, explain the variances and that way the Planning Board will know those bulk variances, what we need for the bulk requirements, what we need to consider.

MS. NATAFALUSY: Okay as you said Mr. Chairman this is for Lot 6 in Tax Block 3300 otherwise known as 16 Center Street. Lot 6 is improved with a single-family dwelling and a detached garage. The property is in the R-4 zone which required a minimum lot size of 10,000 square feet however; this is a 6,000 square foot lot. The applicant is seeking approval to construct a detached garage measuring 22 feet in width by 20 feet in length by 16 feet in height. Variances required; the minimum setback in the R-4 zone is 5 feet for a detached garage on lots less than 1 acre.

MR. BEDELL: Is that for side or the rear?

MS. NATAFALUSY: 5 feet from the rear and 5 feet from the side property lines.

MR. BEDELL: Oh side and rear okay.

MS. NATAFALUSY: The applicant is proposing to locate the detached garage on an existing slab that is within a foot or a foot and a half I scaled it on the plans, it's about a foot and a half off the property line, so he needs variances for that. The maximum height for an accessory structure is 15 feet in the R-4 zone however where the setback is 5 feet for an accessory structure the maximum height would be 12 feet from grade. The applicant is proposing a height of 16 feet for this structure so another variance is required.

MR. WEISS: 16 correct?

MS. NATAFALUSY: 16. The maximum building coverage in the R-4 zone is 20 percent this office calculates that the total building coverage will be 26 percent with this garage. Impervious coverage the maximum is 30 percent and at present this will bring it to 30 percent with the construction of the shed it would be 30 percent, or detached garage I'm sorry.

MR. WEISS: Okay so that's not really a variance then.

MS. NATAFALUSY: No that's not a variance but he would be at maximum for coverage so anything further would require a variance.

MR. WEISS: I stand corrected Mr. Bream it's only three variances your requesting the fourth issue is obviously as Catherine just noted brings you to the maximum. So perhaps what we should do is make sure you understand each of what those items that Catherine said. The setback is kind of obvious we're going to need to talk about that, the height of the structure kind of obvious, and then the . . .

MS. NATAFALUSY: Building coverage.

MR. WEISS: The building coverage of 20 percent I'm not sure if you understand what that means but essentially your property of 6,000 square feet you're only allowed by the ordinance to have 20 percent coverage which is about 1200 square feet. By the addition of this structure you will go and jump up to 26 percent and I was absent that day in math but real quickly it's above the 1200 square feet. So you're going to have to explain to us why you need these things and I think we should start with I think the most major of these variances which is the setback. And so you heard that you need to be 5 feet from the side and the rear so you'll need to explain to us why you're putting it . . . you're proposing to put it at 1 foot from the property line.

MS. NATAFALUSY: Mr. Chairman excuse me I'm sorry.

MR. WEISS: Yes.

MS. NATAFALUSY: Building coverage is 28 percent not 26 percent I just redid it. So it's at 28 percent.

MR. WEISS: So this plan brings him to 28 percent.

MS. NATAFALUSY: Right.

MR. WEISS: Okay.

MR. BREAM: All right the two walls that the insurance company and one of the contractors came out that said they were in decent condition were concrete walls. The one wall stands, the left side if you're looking at it from the front of the property, the left side which is down the center all the way to the back of that garage setting of 20 by 22. So if I have to take off 5 feet I'd have to actually cut that cement wall. The other thing is there was an electrical line going out there, it goes out to the right side of the garage it's about 2 feet from the property line. And that electrical line was for lighting and one outlet out there.

MR. WEISS: It's still there?

MR. BREAM: It's there I've disconnected it from the house.

MR. WEISS: So it's there but it's not operational.

MR. BREAM: Correct.

MR. BUZAK: It's above ground?

MR. BREAM: It's underground.

MR. BUZAK: Underground.

MR. WEISS: Okay so again your testimony is saying that you have an existing concrete wall that is preset at 1 foot from the property line.

MR. BREAM: Yeah. Yeah that . . . let's see 22 goes across, 20 back so it's a 20 foot wall going back to the back of the property.

MR. WEISS: How high is this wall?

MR. BREAM: 8 feet.

MR. WEISS: What is the wall for? Maybe I'm . . . do you have images?

MR. BREAM: It's only . . . this drawing. This drawing is from January 20, 1975 that garage was there beforehand.

MR. BEDELL: How long have you owned the house for?

MR. BREAM: 1999.

MR. BEDELL: All right and was the shed there when you moved there?

MR. BREAM: Yeah.

MR. BEDELL: I mean the same shed that fell.

MR. BREAM: Yeah crushed or . . .

MR. BEDELL: Whatever yeah.

MR. BREAM: It's basically when you look at it it's a garage and then off to the left hand side is a workshop area, that workshop area had concrete walls.

MR. BEDELL: Okay.

MR. WEISS: What's the function of this concrete wall? Does it go right down the middle of the shed?

MR. BREAM: No it's actually on the side. It's on the outside of the left wall. Do you want me to point that out to you? This is the garage area that's all wood, from here over and back that's all concrete.

MR. BUZAK: So the front of the shed area and the side of the shed area are all concrete?

MR. BREAM: Yes.

MR. NELSEN: Those are supporting walls?

MR. BREAM: Yes.

MR. BUZAK: And that's going to remain.

MR. BREAM: Yeah.

MR. WEISS: So it sounds like in your testimony that if you were to be asked to take down that wall that would cause a hardship for you.

MR. BREAM: Yeah because . . . well then if I kick down the wall basically I'm destroying the whole shed, taking down everything and have to rebuild from scratch.

MR. NELSEN: Mr. Chair?

MR. WEISS: Go ahead.

MR. NELSEN: Can I ask Catherine again to clarify the height? The applicant is looking to put in 16 foot height, what is allowed is 15 foot unless it's . . .

MS. NATAFALUSY: Maximum height is 15 feet in the R-4 zone.

MR. NELSEN: Pardon me?

MS. NATAFALUSY: 15 feet maximum in the R-4 zone.

MR. NELSEN: Right then you said something about 12 feet with a . . .

MS. NATAFALUSY: Yes however if the setback is 5 feet then the maximum is 12.

MR. NELSEN: You mean 5 foot or less?

MS. NATAFALUSY: No 5 feet from the rear and side property lines.

MR. NELSEN: It's 12 foot.

MS. NATAFALUSY: Right.

MR. WEISS: So in this case the maximum height is 12 feet.

MS. NATAFALUSY: Well is he had located it 5 feet from the property lines the maximum height would be 12 feet. He's not locating it 5 feet he's locating it within a foot so it says the maximum height for the R-4 zone is 15 feet so he's asking for . . .

MR. BEDELL: So within 5 feet it's 15 feet and if you're outside of 5 feet it's 12 feet?

MS. NATAFALUSY: That's what Catherine just said.

MR. BEDELL: Yeah I just . . .

MR. NELSEN: So if it's like 10 feet off it could be 15 feet then? If it's off the . . .

MR. WEISS: Chuck said he'll get back to us on that second . . . Scott you had a question?

MR. VAN NESS: Yes . . .

MR. NELSEN: What was the height?

MR. BREAM: It was around 14, 14-1/2 and my intent is because I had problems with the flat roof I had it replaced already I wanted to instead of having a flat roof over the workshop area is to have a peak over the whole thing.

MR. WEISS: Go ahead Scott.

MR. VAN NESS: All right what are the differences between what was destroyed and what you're putting up? And what's the difference in location between what was destroyed and what you want to put up?

MR. BREAM: The differences is that like I just said that the flat roof that's over the workshop.
. . .

MR. VAN NESS: Okay so we'll just cut it, it's the roof.

MR. BREAM: The roof right.

MR. VAN NESS: What else?

MR. BREAM: That's really about it I'm replacing the walls as is.

MR. VAN NESS: The walls that were there you're going to replace existing walls that were damaged or destroyed?

MR. BREAM: Yes.

MR. VAN NESS: And the slab is existing slab you're not moving it and not making it bigger, you're not making it smaller it is what it is.

MR. BREAM: No it is what it is yeah.

MR. MANIA: Mr. Bream have you discussed this with your neighbor next door?

MR. BREAM: Um yeah . . .

MR. BEDELL: There should be three neighbors right?

MR. BREAM: I'm sorry?

MR. BEDELL: This probably borders three of your neighbor's right?

MR. BREAM: Right my neighbor on the left I've already discussed it with him, and then my neighbor on the right it's all rental properties.

MR. BEDELL: And the other one?

MR. MANIA: No one has a problem.

MR. BREAM: No one has a problem with that. Actually a couple of the neighbors are asking why I was going through the variance process I mean you're just repairing it, I'm like no you have to actually go through the process.

MR. WEISS: Gentlemen let's not forget that everyone was noticed properly.

MR. MANIA: Well that's the next question I was going to ask if everyone was notified but no one showed up here tonight. Is that correct?

MR. WEISS: We don't know that yet Mr. Mania I haven't asked but that's a good assumption. So I will ask that question eventually but as we know that does play into . . . if the neighbors who are going to be directly impacted aren't here to speak out and we consider that. Okay so

we've addressed the hardships associated with removing your shed because of the existing wall. Chuck were you able to get an answer for us on the height?

MR. MCGROARTY: Yes. The setback for an acre or less which is a property like this is 5 feet and the maximum height is 12 feet. Catherine's reading of it was not incorrect but I think that it applies to a different set of circumstances. So in zones in this zone those are the standards a 5 foot setback is required, 12 foot is the maximum height for an accessory structure.

MR. WEISS: Okay and 16 feet is proposed.

MS. NATAFALUSY: Right.

MR. WEISS: Okay and then I heard your testimony Mr. Bream that the reason that you're going for a 16 foot roofline is because you now want to pitch the roof where at one point it was flat.

MR. BREAM: Yes.

MR. WEISS: Okay. As far as your percentage of lot coverage I think . . . I'm sorry I thought it was Catherine that told us that yours is 6,000 square feet in a zone that should be 10,000 square feet. So you come to us with a design that your lot is a preexisting nonconforming, would that be correct Catherine?

MS. NATAFALUSY: Yes.

MR. WEISS: So as I'm saying this it kind of helps in the testimony that why do you need to exceed the building coverage by 8 percent? I suppose I heard you say that because you started at a disadvantage anyway. Is that correct?

MR. BREAM: Correct.

MR. WEISS: Yeah that's what I thought. There's really not much else you can do, if you were to make this yet smaller I don't know if it would be possible I don't think by reducing . . .

MS. NATAFALUSY: He's at 18 percent just with his house so 20 percent is the maximum.

MR. WEISS: So one of the things we look for are conditions that put you at a disadvantage and I think that you started at 6,000 square feet in a zone that's designed for 10,000 is fairly good testimony. And I'm not sure if we need to belabor that point any further. So Mr. Bream let me ask you some questions as I lump the three requests that your making would you say that if the Planning Board was to grant such an approval would it have any negative effect on the community?

MR. BREAM: No.

MR. WEISS: Okay anybody on the Planning Board have any other questions? Scott?

MR. VAN NESS: Do you know what the height of your house is?

MR. BREAM: The height of my height I estimate it to be around 19, 20 feet.

MR. MCGROARTY: Mr. Chairman I have one question.

MR. WEISS: Sure go ahead Chuck.

MR. MCGROARTY: Mr. Bream if you rebuild the structure which was nonconforming in the past but if you rebuild it and what is it a foot off of the property line? How are you going to maintain it? Especially at 16 foot height how would you get a latter on the side, read or wherever it is with less than a foot to a property line?

MR. BREAM: Well the neighbors on that side of the property they've been very nice to me to date so they had no problem with me working on that side.

MR. MCGROARTY: Okay but what if they move? Do you know what I'm saying because then you have a problem because then you have to put a latter on a neighboring property potentially to work on

your property. And what if, I mean this rarely happens in Budd Lake but what if there's some animosity between neighbors?

MR. BREAM: Yeah I hear you.

MR. MCGROARTY: But that might be a problem. Especially if it goes up higher than it is already.

MR. BREAM: Right.

MR. NELSEN: Mr. Chairman?

MR. WEISS: Dan?

MR. NELSEN: Piggy backing on what Chuck just said if you put a 16 foot roof on there will there be an overhang on the side that's close to the neighbor's property and if so will there be gutters there to catch any run off so that it does not go into the neighbor's?

MR. BREAM: Okay when I went to Lowe's to try and get some more details it was a 1 foot overhang but they were quoting me no gutters at the time.

MR. NELSEN: In which case the runoff would go onto your neighbor's property.

MR. BREAM: Right.

MR. WEISS: Anything else? At this point let me open it to the public, does anybody from the public have any questions for Mr. Bream based on the testimony delivered this evening? Seeing none. .

MS. NATAFALUSY: Can I ask a question?

MR. WEISS: Catherine?

MS. NATAFALUSY: Mr. Bream you said it would be 1 foot overhang?

MR. BREAM: Yeah.

MS. NATAFALUSY: Would that mean that would be hanging over the side on your neighbor's property then?

MR. BREAM: It would be 1 foot over the edge which would be just right at the property line.

MS. NATAFALUSY: At your neighbor's property line.

MR. BREAM: Yeah.

MR. MANIA: Mr. Chairman? Would you consider eliminating that overhang?

MR. BREAM: Yeah I would.

MS. NATAFALUSY: So he really would have a zero setback.

MR. KOPTYRA: Exactly with the overhang yeah.

MR. WEISS: Scott?

MR. VAN NESS: When you had the flat roof did the flat roof have an overhang?

MR. BREAM: Yeah it did, yeah it does it's about a foot, foot and a half.

MR. WEISS: And that overhang is into your property.

MR. BREAM: Yeah.

MR. BUZAK: So do you use this as a garage do you bring vehicles, can vehicles access that at all?

MR. BREAM: No vehicles do not access that I was using it for storage and a workshop area.

MR. BUZAK: If the existing walls were kept and the garage were flipped to the other side would it fit better leaving aside the slab issue?

MR. BREAM: I'm not sure

MR. BUZAK: Well right now as you face the structure, the garage portion for lack of a better word is on the right and the shed is on the left they're connected but that's to the left and the left side is the cement wall in the front and the cement wall down the side. Now if you attach the garage to the other side as opposed to where it is because right now it's a foot off of your neighbor's property, if you put it on the other side since you don't use it for a garage anyway, how far would that be off the other side property line?

MR. BREAM: That slab is . . . because the slab on the other side of that is 10 feet, and that's 18 off the

MR. BUZAK: All right so you're well within the 5 feet and then it would only be a rear issue.

MR. BREAM: Right.

MR. BUZAK: Because you keep the cement wall or concrete wall going back perpendicularly to that.

MR. BREAM: Right. Even if I come off the 5 feet from both sides I would also have to put in a fence line along the property line there too.

MR. BEDELL: Mr. Chair?

MR. WEISS: Go ahead Steve.

MR. BEDELL: Is the whole shed on the slab?

MR. BREAM: Yes.

MR. BEDELL: Because if you look at the picture it looks like, looking at it straight on, it looks like about a foot on the right side is not on the slab? Unless that's just under.

MR. BREAM: The whole thing is on a slab. That front piece, there's a front piece that's on a slab in the front; it looks like it was an add-on.

MR. BEDELL: Okay.

MR. BREAM: An add-on so like you would have clearance when you come out of the garage and the shed. And actually it doesn't actually go all the way it's actually 20 feet instead of 22 feet.

MR. BEDELL: Okay.

MR. NELSEN: Mr. Chair?

MR. WEISS: Sure Dan go ahead.

MR. NELSEN: Can I ask a question of our engineer? If he were to put gutters on this where would he discharge those gutters?

MR. BUCZYNSKI: I haven't been to the site because I don't look at these type of applications but I'm not sure if it would go on adjacent property. If you're going to direct it to that one spot it's going to go off onto someone else's property.

MR. NELSEN: Yeah. What you're saying is you just couldn't run it to the back; do you have to run it around?

MR. BUCZYNSKI: If he runs it to the back, what back on his property?

MR. BEDELL: There's a neighbor in the back too though.

MR. BUCZYNSKI: He's got a neighbor back there.

MR. NELSEN: Right that's what I'm saying so you couldn't run the gutter back there so you'd have to bring it back around to the front to the center, to the other side of the structure.

MR. BUCZYNSKI: Or bring it on that side still and just bring it to the front but on that side of the structure.

MR. WEISS: You know I think I should summarize for you Mr. Bream we handle applications like this fairly often, I'm a little concerned because of the line of questioning and you hear some obvious concerns. So let's try to build off of what Mr. Buzak asked. Would it be possible for you to flip it and move the shed to the other side?

MR. BREAM: Well I would be tearing it down anyway, flipping it I'd have to figure out how to work the concrete wall into the middle then, the concrete wall would be in the middle rather than an outside wall.

MR. WEISS: So you know it better than I do.

MR. BREAM: Right.

MR. WEISS: I would feel bad for you if the Planning Board said no because of the concerns for the side yard setback. And it's just my opinion but what I'm hearing is not the normal smooth, I mean we tried hard to help you with the proofs and I think as far as the percentage of lot coverage it's not a question I don't hear from the Planning Board. We're kind of accepting the height situation but it sounds like the Planning Board is stuck on the setback. So we're looking for you to be a little bit more aggressive with us on things that you might be able to do to satisfy some of the concerns. We've heard concerns about drainage going right to the property line, you've heard about a potential maintenance issue. We understand everyone gets along nicely now and it's a potential problem we don't like to cause problems we like to fix them. And you would know better than I do if there's any way that you could possibly flip the structures

MR. MCGROARTY: Or shrink the footprint.

MR. BREAM: Shrink the footprint that was going to be my next suggestion. Shrink the footprint so I am the 5 feet off of the property line but then I would also have to add a fence line along the property line because I do own a dog.

MR. WEISS: How many feet is that, it doesn't sound like a terrible solution.

MR. BREAM: 42 feet. Because it's a 20 by 22 so it's 42 feet linear.

MR. WEISS: I don't know if the Planning Board has been following that the suggestion was to shrink the footprint of this plan and you're seeing what I'm seeing is that they need to be agreeable to that. If you're agreeable to that I think we can move on.

MR. BREAM: Okay.

MR. WEISS: I think we should get on the record how much smaller of a footprint . . .

MS. NATAFALUSY: I was just going to ask what . . .

MR. MCGROARTY: With 5 from side and rear.

MR. BREAM: Yeah 5 from side yard and side from rear that will make it 15 by 17 and based upon the size I looked at, yeah.

MR. WEISS: Go ahead Chuck.

MR. MCGROARTY: No I was just going to say Mr. Chairman I mean if he reduces it 5 feet side and rear it certainly would reduce the square footage in building arguably but if the concrete slab were to

stay in place no harm, no foul if it's there and there's no structure on it there's still impervious coverage but it's a preexisting condition.

MR. WEISS: Yeah and I didn't sense any objection from the Planning Board on that Chuck based on some of the proofs that Mr. Bream had given us.

MR. MCGROARTY: No I wasn't trying to raise that as a problem I was just saying that it kind of mitigates against the building coverage issue because it's reducing the size of the structure. And the fact that if the concrete slab stays it's not really causing . . . it's not a new variance is what I'm trying to say.

MR. WEISS: Right. So a shed of 15 by 17 still gives you a substantial shed. I don't want to tell you what's acceptable but I'm sensing from the Planning Board that seems to be more acceptable which means we wouldn't need to grant a variance, you wouldn't need to request a variance for side yard setback or rear setback.

MR. BREAM: Okay.

MR. WEISS: Side and rear would come off with no variance and I'm sure the Planning Board, and I'm just speaking only to myself, would be more favorable to grant the other variances that are requested. So if you're doing that I can open it to the public one more time, and seeing nothing from the public I would like a motion from the Planning Board and if that motion is to be made it would include a few conditions that Mr. Buzak will read to us.

MR. BUZAK: Well let me make sure I have this straight. The application is being revised by the applicant to eliminate the request for the rear and side yard setbacks so he will comply. Wherever he builds there he will comply with the 5 foot side yard and rear yard requirements. Is that correct Mr. Bream?

MR. BREAM: Correct.

MR. BUZAK: What does that do to the, I'll call it the shed part the part with the flat roof at this time? Will that remain or will that have to be pulled in a little because that encroaches into the 5 feet in the rear?

MR. BREAM: I will have it removed whether it's . . . I find a concrete saw that is able to do it or I just tear down the concrete wall and just build fresh wooded wall.

MR. BUZAK: All right so the idea is you will . . . the entire structure that will be replace this one will not violate the side yards or rear yard setback is that correct?

MR. BREAM: Correct.

MR. BUZAK: Will it continue to be the proposed 16 feet in height?

MR. BREAM: It won't be that tall. The 16 feet was because of the roof line for the spanning of the 22 feet wide, because it is shrinking that will decrease how much, I have to take a look. Some of the other options that I had in my head I was looking at other sheds, sizes and that and you can get like 12 foot by 20 foot sheds and they're 12 foot tall because the one side is 12 foot. Once you start getting above the 12 foot then that's when the roof size starts going up even further.

MR. WEISS: Would you be comfortable saying not to exceed 16 feet?

MR. BUZAK: I think we can probably do that under the circumstances that we have here.

MR. WEISS: Right, okay. Dan?

MR. NELSEN: Just a clarification. The wall that exists now is that the exterior wall of the shop side?

MR. BREAM: Correct.

MR. NELSEN: But it is preexisting my only concern with the original plan was the runoff on the neighbor's property. If that could be address without cutting the size down I didn't think it was unreasonable considering that it has been there since 1975.

MR. MCGROARTY: Well you know as I mentioned you would want to consider at least the problem with keeping it and maintaining it and if you're on . . . that's why you do have setbacks is one of the rationales for it so you can get access to it. Especially if you're talking about a structure that high.

MR. NELSEN: It's just that it's been there.

MR. MCGROARTY: Well a lot of things are in place that things change but it unfortunately came down in the storm he wasn't ordered to take it down.

MR. BUZAK: If we use a 15 foot by 17 foot footprint where does that put us with regard to the maximum building coverage? Because we were at 28 percent before versus 20 percent and the Chairman questioned the witness regarding the size of the lot so

MR. WEISS: Not a big difference.

MR. BUZAK: Okay. So we're still looking at a building coverage exceeding the 20 percent requirement.

MR. WEISS: Okay so we're clear on Mr. Buzak's

MS. NATAFALUSY: It would be about 23 percent I calculate. It's 15 by 17 plus the size of the house you'd have 23 percent.

MR. WEISS: Okay still over but it's certainly a lot nicer number.

MS. NATAFALUSY: Yes.

MR. WEISS: Catherine's calculations brought it at 23 percent instead of 28. So with the conditions noted by Mr. Buzak is anyone willing to make a motion? Mr. Mania.

MR. MANIA: Mr. Chairman I move for approval of PB 13-08 Earl Bream with the conditions set forth by our attorney.

MR. NELSEN: Second.

MR. WEISS: Any comments? Catherine roll call please.

MS. NATAFALUSY: Could I just add one thing, he would be required to get a zoning permit prior to building permits so that we know exactly the placement.

MR. BUZAK: Yes.

MS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Judy Johnson - yes
Nelson Russell - yes
Steve Bedell - yes
Brian Schaechter - yes
Scott Van Ness - yes
John Mania - yes
Howie Weiss - yes

MR. WEISS: Mr. Bream you'll apply for a zoning permit and about this time next month the resolution will be drafted and at which point you can get a

MS. NATAFALUSY: That's when he can apply for the zoning permit.

MR. WEISS: That's when you apply for the zoning permit.

MR. BREAM: All right apply in a

MR. WEISS: As soon as the resolution is prepared, it will be on the agenda the second week of May and then you can pick that up and get a zoning permit. Thank you.

MR. BREAM: Okay thank you.

APPLICATION #PB 13-07 – ANDREW SAUNDERS LUCY – (BLOCK 6210, LOT 15)

MR. WEISS: Okay we'll continue with our agenda the next applicant is PB 13-07 Andrew Saunders Lucy requesting a variance for rear yard setback and impervious coverage at 6 Graydon Place Block 6210, Lot 15. Mr. Lucy it sounds like you've been witnessing your worst nightmare hah?

MR. LUCY: Yes.

MR. WEISS: its okay it's not always that difficult.

MR. LUCY: I have no idea what I'm doing so forgive me.

MR. WEISS: That's fine Mr. Lucy you're like most people who come before us in this situation. We have a copy of your plan, before you sit down and get comfortable Mr. Buzak will swear you in.

(ANDREW SAUNDERS LUCY SWORN IN FOR THE RECORD)

MR. BUZAK: Please be seated state your name and address for the record spelling your last name.

MR. LUCY: Andrew Saunders Lucy (S-A-U-N-D-E-R-S L-U-C-Y) 6 Graydon Place, Flanders.

MR. BUZAK: Thank you Mr. Lucy.

MR. WEISS: Before I continue does anybody have the images or photographs from the last application? If you have them Catherine needs them. Okay so Mr. Lucy we have, again we have a copy of your plan we have an idea why you're here obviously you'll tell us while you're here and then we can go through some of the technical detail. I'll help you with some of the proofs that we're looking for and I can almost assure you you'll be out of here in a lot less time than your predecessor was. So why don't you take a little bit of time and explain to us why you're here and what you need from the Planning Board.

MR. LUCY: Yeah I'm looking to install a 18 foot round above ground swimming pool it's a 52 inch height structural and I'd like to attach it to my deck so we can keep an eye on the children when they're in there it's easier to get access and I feel it's easier to secure with a gate, etc. if it's attached to the deck. I believe it takes us over by either 3 or 5 percent of the lot coverage and also because it's attached to the deck it should be 35 feet from the property lines whereas we can only put it 15 feet from the property lines.

MR. WEISS: That's correct what you're basically telling us is that because it's attached to the deck it really has to fall under the principal structure of the property and not an accessory structure. So the setbacks and bulk requirements are slightly different so you're correct.

MR. LUCY: The 35 feet would actually put it in the kitchen so it's not going to fit.

MR. WEISS: Okay well that's good well you're kind of jumping ahead so you're starting to already testimony that's why you can't. And again understand Planning Board that if it was a freestanding swimming pool that the bulk standards would be slightly different. Joe you have a question?

MR. FLEISCHNER: Question, is there going to be access to the pool from the deck?

MR. LUCY: There will be yes.

MR. FLEISCHNER: And there will be locked gate?

MR. LUCY: Yes I have two small children, two small girls, nine and six and I'll be putting in a (inaudible) there's no danger of those girls ever falling in there.

MR. WEISS: No other access to the pool from outside of the deck?

MR. LUCY: No.

MR. WEISS: Is your yard fenced?

MR. LUCY: Yes.

MR. WEISS: I don't know if it has to be but I just thought I should ask that question.

MS. NATAFALUSY: That would be under the Construction Code Official about fencing with pools.

MR. WEISS: Okay it's up to the Construction Code?

MR. MCGROARTY: I think you can't have steps it has to have a locked gate.

MR. LUCY: Yeah if it was 48 inches high then it would have to have a fence around it with steps going into it and a gate on the . . .

MR. WEISS: And the interesting thing about that is that under the Construction portion of this project you will meet with the Construction Official who will confirm these things so that's not so much an issue for the Planning Board. Okay so why don't you tell us a little bit about your property, about the neighbor's property, about the neighborhood. I certainly know your street but for the record tell us about the topography is it sloped, is it hilly, is it rocky?

MR. LUCY: It's more or less flat each of the . . . the back of the homes of each other do slope slightly, there's a 10 foot easement at the back of the property which is 5 foot onto ours and 5 foot onto the neighboring property. It's a typical house as all of the others look on the street in similar construction. And to the rear there is another property with an above ground swimming pool and to the right and left there's just (inaudible).

MR. WEISS: Okay so you just answered my next question, are there other homes in your neighborhood that have a swimming pool similar to the one you're proposing?

MR. LUCY: Yeah I looked on Google Earth and I can count 8 on our block alone.

MR. WEISS: Okay. I suppose Catherine I'm not sure if it's that important, we all have the report it's a much simpler application than the one we previously saw so we all reviewed Catherine's report if anybody has any questions. I can just ask you a couple of questions, by putting in this swimming pool if I was to have to conform to the bulk standards I would ask you but you've already answered it why can't you do that.

MR. LUCY: As I said I have two small girls I also have a dog and we want to try and keep the yard as open as wide as possible. So the only other location to conform would be actually smack bang in the middle of the yard.

MR. WEISS: Okay so it's impossible for you to conform.

MR. LUCY: Yeah.

MR. WEISS: And then when we look on the negative side if the Planning Board was to grant this variance for you would it have any negative impact, substantial detriment to the community?

MR. LUCY: I don't believe so no.

MR. WEISS: Okay Mr. Buzak do you think there's any other questions?

MR. BUZAK: I'm just wondering what was the height of the pool?

MR. LUCY: 52 inches.

MR. BUZAK: 52 inches.

MR. WEISS: I have some photographs here we could just take a quick look if anybody is interested. This home for those who don't know is in the Clover Hill neighborhood so if you're familiar with that neighborhood I think Mr. Lucy's description is very accurate. Scott did you have a question?

MR. VAN NESS: Yes your wood deck, what is the length of the deck from the house towards where the pool will be?

MR. LUCY: I'm just looking at the plan I'm estimating it's about 16 or 17 feet from the property.

MR. VAN NESS: Okay.

MR. WEISS: Anybody else have any questions for Mr. Lucy? If there's anybody from the public that has any questions for Mr. Lucy on the testimony delivered this evening? Seeing none I'll close it to the public and at this point unless there's anything else we need to handle, and I look to my right I see none, I'll entertain a motion for this application.

MR. FLEISCHNER: I'll move we approve PB 13-07 Andrew Saunders Lucy granting a variance for the rear yard setback and impervious coverage.

MR. MANIA: I'll second it.

MR. WEISS: Thank you John. And I probably should have asked first but I don't see any conditions Mr. Buzak is that correct?

MR. BUZAK: That's correct, just the usual ones the standard ones.

MR. WEISS: So the motion has been made and seconded is there any other conversation? Seeing no further questions from the Planning Board Catherine roll call please?

MS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Judy Johnson - yes
Nelson Russell - yes
Steve Bedell - yes
Brian Schaechter - yes
Scott Van Ness - yes
John Mania - yes
Howie Weiss - yes

MR. WEISS: Mr. Lucy after a month the resolution will be drafted you can go for your permit at that point.

MR. LUCY: Okay thank you.

MR. WEISS: Good luck to you.

MR. LUCY: Thank you.

APPLICATION #PB 13-03 – ELIZABETH & CARL SORANNO – BLOCK 7100, LOT 66

MR. WEISS: Actually (inaudible) the agenda I should have said earlier that our next application has been pulled from the agenda. If anyone is here for the PB 13-03 Soranno hearing I do apologize if you are here but that's going to be adjourned until May 16 with no further notice. I hope I didn't inconvenience anybody by not announcing that sooner.

APPLICATION #PB 13-10 – SUNLIGHT GENERAL MORRIS SOLAR, LLC – BLOCK 7100, LOT 67

MR. WEISS: That being said we move on to our next application. Before I introduce the next application if there's anybody here from the public for these applications I just want to make it clear that they're three separate applications. So just so that you know the first application we're going to hear applies to Tinc Road School, the second one will apply to this municipal complex and the third application will apply to Sand Shore School. So everyone is more than welcome to get involved in the

conversation and I'll go through that process in a second. But we're going to go in order; the first one will be for the Tinc Road. So formally I will introduce PB 13-10 Sunlight General Morris Solar, LLC seeking preliminary and final site plan, 24 Tinc Road which is the Tinc Road School located at Block 7100, Lot 67. That being said let me turn it over to the applicant, welcome.

MS. Thank you Mr. Chair, now that you've said that and set such a nice order since you have two attorneys before you one for the municipal complex and then the Board of Education attorney I would ask that could we please do the municipal complex first and then the two school district applications together, one after the other.

MR. WEISS: I have no problem with that (inaudible) Planning Board, that makes perfect sense let's change gears slightly.

APPLICATION #PB 13-09 – SUNLIGHT GENERAL MORRIS SOLAR, LLC – BLOCK 7900, LOT 18

MR. WEISS: Let me reintroduce the application then we're going to first hear PB 13-09 Sunlight General Morris Solar, LLC here for preliminary and final site plan for 204 Flanders-Drakestown Road which is the municipal complex located at Block 7900, Lot 18.

MS. FAIRWEATHER: Starting with that one my name is Judy Fairweather with Day Pitney on behalf of Sunlight and the Municipality for the proposition of the municipal complex this evening. We are here for preliminary & final site plan approval however I need to put on the record as Mr. Buzak knows that I respectfully disagree with his interpretation of the d31 review and it is our belief that it should be a d31 review. Saying that I have my engineer to start the application.

MR. WEISS: Ms. Fairweather how many experts will you introduce?

MS. FAIRWEATHER: Two.

MR. WEISS: Okay so would you like to switch with your engineer being first?

MS. FAIRWEATHER: Yes.

(JOSEPH HANRAHAN SWORN IN FOR THE RECORD)

MR. BUZAK: Would you please state your name and business address for the record spelling your last name.

MR. HANRAHAN: Joseph Hanrahan (H-A-N-R-A-H-A-N) I'm with Hanrahan Engineering 2640 Suite 10B Highway 70 Manasquan, 08736.

MR. BUZAK: Thank you sir.

MS. FAIRWEATHER: Joe can you please give us quickly your educational and professional background?

MR. HANRAHAN: Sure. I am a licensed professional engineer in the State of New Jersey I have a Civil Engineering degree from New Jersey Institute of Technology I have been working in this field of land development engineering for 20 years. I was formerly a principal with Schoor DePalma for 16 years and I've testified before dozens of municipalities throughout the State.

MS. FAIRWEATHER: And Joe you were responsible for and reviewed the plans before the Board this evening?

MR. HANRAHAN: That's correct.

MS. FAIRWEATHER: Okay can you please explain to the Board what we have proposed for the municipal complex.

MR. WEISS: Before you do that though hold on, does anybody have any questions for Mr. Hanrahan as we accept him as the expert engineer? Seeing none welcome Mr. Hanrahan.

MR. HANRAHAN: Thank you. The municipal complex project consists of carport solar systems to be constructed over the existing parking lot. This system will generate 450 kilowatts of electricity which represents 90 percent of the buildings energy usage. The carport system itself consists of four rows again over the existing parking lot; there will be no loss of parking stalls, no change to access aisles and no impact to circulation. The carports consists of steel columns mounted on concrete piers similar to a light pole foundations, above is a truss system and joist system to which the panels are attached. The panels the top of the array is tilted at a 10 degree angle towards the sun maintaining a 14 foot minimum clearance for emergency vehicle access. Also proposed as part of the project is an inverter on a concrete pad which will be on the west side of the building in a grass island between the building and the parking lot. The inverter will then be wired to the school's electric room . . .

MS. FAIRWEATHER: You mean the municipal complex.

MR. HANRAHAN: I'm sorry so many schools here I apologize, to the building's utility room and connected behind the meter for a net metered system. The project as far as the carports goes they will conflict with 10 light poles in the parking lot, those light poles will be replaced by under canopy lighting and that lighting will be designed to maintain the existing light levels in accordance with township standards. Additionally there will be ten trees along the parameter of the parking lot that are in conflict with the canopy system, those trees will be removed furthermore there will be ten trees to the west of the parking lot in the open space area that will be removed due to shading conflicts with the solar array.

MR. BUZAK: You said ten and ten sir?

MR. HANRAHAN: That's correct.

MR. WEISS: Those trees going to be replaced?

MR. HANRAHAN: There's no plan . . . the plans do not call for any replacement trees at this time.

MR. BUZAK: Where were the first ten going to be removed from?

MR. HANRAHAN: Mainly between the front of the parking lot and the building there's nine there and then there's one tree on the south of the parking lot along the parameter.

MR. MANIA: Mr. Chairman how many trees are going to be lost?

MR. HANRAHAN: 20.

MR. MANIA: And no plan to replace them.

MR. HANRAHAN: The plans do not call for any replacement trees that's correct.

MR. FLEISCHNER: Do you have any idea of where you're going to place trees because you are going to replace trees.

MS. FAIRWEATHER: That has not been discussed with the municipality on the replacement of the trees.

MR. FLEISCHNER: Well we are an autonomous Board and we have a Tree Replacement Ordinance.

MS. FAIRWEATHER: And we will comply with the ordinance.

MR. HANRAHAN: We can place them in accordance with your engineer or planner with their direction we can agree to that if that works.

MR. FLEISCHNER: I have another . . .

MR. WEISS: Sure.

MR. FLEISCHNER: The construction, are you familiar with the solar array in the parking lot in Lincoln Financial Field?

MR. HANRAHAN: No I am not.

MR. FLEISCHNER: Oh okay because it looks from what I've seen it looks very, very similar.

MR. HANRAHAN: I am not. I have done a number of these in Sussex County and a couple in Morris County but I'm not familiar with that one.

MR. KOROSKI: Is it similar to the ones that are at County College?

MR. HANRAHAN: I'm familiar with Sussex County College, not Morris County College.

MS. FAIRWEATHER: You know what those questions are for my next witness.

MR. FLEISCHNER: Okay.

MS. FAIRWEATHER: This is the engineer who designed the system.

MR. WEISS: Okay so Joe obviously the answer was they'll comply with the ordinance so that kind of answers the questions that any of us were thinking. Gene?

MR. BUCZYNSKI: Just to ask Mr. Hanrahan, are you familiar with the ordinance at all?

MR. HANRAHAN: No I am not.

MR. BUCZYNSKI: Because it's not going to be 20 tree replacements if you go per the ordinance and you're going to go with the ordinance there's going to be a lot more than 20 trees I think.

MR. HANRAHAN: Per diameter of the tree, understood.

MR. BUCZYNSKI: So many per

MR. HANRAHAN: Understood.

MR. BUCZYNSKI: Okay.

MR. BUZAK: Sir the other trees, the other ten trees are off-site is that correct? In other words off of the municipal property.

MR. HANRAHAN: Yes they are.

MR. WEISS: Tell us again why those trees, I'm seeing on page 2 of what I have in front of me, why are those trees coming out?

MR. HANRAHAN: They cast shade onto the panels, onto the array and therefore the arrays will not operate efficiently with the shade.

MR. WEISS: So those are fairly mature, larger trees then.

MR. HANRAHAN: They are but I would like to add that four of the trees are in pretty bad health or dead, so four out of those ten trees are in bad shape.

MR. MANIA: Is there a provision in our ordinance for dead trees?

MR. MCGROARTY: There is but I think this is a unusual application. Could I ask a question Mr. Chairman?

MR. WEISS: Please.

MR. MCGROARTY: Before we get to the numbers of trees, first we had met, we had discussed with the applicant and I just want to make sure on the record then there is confirmation that the adjacent property owner has agreed to this proposal.

MS. FAIRWEATHER: The adjacent property owner and the agreement with the adjacent property owner is being done by your municipality not by Sunlight. So as far as we understand that is going the way it's supposed to be. But we have no personal confirmation of that your Administrator would know the answer to that.

MR. MCGROARTY: Mr. Chairman if I may I just have one or two other things. The other thing along that line it wasn't entirely clear that absolutely ten had to be removed? There may have been some removed and some others may have been trimmed. Is this a somewhat conservative approach you just assumed ten will go?

MR. HANRAHAN: Yes it is a conservative approach; it is possible that all ten may not have to go that is correct.

MR. MCGROARTY: Okay.

MR. WEISS: Joe?

MR. FLEISCHNER: Is there anyone here from the municipality that can clarify, has an approval been given to take those trees down and is that acceptable? Because that is part and way part of the application.

MS. NATAFALUSY: I can tell you that I spoke to Sean Canning the Business Administrator and he said that they had conversations with Mt. Olive Complex about removing trees. That's what I know.

MS. FAIRWEATHER: And quite frankly we are not, if the trees aren't removed it's not going to leave us to operate an efficient system so that's part and parcel of . . .

MR. FLEISCHNER: That's got nothing to do with the price of cheese here. The question is if you have to cut down trees on someone else's property and it is a municipal question then I think we need to fully before we can even vote on this in reality is we have to be assured that an agreement is in place to allow this to occur.

MS. FAIRWEATHER: I think that that would be a condition of approval.

MR. FLEISCHNER: Well it could be.

MR. WEISS: I would agree that Ms. Fairweather we could make that a condition of approval I'm not going to get hung up on that. Obviously Joe you're right if it doesn't happen the rest of it won't happen either. Anything else? Okay I'm sorry go ahead.

MR. MANIA: Mr. Chairman?

MR. WEISS: Oh Scott I'm sorry Joe was blocking you.

MR. VAN NESS: The pillars that will hold the structure up how many will there be? This is not an indicator of how many pillars are there is that correct?

MR. HANRAHAN: They are not shown on that plan I do have the actual design plans here so I could count those up for you.

MR. VAN NESS: And you stated that there's not going to be a loss of parking. How are you going to accomplish that?

MR. HANRAHAN: The columns are aligned with the stripes of the parking stalls so there's no impact to the parking stalls.

MR. VAN NESS: What is the diameter of each of the pillars?

MR. HANRAHAN: The pillars themselves are 42 inch diameter but they will not be extending above the ground. The columns themselves which are 10 inches wide will be flush mounted with the pillars at grade level.

MR. VAN NESS: And I'm sorry the pillar diameter again?

MR. HANRAHAN: The ones I've seen are 42 inches I'd have to look at these design plans and confirm that exact dimension but 42 inches, maybe 36 inches.

MR. VAN NESS: So they'll be at the intersecting spot of four spaces? Or is it going to be in the center of a space?

MR. HANRAHAN: It depends where you have a stall with a curb in front of it will just be at one stripe, where you have double mounted you know a stall on each side it will be at the intersection of those stalls that's correct.

MR. VAN NESS: Of the stalls, it won't be midway or anything like that.

MR. HANRAHAN: No they'll be at the stripe aligned with the stalls.

MR. VAN NESS: Okay so there will be no danger of swinging in and whacking these pillars whatsoever.

MR. HANRAHAN: No that's correct.

MR. BEDELL: So you're saying the pillar that's above ground is 42 inches wide?

MR. HANRAHAN: No, no. That will be flush with grade. The column which is only 10 inches wide is all you will see . . .

MR. BEDELL: Yes exactly yes.

MR. WEISS: Mr. Hanrahan I have a question, when I'm looking at your first row of solar panels the one that covers the sidewalk if you will, there's no break. I don't know what kind of emergency vehicle needs to get into the building but are you concerned or should we be concerned that there's no break in that panel to allow an emergency vehicle if they have to drive closer to the municipal structure?

MR. HANRAHAN: They do provide the 14 foot clearance for emergency vehicles so you could drive under the vehicle and get into that court yard area with emergency vehicles if you had to.

MR. MCGROARTY: Mr. Chairman we did ask at the meeting we had to consider removing the panels at the sidewalk and in fact the last sheet of the plans shows that. So I don't know if they're going to . . . that's sort of an alternative scenario that they'll discuss with the Board?

MR. WEISS: Mr. Hanrahan if you would if you were going to go to that then maybe you would mark them for us so we know what you're talking about.

MR. HANRAHAN: Sure.

MS. FAIRWEATHER: Let's talk about that what's the date on those plans? Are these the plans that were submitted to the Board with the application?

MR. HANRAHAN: Yes they are.

MS. FAIRWEATHER: And just what's the rev. date on it?

MR. HANRAHAN: April 8, 2013.

MS. FAIRWEATHER: Okay and then you want to refer when you go to a different sheet we're looking at SP03 you refer to the sheet (inaudible).

MR. BUZAK: We need to move the microphone easel a little closer and you're not being picked up on the microphone.

MR. WEISS: So Scott I have Mr. Hanrahan setting up his (inaudible), my question to you is that do you know about height of say our latter truck? Assuming let's say the latter truck has to get into this area.

MR. BUCZYNSKI: It won't get in.

MR. WEISS: It won't get in.

MR. BUCZYNSKI: It won't get into 14 feet.

MR. WEISS: I don't know I just want to . . .

MR. VAN NESS: Well it wouldn't be able to operate. I might be able to drive under it but it wouldn't be able to operate.

MS. NATAFALUSY: I can tell you that I showed this to the Fire Marshall, he didn't have any issues with it but he did show it to the Budd Lake Fire Department and their only concern was that they would not be able to turn around in the lot. So they wanted the ability to go through the Police Department exit.

MR. VAN NESS: So I mean what is the space between the panels that are against the building and then the center panels? In other words to the aisle you're showing the space in the aisle?

MR. HANRAHAN: On the alternate plan?

MR. VAN NESS: No from left to right. You have the entire panels in front of the building and then you have the panels over the parking, what's the aisle . . .

MR. HANRAHAN: 24 feet.

MR. VAN NESS: Okay they get in there; they could actually probably raise the latter there in that aisle. They wouldn't get any closer to the building anyway should it be burning down to a smoldering heap of nothing.

MS. FAIRWEATHER: When we met with the professionals of the town the discussion we presented the plan showing the solid panels across the front of the building. They did ask us to do an alternative design in case the Board wanted to have an opening there. And Joe can you explain that please.

MR. HANRAHAN: This is the optional plan that's the last sheet of the set that was submitted to the Board.

MR. BUZAK: Before you go on let's mark that set of plans. Let's mark the . . . are you going to refer to specific sheets on that?

MR. HANRAHAN: Yes.

MR. BUZAK: All right why don't we mark the full set of plans A-1. Are they all of the same revision date, or all the same date and the revision date?

MR. HANRAHAN: Yes they are.

MR. BUZAK: Okay what's the date of the plans and then the latest revision date?

MR. HANRAHAN: The date of these plans is December 3, 2012 and the latest revision is April 8, 2013.

MR. BUZAK: And how many sheets comprise those plans?

MR. HANRAHAN: 12.

MR. WEISS: Okay so now you're referring to what appears to be from here PB100 and perhaps we'll mark that page is that what you like to do Mr. Buzak?

MR. BUZAK: Yes we're then going to refer to separate pages on there we can mark each one with an "A" designation so we'll know. So the full set is A-1 and so the first page you're looking at would be marked A-2 and that's sheet PV-100.

MR. HANRAHAN: This is the alternate plan; keep in mind so there's two PV-100's.

MR. WEISS: That's why we'll mark this one A-2.

MR. HANRAHAN: Okay gotcha.

MR. WEISS: If you would do that mark this A-2 with today's date and that's the plan that we're referring to and we're going to title that Revised Plan showing a break in the sidewalk perhaps so we'll know what we're talking about.

MR. HANRAHAN: Correct.

MR. WEISS: Okay same dates everything is good correct?

MR. HANRAHAN: Right.

MR. WEISS: Okay so let's talk about this plan.

MR. HANRAHAN: The alternate plan what we did is to maintain aisle to the courtyard of the building, remove that block of panels over the aisle for the southerly array. So it's a pretty simple change, same array size just moving a block of panels from one side to the other.

MR. KOROSKI: I've just got a question. You know I'm looking at all of the aerial shots here and there's plenty of roof space in the back of the municipal garages. Has anybody think of putting solar panels on top of those?

MS. FAIRWEATHER: That's your next witness. The answer is yes but I can't tell you that, it's your next witness.

MR. WEISS: Chuck question?

MR. MCGROARTY: In the unlikely event that even the two trees in front of the entrance walk on either side of the walk could be saved and it appears doubtful. Is there a reason why the, looking at the plans the right side I guess which is perhaps the easterly side, why that can't be shifted a bit to the east to open up that front opening? Is there a reason why it has to exist where it is? In other words the actual placement of those pillars and the like.

MR. HANRAHAN: What we tried to do is maintain the canopies over the actual parking areas and not cover green, limit the amount of green space that we cover with the canopies as much as possible. Could it be shifted? I'd have to look to see if there's any other conflicts in that area specifically but it's something we could look at.

MR. WEISS: That makes sense Chuck I like the opening up of the entranceway of the courtyard.

MR. MCGROARTY: Yeah and I don't know if you could save those trees anyway.

MR. WEISS: You probably could I mean (inaudible) I certainly have no idea but

MR. HANRAHAN: I'm not sure that we'd be able to save those trees though. Those trees I'm going to guess are 25 to 30 feet high and the shading that that would cast onto the array I don't think we'd be able to get far enough away to save that tree.

MR. WEISS: Okay.

MR. NELSEN: Chuck are you going for a symmetrical?

MR. MCGROARTY: Yes Dan, yes exactly that and also the possibility of the tree but (inaudible) yes. I think you and I were thinking about the same thing here if you're going to face the entranceway it would be nice if it was equal distance on both sides.

MR. VAN NESS: Chuck are you thinking that the edges of the array should be equal to the edges of the building entry? Like the left wing and the right wing?

MR. BUCZYNSKI: That's cutting it off quite a bit I think that it would reduce the amount of arrays quite a bit to do that.

MR. MCGROARTY: No, no I'm not saying about reducing arrays, I'm saying . . . I think the answer to your question Scott is yes I think so.

- MR. VAN NESS: Without reducing the . . . just by shifting and open that up.
- MR. MCGROARTY: Yes. And I don't know if it would actually line up with the, you know essentially is the Building Department.
- MR. VAN NESS: Well my Fung Shui would require it to be opened up to the edge to edge.
- MR. WEISS: So it sounds like the Planning Board is certainly more acceptable to that plan, the revised plan which is A-2.
- MS. FAIRWEATHER: Right.
- MR. WEISS: Does anybody disagree with that comment?
- MR. BEDELL: Say that again?
- MR. WEISS: It sounds like the Planning Board is more favorable to this revised plan.
- MR. BEDELL: I like that it opens it up a little bit for more sunlight.
- MR. WEISS: Ms. Fairweather your next witness is what?
- MS. FAIRWEATHER: My next witness is the representative of the County to explain the project to answer any questions regarding the project.
- MR. WEISS: Okay because (inaudible) ask questions. Okay go ahead Mr. Mania.
- MR. MANIA: Would I direct this question to him or to the engineer? I would like to know what the savings the municipality could foresee . . . the next man? Okay he's pointing down that way.
- MR. WEISS: Okay so let's continue with Mr. Hanrahan. Do you have any other things you want to discuss with the Planning Board?
- MR. HANRAHAN: No that was my presentation.
- MR. WEISS: Okay so what I'll do is maybe I'll turn it over to Gene if you have anything?
- MR. VAN NESS: Just one more. The arrays that are shown on the plan do they indicate actual size and numbers or is it just as an example?
- MR. HANRAHAN: No actual size and numbers.
- MR. VAN NESS: Okay so basically what we're looking at is moving the array to the right in front of the municipal building, to the right five panel sizes and to the left three panel sizes. That's kind of what you're looking at.
- MR. HANRAHAN: I agree, there may be conflicts that we can't do that but we will do our best to accommodate that shift.
- MR. VAN NESS: Understood.
- MS. FAIRWEATHER: If you authorize us to talk with your engineer about it because you have to worry about the columns, make sure they still line up with the parking, we'll absolutely look at it and work with your engineer.
- MR. BUCZYNSKI: Scott just so I understand, you want to try and make them move over so you have it by the edge of the building?
- MR. VAN NESS: Yeah.
- MR. BUCZYNSKI: Okay.

MR. NELSEN: You also mentioned that the lighting, the canopy is going to be 14 feet high the lighting provided will be given ample a light.

MR. HANRAHAN: Yes.

MS. FAIRWEATHER : As it exists today correct?

MR. HANRAHAN: That's correct and in accordance with municipal standards.

MR. BEDELL: That's the lowest part of the canopy is 14 feet?

MR. HANRAHAN: That's the lowest, that's correct.

MR. WEISS: Nelson?

MR. RUSSELL: Yeah you're going to be drilling holes in the parking lot to put the pillars; will the parking lot be resurfaced when you're through?

MS. FAIRWEATHER: That's the next guy. He's the engineer that designed this the County and how this works is the next person.

MR. RUSSELL: Okay.

MR. VAN NESS: Howie can I ask him if it would look like this?

MR. WEISS: You can ask that question.

MR. RUSSELL: Because if it's repaved it can be restriped

MR. VAN NESS: Will this project look like this?

MR. HANRAHAN: No.

MR. VAN NESS: How will it be different?

MR. HANRAHAN: This is a structure with the panels, it's almost like a roof system you have there with the panels mounted to the roof system at an angle. This system here is more of a single structure that has a tilted roof that the panels are flat against the roof.

MR. VAN NESS: Okay so at one end of the roof is the base, how high does that panel raise up?

MR. HANRAHAN: About 22-1/2 feet on the other end. So you have 14 clear on the front end, about 22-1/2 feet on the back end.

MR. NELSEN: So this will provide cover not just like some of them I think like Scott just showed you some of you have a panel maybe 6 feet, 8 feet long and then there's an opening and then another panel 6 feet. This is a continuous

MR. HANRAHAN: Yes it is but the panels themselves just approximately they're 3x6 panels, in between each panel there will be about a 1/2 inch gap.

MR. NELSEN: Oh there will.

MR. HANRAHAN: Yes there will be.

MR. NELSEN: So rain will come through there.

MR. HANRAHAN: Yes.

MR. BUCZYNSKI: At the meeting we had we had asked they bring some photographs some pictures of similar sites to what we have here. Were they submitted or brought to the meeting tonight or no? We asked that at the meeting.

MS. FAIRWEATHER: We do not have any pictures.

- MR. BUCZYNSKI: Because that would help some of this discussion.
- MR. VAN NESS: If I may just a couple more, well I have one more. How do you handle snow sliding off of this?
- MR. HANRAHAN: Again there's a ½ inch gap between each of the panels so that keeps concentrated flow and concentrated ice from building up. But also there's an ice guard at the low end of each array that's 6 inches high to prevent ice and snow from sliding off of the panels.
- MR. WEISS: Nelson?
- MR. RUSSELL: What's this going to do with snow removal of the lanes of the parking lot?
- MR. HANRAHAN: The snow removal is basically the same except they work around the columns. So again . . .
- MR. BEDELL: Like a lighting structure you would plow around a lighting structure I guess.
- MR. HANRAHAN: Exactly that's exactly the same situation.
- MR. MCGROARTY: But the trucks will fit?
- MR. HANRAHAN: Yes 14 foot cleared I mean highway clearance is 13.6 so 14 we're 6 inches above highway clearance.
- MR. MCGROARTY: Well that's at the high end right?
- MR. HANRAHAN: No that's the low end, that's the low end.
- MR. MCGROARTY: The high end is what 22 or 25?
- MR. HANRAHAN: 22-1/2 somewhere in there.
- MR. WEISS: Gene did you have any technical items that you want to
- MR. BUCZYNSKI: When we met we went over most of the technical items and concerns with some of the things going over the existing pipes in the parking lot which they've adjusted the cabinet their control areas so I have no other questions, it's what we brought up tonight.
- MR. WEISS: Okay.
- MR. BEDELL: How far are the pillars?
- MR. HANRAHAN: Typically they're every three stalls, I'm not saying in every case but so if you have a 9 foot stall typically they're averaging 27 feet. But it's not always that case but that's the typical model.
- MR. WEISS: Okay so with no other questions from the Planning Board let me open it to the public if anybody from the public has any questions.
- MR. MCGROARTY: Well I did have point more Mr. Chairman.
- MR. WEISS: Sure go ahead.
- MR. MCGROARTY: I think we asked this but I don't remember but let me ask it again anyway. Is there a reason why the panels were not placed on the southerly portion of the parking lot which is west of the senior building, down at the lower left point. Yeah up there and even above where your hand is. That parking lot there, is there a reason why more panels couldn't be put down there? Is it because of the trees to the west or is there some other reason why? And perhaps that would allow for less panels up closer to the building.
- MR. HANRAHAN: I wasn't involved in the exact selection of the sites, I can tell you a little bit about the process. They look at all of these sites from a roof, a ground mount, a canopy perspective;

they look at different areas and what works best and what doesn't work best. What has the best sun angle so most likely what happened is this is too short of a distance they maximize the distance that closest to the building that's most likely why they picked this area that they did. And they're at the maximum kilowattage of 90 percentage of the building so I assume those are the reasons but I wasn't involved in the selection of the array.

MR. WEISS: Will somebody be here to answer that question though?

MS. FAIRWEATHER: Yes I'm sure we'll get you an answer for that.

MR. WEISS: (Inaudible) Chuck because I think that's a good question.

MR. VAN NESS: How is the underneath of the panels finished?

MR. HANRAHAN: The finish like I said it's steel they're powder coated with an earth tone selected by the municipality whether it's beige or tan typically and they have members, joists box joists that the panels are attached. So you'll see a truss system at each column with joists going across to which the panels are attached. So you see these box members that are again . . .

MR. VAN NESS: It's going to have at least some type of finished look to it?

MR. HANRAHAN: Yes, yes.

MR. VAN NESS: It's not going to be some industrial . . .

MR. HANRAHAN: No it actually will look quite nice.

MR. WEISS: Joe?

MR. FLEISCHNER: Could you take a look . . . is it going to look similar to . . .this is part of the construction at Lincoln Financial as they were doing it it's not completed there but that's how they (inaudible) is it similar?

MR. HANRAHAN: It's similar to that it's not the exact same system but it's similar.

MR. WEISS: So let me just verify it so Catherine doesn't kill us later that Mr. Fleischner just presented a picture of a system that's being used at the Lincoln Financial Center in Philadelphia and Mr. Hanrahan said that the system is similar. Just for the record.

MS. NATAFALUSY: Thank you.

MR. WEISS: I don't think we need any more conversation about that. Gene you have a question?

MR. BUCYZNSKI: Joe just one thing I'm not sure if you mentioned it and I missed it but maybe the Board should be aware of the lighting that goes underneath the arrays, do you want to discuss that for the Board so they know.

MR. HANRAHAN: Yes they're 85 watt fluorescent lights that have downward reflectors that cast a light onto the pavement and they will maintain the existing light levels that are there today and will be in accordance with the light standards of the township.

MR. VAN NESS: The width of each of the arrays the same regardless of which row it's in?

MR. HANRAHAN: Not always but I think in this case yes.

MR. VAN NESS: And on page PV-402 of your plans in the upper right hand corner.

MR. WEISS: Scott you're referring to PV-402 in our packet correct?

MR. VAN NESS: In our packet yes.

MR. HANRAHAN: Yes.

- MR. BUZAK: So let's mark that sheet if you would you put forth PV-402 we'll mark that A-3.
- MR. WEISS: What is the title of those plans?
- MR. HANRAHAN: Photovoltaic System Details Sheet 3.
- MR. WEISS: Okay Scott you had a question about that?
- MR. VAN NESS: That graphic item display, number three the combiner box conduit details and canopy system, that canopy is the representation of what will be installed in this parking lot?
- MR. HANRAHAN: That's correct.
- MR. VAN NESS: So it would have one center pillar with
- MR. HANRAHAN: Cantilevered.
- MR. VAN NESS: Stuff going out of each side?
- MR. HANRAHAN: That's correct. So you have a truss system at each pillar and then you'll have between each pillar you'll have joists that connect the truss systems between each pillar.
- MR. WEISS: Nelson?
- MR. RUSSELL: I have a question, one your 85 watts is that incandescent or CFL?
- MR. HANRAHAN: CFL I believe.
- MR. RUSSELL: Okay so you get a lot more brightness than the 85 watts.
- MR. HANRAHAN: Right.
- MR. RUSSELL: Can you discuss wind load and snow load?
- MR. HANRAHAN: Yes I'm not the structural engineer but these are designed in accordance with all applicable codes. I think this area has 90 mile per hour wind loads that they're designed for. And snow loads again this is designed for the snow load of any roof system. So they'll be building permits that will be submitted all those calculations are checked during the building permit process. So all of those codes are complied with.
- MS. FAIRWEATHER: If I may interrupt here I'm going to pass around a computer and it's a picture (inaudible) but it is a picture of Randolph High School which is what this installation will look like.
- MR. SCHAECHTER: Is that picture available on the web? Is that a URL or is that a . . .
- MR. MCGROARTY: I thought we were going to have pictures themselves but it's a little hard to put that in the file.
- MS. FAIRWEATHER: But these people know the (inaudible).
- MR. WEISS: Okay so are there any questions from the Planning Board?
- MR. MCGROARTY: Yes we do, the lighting. You had indicated that it's fluorescent lighting. The details on sheet SP-06 various details for light (inaudible), can you tell us which ones will be used? You had mentioned fluorescent are they going to be individual fixtures like this?
- MR. HANRAHAN: Yes it's, I think it's the PGL62 the second light down on that detail.
- MR. WEISS: I think for the record we're looking at, well we'll call this exhibit A-4 which is SP-06 we've referenced PGL62 which truly is the second one down on the drawing.
- MR. HANRAHAN: That's correct.

MR. WEISS: And so I hate to make you go through it but please if you would find SP-06 mark that A-4 with today's date. So the response to Chuck's question was that the fixtures are going to be PGL62.

MR. HANRAHAN: That's correct.

MR. WEISS: Okay.

MR. MCGROARTY: One other question I'm sorry.

MR. WEISS: Please.

MR. MCGROARTY: Again I just want to make sure that we're clear about what it's going to look like. When we looked at this at the meeting there's different details and on one sheet SP-06 that same sheet the column is flush with grade if I read that correctly?

MR. HANRAHAN: Yes.

MR. MCGROARTY: And that's how it will be designed out here?

MR. HANRAHAN: That's correct.

MR. MCGROARTY: Because on PV-402 it looks different. And not only is it on a concrete footing but there are bollards on either side.

MR. BUCZYNSKI: I think we brought that up at the meeting too.

MR. HANRAHAN: There is an option to have the pedestals raised above the ground but it was my understanding the municipality preferred on this application for them to be flush.

MR. MCGROARTY: So it will be flush and no bollards.

MR. HANRAHAN: That's correct.

MR. BUCZYNSKI: So that detail would be revised then?

MR. HANRAHAN: Yes.

MR. WEISS: Scott?

MR. VAN NESS: Is there an impact load on these?

MR. HANRAHAN: Yeah these are designed again in accordance with applicable codes. There's a safety factor of I think 2.5, again I'm not the structural engineer there is an impact load I can get that to you because I have a letter if you do want to know exactly what that number is. 15,000 pounds and from the structural engineer that's a 10 to 15 mile per hour impact speed. Again that's from the structural engineer that's not my expertise but that's from the structural engineer.

MR. BEDELL: I'm assuming the bollards will just take up more parking space.

MR. HANRAHAN: The bollards are optional they can be installed they would go right in front of the column along the stripe so they wouldn't take up any more parking stalls. You would start to impede a little bit on the opening of the doors.

MR. VAN NESS: 42 inches diameter is not significant for some cars but it's quite significant for others.

MR. MCGROARTY: If I may Mr. Chairman just to make sure of one thing, the front spaces which are designed ADA accessible there's not going to be any height handicap designation is there?

MR. HANRAHAN: No there will be no impact to the handicap stalls.

MR. WEISS: Anything else?

MR. MCGROARTY: Thank you no.

MR. WEISS: All right at this point let me open it to the public if anybody from the public has any questions for Mr. Hanrahan based on the testimony that was given tonight? Please sir if you would could you come up to the podium and state your name for the record.

MR. HASKOOR: John Haskell (H-A-S-K-O-O-R).

MR. BUZAK: And your address?

MR. HASKOOR: I just have one question whether it's a main concern or not I don't know just the design of the panels you said there's going to be a gap in between them where water will drain. Now during wintertime when you get freezing of snow and gathering and its freezing and melting and dripping within the parking lot is that going to create more of a safety hazard for people walking through the parking lot? Because you'll get that freeze and melt you'll be shaded you won't have the sun working to melt the ice, is that going to create any further safety hazard with people walking in the parking lot coming to their cars late at night with black ice?

MR. HANRAHAN: There will be at times where you have to put down a little bit more deicing compounds for these systems so there are times where you do have to apply additional deicing compounds as a result of that situation.

MR. WEISS: Mr. Haskoor if you would also what is your address for the record?

MR. HASKOOR: It's 4 Carla Ann Court. My main concern to see on how the impact obviously on the town will maintain that.

MR. WEISS: Thank you. I suppose the next witness will talk to us about maintenance of this structure too because we'll kind of piggy back that into other issues. Anybody else from the public? Seeing none I'll close it to the public, Mr. Hanrahan thank you very much.

MR. HANRAHAN: Thank you.

MR. WEISS: Ms. Fairweather I guess you can introduce your next witness.

MS. FAIRWEATHER: Yes I can.

(JOE SANTAITI SWORN IN FOR THE RECORD)

MR. BUZAK: Please state your name and business address for the record spelling your last name.

MR. SANTAITI: Joe Santiaiti (S-A-N-T-A-I-T-I) Gable Associates located at 417 Dennison Street, Highland Park, NJ.

MR. BUZAK: Thank you sir.

MS. FAIRWEATHER: Joe would you please have a seat and tell us how you were involved in this project, what is your roll?

MR. SANTAITI: Gable Associates is the energy consultant to the County Improvement Authority we were one part of the professional team that was hired to implement the request for proposal process to select the solar power purchase agreement provider. We're also responsible for the construction administration of the projects. So in terms of all the projects that have been installed to date we have been overseeing that element of the project as well as the evaluation process in the development of the request for proposals that we undertook nearly a year ago.

MS. FAIRWEATHER: All right Joe some questions have come up, they ask what was the dollar amount that the municipality will see in regard to this project?

MR. SANTAITI: The power purchase agreement is a 15 year term and the municipality will be charged a rate of 6.67 cents. So to put things into perspective you're currently probably paying with your commodity charge which is one portion of your bill and your transmission and distribution part of your bill which is your lines charges essentially approximately 12 to 13 cents. So it would be essentially

be cutting your bill in half for the municipality. So according to previous testimony its sized at almost 90 percent of the load for the site and it will be cutting approximately 90 percent of that load in half in terms of energy costs. Which is somewhere around \$25,000 a year in year one attributable to a large part to very competitive energy markets today, natural gas prices are really low.

MR. BUZAK: A \$25,000 savings?

MR. SANTAITI: Savings, savings per year and that escalates.

MS. FAIRWEATHER: Maintenance of the structure.

MR. SANTAITI: Yeah these systems are owned and operated and maintained by the solar power purchase provider which is Sunlight General.

MR. BUZAK: Sir I'm sorry you're going to have to speak up.

MR. SANTAITI: Sunlight General Capital is the solar developer there the power purchase agreement provider, they're responsible to operate and maintain the systems over the next 15 years. So if there's any issues with performance of the panels, if there's any issues with the columns, the structures they'll be contact information and there will be an entire process that we need to follow throughout and following at the end where we have an emergency response plan that's given to the municipality along with training to the Fire Department. At that time they're given a list of contact names in the event that they should come across any issues with the system. However, the power purchase agreement provider is monitoring this system every day that the sun is out. I mean their investment and their ability to get the returns they need are predicated on the operation of the system which ties very nicely into the municipality's objective to reduce operating costs and get some cost savings on the energy side of the equation.

MR. WEISS: Is there a responsibility from someone from the municipal end to do something about this?

MR. SANTAITI: No, no like previous testimony said I mean a lot of these questions are excellent questions and the question from the audience was a question we encounter quite often especially in the northern part of the state. This same system is at Sussex County College, it's at Newton Board of Education, it's at Kittatiny Regional High School, Franklin in Sussex County all areas that had similar concerns about icing. And what we've told, like we've told your Township Administrator you may have to plow a little bit less underneath the panels because obviously now there's some coverage but you may have to sand or salt or as he said use some type of deicing a little bit more. Because that is an excellent point that there will be no sun shining on that but it is part of your typical maintenance procedures on your side. The lighting, although it's part of the canopy system and (inaudible) it's part of their design as those lights begin to burn out they're your lighting so they'll displace your current lighting in that parking lot. So instead of replacing a light that maybe on a pole significantly higher now you'll have the lighting on the underside of the canopy to provide you with adequate lighting.

MR. WEISS: Mr. Mania?

MR. MANIA: What is the life expectancy of these panels?

MR. SANTAITI: The panels have a performance output warranty of 25 years so these systems can typically operate much longer than that. The power purchase agreement is for only 15 years and that's because of State Law and that's pretty much the limit by which we're allowed to go out to bid for in terms of a 15 year duration for a power purchase agreement. At the end of the 15 years there's three end of term provisions. The primary is that the developer is required to remove the system and restore the lots to their original condition, less wear and tear of course at their cost. The secondary option as provided for in the program documents is that you can extend the contract beyond the 15 year term. Now that's not currently allowable by law but we're expecting that as a lot of these power purchase agreements begin to approach the end of their 15 year term there will most likely be a lot of pressure on the legislature to have some provisions in there to be able to negotiate an extension. The third and final option would be that the municipality can elect to buy the system at fair market value from the developer. So all three of those options are available to the municipality and they can elect whichever one they like at the end of the 15 years.

MR. MANIA: As they age what loss of energy can be expected?

MR. SANTAITI: They degrade I believe it's about a half a percent a year which is all taken into consideration in the models that were provided by Sunlight General in terms of the annual production numbers. It's important to note too that Sunlight General is required to provide a performance output guarantee on the system. It's at 90 percent of the projected output of the system, failure to provide 90 percent output results in them reimbursing the township for the difference between that output number and what they were paying the utility. So there is certain protections in place as well that enable a little bit more price stability for the municipality over the 15 years.

MR. MCGROARTY: Just if I may on Mr. Mania's point, do I understand it then is it a constant 90 percent of contractual arrangement?

MR. SANTAITI: It actually varies per year and it takes into consideration the degradation.

MR. MCGROARTY: Because in 15 years at a loss of 5 percent

MR. SANTAITI: Half of a percent.

MR. MCGROARTY: Half of a percent I stand corrected. Then at the end of the period it's the savings arguably is less.

MR. SANTAITI: Right, that's right.

MR. MCGROARTY: And is there a compensating factor in the contract or not?

MR. SANTAITI: No, no I mean what we've done and as part of the evaluation process is all of the developer's were required to submit their bids and we compared bids by also degrading the outputs of the panels and we compared the economics of each based on that. So this proposal that was provided ended up providing the most overall benefit. When we do our calculations that we provide to the Township Administrator showing him the savings over the 15 years it assumes a level of degradation over the 15 years.

MR. MCGROARTY: Thank you.

MR. SANTAITI: You're welcome.

MR. WEISS: Go ahead Joe.

MR. FLEISCHNER: In this area if you notices the roofs of houses they're all darkened and you can put a new roof on and within three to four years you'll see all black streaks and that is obviously as a result of Mt. Olive is on the glide path for Newark Airport and it's all of the jet fuels. Is there a provision to clean these solar collectors so that there isn't a buildup of that material which you will not find in other areas?

MR. SANTAITI: Well they're most likely going to find it before you because its areas of film being left on the panels that are affecting the performance. They'll be dispatching somebody to troubleshoot that situation. Which in turn would require them to either remove the soil and/or do something to the effect that they . . . they want to make sure that those panels are producing at optimal performance at all times. Because it impacts obviously either side of the economic equation translating into obviously impacting the municipality.

MR. FLEISCHNER: And so if the degradation is greater than a half percent that would be a signal for

MR. SANTAITI: They're going to know on an annualized basis and more than that actually.

MR. FLEISCHNER: Hopefully.

MR. SANTAITI: Yeah.

MR. FLEISCHNER: Also how long does Sunlight General Capital Solar Energy Development portion of it been in business?

MR. BEDELL: 2009 from what I saw.

MR. SANTAITI: Yes I believe that is correct.

MR. BEDELL: What's their track record they manage or maintain? Have they kind of lived up to what they have said?

MR. SANTAITI: In terms of performance on the actual systems themselves these systems are all being designed well and built to a high standard.

MR. BEDELL: And their being maintained as promised?

MR. SANTAITI: To the best of my knowledge that's what I've been told.

MR. WEISS: Scott?

MR. VAN NESS: What's the period until its break even for the company? Is that projected?

MR. SANTAITI: For the developer?

MR. VAN NESS: Yes.

MR. SANTAITI: That's not something we're typically privy to. There are (inaudible) in the power purchase agreement provides that they give us a rate and we compare that rate against other rates provided by other PPA providers.

MR. VAN NESS: What's the cost of an installation like this? Is that something that you're able to tell us?

MR. SANTAITI: Yes that we know because there's bonds that were floated for that they're responsible for paying back. I believe this was 9 megawatts of solar and I think if I recall correctly its upper thirty millions, I believe that's correct off the top of my head.

MR. VAN NESS: Was that for just the municipality?

MR. SANTAITI: No, no, no the RFP that was issued over a year ago included 9.24 megawatts worth of solar to be installed throughout the County. That includes the County College of Morris, Randolph Board of Education, and a series of other local units throughout, Chester Board of Education. What ends up happening during this type of process is once they're awarded the contract they then begin to really do the due diligence on the engineering side, geotechnical surveys, structural analysis on the roof and so forth and so on. In that process some time sites have a tendency to fall out for a variety reasons like they do a structural analysis on a roof it's deemed to be not structurally sound they remove it from the program. The program documents allow for their ability to find replacement sites or new sites so that they can be made whole on the 9.2 megawatts that they're required to build. That's where you guys came into the equation. So there are sites that are built and operational because they were part of the initial RFP that came out over a year ago. You now have the opportunity which is fortunate I think in some ways because you have the ability to see what the rate is whereas nobody else did that was part of the original RFP. And knowing what market conditions are and what the true benefits is to you.

MR. VAN NESS: Is the cost of each of these sites broken down to installation, supplies, labor and so on?

MR. SANTAITI: They provided as part of the way that the program works they have (inaudible) total cost that they floated bonds for that they're required to pay back through a combination of several revenue sources. They're obtaining tax credit in the form of a treasury grant from the federal government 30 percent, they get the ability to accelerate the depreciation, the asset in an accelerated fashion and they're also getting two revenue sources over the next 15 years. Your PPA rate that they charge you and a solar renewal bond of certificates. So they're required to obviously manage the extract market and the extract market risk over the next 15 years as well. All of those revenue sources translate into what your PPA rate is. Now as part of the draw down for how they get their money is there's certain milestones that need to be met. Am I going into too deep here?

MR. VAN NESS: You're taking the long way to tell me how much does it cost to put the thing up?

MR. SANTAITI: It values per site and it values per site because different types of installations have different cost components right? A carport canopy is much more expensive than a roof mounted system and somewhere in between would be a ground mount.

MR. VAN NESS: And is the cost of our installation here in Mt. Olive Township part of the expanded cost of the entire County?

MR. SANTAITI: It's not so much an expanded cost, the sites that we lost one of the things that we've been trying to do is match cost per cost. So what was lost originally we're trying to find similar price point projects to replace them with. So there's no more bonds to be floated or money to be given in the project. What we can't have is a situation where a municipality only has the ability to install a 10 Kw carport that at a price point on a cost per KW basis it's just not economical. Because it wouldn't work for the developer, it wouldn't work for the program documents so at 400 plus kw this becomes a nice size system. Is it more expensive than it was the 400 kw ground mount? Yes. And to answer somebody's question before about the roofs, pitched roofs Sunlight General doesn't tend to install anything on roofs that require penetrations. Most of the roofs that they looked at within this they walked the sites with Sean because that's the first thing that they look for. Roofs first, ground second, carport third and the (inaudible) cost parameters that surround those. So between the shading element as well as penetrations of roofs are ruled out.

MR. WEISS: Mr. Santaiti I have a question for you from the attorney.

MR. BUZAK: Two things, is it true that the panels themselves serve as what would otherwise be known as the roof of these canopies?

MR. SANTAITI: Yeah I mean . . .

MR. BUZAK: There's no structure on which the panels are mounted like a roof

MR. SANTAITI: There's purl ins that run . . . yes and then the panels are mounted to the purl in and there's rails and there's a truss.

MR. BUZAK: How does one access those panels from the outside?

MR. SANTAITI: Typically the way that they're installed is they have a lift, a genie you know a two man lift? The low edge of the array can certainly be the access via a latter.

MR. BUZAK: Understood. But as you go further up the panel so to speak because these are several panels wide obviously, how do you get to a center panel? The spaces in between them are only

MR. SANTAITI: They would have to use a piece of equipment. So if there was an issue with a panel in between . . in the middle of an array they'd have to use a piece of equipment and normally they'd block off a parking spot or two and do what they needed to do on that. Most of the equipment that requires a level of maintenance more routinely than the panels themselves are mounted at a height on the underside of the panels that they actually have access to to a latter. The (inaudible) boxes and things like that and then the other equipment is obviously the inverter pad.

MR. BUZAK: Understood. Would these panels support the weight of a human being walking on those panels to get from one to another? Or is that something that is

MR. SANTAITI: I don't know that sir I'm not an engineer, a structural engineer I've been in the energy industry for a while but I couldn't answer that question. I would guess that the owner of the system wouldn't want anybody walking on those either way.

MR. BUZAK: But your testimony was that they had a 15,000 pound; did you not say they had a 15,000 weight limit?

MR. VAN NESS: That was the impact on the pillars.

MR. SANTAITI: I think that was the previous testimony. I don't talk in thousand pounds.

MR. VAN NESS: I have a few more questions.

MR. WEISS: Okay go ahead Scott.

MR. VAN NESS: What is the cost to the Mt. Olive taxpayer to install this?

MR. SANTAITI: Nothing.

MR. VAN NESS: And what would the cost of the Mt. Olive taxpayer be 15 years projected?

MR. SANTAITI: Nothing.

MR. VAN NESS: When the contract ends

MR. SANTAITI: If they buy the system that will be determined at fair market value at that moment in time.

MR. VAN NESS: And there's no projection of what fair market value might be at that time?

MR. SANTAITI: They could, I'm not sure if they broke it out per site as part of this RFP it's very difficult to do, but my guess is the fair market value will be just above what it costs to remove the system. Or just below I should say.

MR. FLEISCHNER: The technology could be completely different. You could have one panel that does everything that that does.

MR. SANTAITI: Yeah you know you're right and we hear that quite often but you'd be surprised at how much the technology has actually progressed over the last 20 or 30 years in terms of efficiency.

MR. WEISS: Mr. Santaiti we had a couple of other questions. I think Nelson asked a question about the maintenance of the parking lot once you're drilling holes in the parking lot. Is it your intention to repair?

MR. SANTAITI: All of the areas that they actually affect to drive in their posts will be patched appropriately. They're not repaving the parking lot they'll make sure that everything is patched accordingly and then obviously I should point this out. Before the project and before their allowed to bill you for the savings there is an inspection that's done by our team as well as somebody from the township to make sure that it's up to the satisfaction of the township.

MR. WEISS: Now there was another unanswered question that was deferred to you which was the design of the system where I think it was Mr. McGroarty pointed out that you're not utilizing that southern southwesterly section. Why don't you explain to us why you're not considering . . . and what I'm referring to specifically was A-2.

MR. SANTAITI: I know the area you're talking about. First off it's why the developer is not I am the consultant.

MR. WEISS: Okay better question why is the developer is not.

MR. SANTAITI: They looked at that area as well. They removed that area for a couple of reasons, one there's some trees that are located to the south area of that would need to come down and for such a small array in that area to have to take down the number of trees wouldn't have made a lot of sense. There's also a power line that runs in the back side of that. I know some people think that small power lines may not do much but to this developer in their shading profile which is a zero tolerance on shading a power line will have an impact on production. And so they tend to stay away from anything that could provide for an impact on the production.

MR. WEISS: Okay and then you obviously talked about your three different types of systems. A roof mount would be your first choice could you explain why you can't do it here.

MR. SANTAITI: Penetrations.

MR. WEISS: Right. And then a . . . what was the second one you called it you had a name for it?

MR. SANTAITI: The ground mounts.

MR. WEISS: Did they explore that on this side?

MR. SANTAITI: They did I mean with the exception of maybe doing it in the is it a detention or retention in the front?

MR. BUCYNSKI: Detention.

MR. WEISS: In the front of the building.

MR. SANTAITI: There's not really a lot of area for that. I mean in talking it over with the township they determined that probably the most ideal spot would be in the parking lot. It wouldn't impact their ability to utilize it at all in the future, it would generate some savings from a visual perspective, it's not on the roadside it's tucked in between the two buildings. There was a lot of thoughts, if you want to see a system that's installed and operational that's not far from here Byram Lakes Elementary School right up the road has one and it's pretty much the same exact system that is being proposed to be installed here.

MR. WEISS: Steve?

MR. BEDELL: I'm assuming no one is here from Sunlight General? I mean they are the owner of the project or should someone from Sunlight be here?

MS. FAIRWEATHER: They are here. Someone from Sunlight is here.

MR. BEDELL: Oh okay.

MS. FAIRWEATHER: They're not a witness they're here as the project as the owner of the project.

MR. BEDELL: I mean just for certain questions that have been asked that (inaudible) would answer I mean it would be nice if somebody could . . .

MS. FAIRWEATHER: Okay I thought that Joe answered all of the questions, were there questions out there that need answers?

MR. WEISS: I have none if anybody has a question it's good to know. Dan?

MR. NELSEN: Regarding the rooftop and the reason your avoiding the rooftop is because of penetrations they would necessitate penetrating the roof. Don't some companies use a weighted system where they weight down the . . .

MR. SANTAITI: On flat roofs, you can't do a ballasted type of system on a pitched roof.

MR. NELSEN: What degree of pitch is considered a flat roof?

MR. SANTAITI: Just enough of a pitch that would be for drainage purposes. I mean you're talking a very slight pitch on those roofs. Mostly schools have flat roofs I mean these here are very pitched they would require penetrations there is no type of ballasted system that could be used for the types of roofs that you have. And they do that in large part, I mean there are other sort of vendors who do do penetrations on pitched roofs, these guys they don't.

MR. NELSEN: Steve and I visited a few sites today and I was amazed some of them are very, very large vast sites. And I'm kind of surprised that the technology hasn't come along further with step up transformers or something to that effect. Where you can take whatever you get from the smaller mount and just increase it with transformers.

MR. SANTAITI: Well do in applications where the distance between where the solar array is and where it needs to feed the power is required they'll step it up and then step it down. In this case the distance didn't require that and they look at in their calculations what this drops and you know what it takes to get the power from point A to point B.

MR. NELSEN: Okay obviously it must make sense somebody is making money at it.

MR. VAN NESS: Does the layout of the parking lot . . . is the existing layout of the parking lot is what made this project viable?

MR. SANTAITI: I believe that in looking at the orientation of a lot is being as close to due south as you can get without putting in a ground mount where you can actually physically face it the way that you want may be output . . . on a kilowatt (inaudible) basis.

MR. WEISS: Ladies and gentlemen I think we've beaten this one to a pulp. Does anybody else have anything that we have . . .

MS. JOHNSON: I just have one last . . .

MR. WEISS: Perfect.

MS. JOHNSON: More to the Administration, did we actually speak to anyone that has been involved in these projects over the last few years and gage their level of satisfaction and are they happy they did this?

MR. WEISS: Well maybe the best comment and I'm just giving an opinion is that the administration has been on board with the design of this project so we have to perhaps assume that the administration is done their due diligence and that's all we can do.

MR. BEDELL: It would be good if they were here though.

MR. WEISS: But they're not so there's nothing we can do. Chuck or Gene anything else that you might have?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No.

MR. WEISS: Anybody from the public have anything that they would like to ask of Mr. Santaiti based on his testimony delivered this evening? Seeing none I'll close it to the public. If I see no other questions from the Planning Board I'll thank Mr. Santaiti for your time. Is there anything else that you want to bring to us tonight?

MS. FAIRWEATHER: No sir.

MR. WEISS: Excellent answer. We discussed it ladies and gentlemen we have beat it to death it is what it is we accept it for what it is. The technical merits seem to be in the hands of our experts you know we're working here at a plan that was kind of . . . and I know you make a good point Steve the Administration is not here but this is the plan the Administration has kind of endorsed I would say. It's up to us as a Planning Board to determine if it's the right thing to do. I support that if we were to make a motion to move forward on this application Mr. Buzak would add a few conditions.

MR. MCGROARTY: Well may I before you do that?

MR. WEISS: Please do.

MR. MCGROARTY: What's the Board's thinking about the panels along the front of the building? There's the option to open them up I don't know if you had decided what you wanted to do on that.

MR. WEISS: Thanks Chuck that's a good point that was an open issue. I think that it sounded like from what we heard that the Board not only liked it open but symmetrical and perhaps Mr. Santaiti you listened in in what we were saying. To make it as symmetrical as possible for a little bit more curb appeal and to open up that court yard which would be the revised plan which was A-2. So is that correct Planning Board?

MR. MANIA: That's correct.

MR. WEISS: So thanks Chuck.

MR. FLEISCHNER: (Inaudible) it cannot be symmetrical because . . .

MR. WEISS: Correct it can't be symmetrical but it can be curb appeal to make it look as appealing as possible.

MS. FAIRWEATHER: Alternate 2.

MR. WEISS: With that being said Mr. Buzak.

MR. BUZAK: I have the following conditions, the applicant will comply with our tree replacement ordinance in conjunction with the engineer and the planner, any approval will be contingent upon an agreement or conditioned upon an agreement with the adjacent property owner to allow for the removal of the trees, a revision to accept the alternate plan on sheet A2 with maintaining the opening to the court yard and also shifting to the extent possible the panels to make them as symmetrical as possible in relationship to the building. The PGL-62 shown on A-4 will be the lighting fixtures and the pedestals will be flush and they'll be no bollards.

MR. MCGROARTY: And may I? Again the question of what happens at the end of the 15 year period is not a decision of this Board then it's a question of really the governing body and the Mayor.

MS. FAIRWEATHER: Yes.

MR. FLEISCHNER: I have a question. When you said in compliance with the tree ordinance so that the municipality would have to plant some trees but the problem I have is the municipality didn't come to this Board and ask for money from our tree bank to plant the trees.

MR. BUZAK: The applicant here is Sunlight General they would be required to do that. But the point is well made.

MR. FLEISCHNER: I just want to make sure.

MR. WEISS: So let's move on then, anything else? Okay so those conditions noted Mr. Mania?

MR. MANIA: I move for approval of PB 13-09 Sunlight General Morris Solar, LLC preliminary and final site plan 204 Flanders-Drakestown Road the municipal complex.

MR. WEISS: Second?

MR. NELSEN: Second.

MR. WEISS: Conversation?

MR. BEDELL: You know when Benjamin Moore came in they got the . . . it was on the Zoning Board they got the approval you know quick and easy but then they came back six months later with DEP and then they had to tear up their driveway and put the driveway mount in. I don't know if you foresee any or do we need to note anything with DEP approval?

MR. MCGROARTY: I can answer that.

MR. BEDELL: Okay.

MR. MCGROARTY: Well I can answer the Benjamin Moore not theirs but we'll leave it at that. The Benjamin Moore application came back to the Board for the portion that was on the farm field and there was a question there because it's in the Preservation Area of impervious coverage. The applicant probably should address because it is about the point of this site and they'll have to address it with the other two sites whether or not the Highlands applicability determination has been made. And I think we did talk about that at the meeting and I don't know if it's too late because . . . that's up to the Chair.

MR. BEDELL: We may just want to just maybe in the motion pending you know DEP?

MR. MCGROARTY: It was because of the farm.

MR. BEDELL: Yeah okay that's two separate.

MR. WEISS: Yeah and maybe it's best to address this as a condition that they'll conform with the Highlands regulations.

MR. BEDELL: That's why I figured before the vote.

MR. WEISS: So Mr. Buzak is going to add that John, would that be acceptable to add a condition?

MR. MANIA: Absolutely.

MR. WEISS: And of course I should also turn to Ms. Fairweather to ask if that's acceptable to you the conditions raised.

MS. FAIRWEATHER: We have to comply with the Highlands no matter what so you can make it a condition or not it doesn't matter we still have to comply.

MR. WEISS: We feel better adding it though.

MS. FAIRWEATHER: Sure if it makes you feel better.

MR. WEISS: It does I feel a lot better now. And DEP and all the other governing body's that are going to get their hands on this thing.

MR. BUZAK: The standard conditions.

MR. WEISS: Standard conditions right. Okay anything else?

MR. RUSSELL: Is this a permitted use in the zone?

MR. MCGROARTY: We it's a municipal site and we don't address, the ordinance does not have a provision for solar arrays or carports or anything of that nature as accessory structures. With Benjamin Moore it was . . . Catherine tells me we treated it as an accessory structure.

MS. NATAFALUSY: For the carport.

MR. MCGROARTY: The carport. How we treat it on a municipal property I defer to Ed.

MR. BUZAK: I think it would be the same thing. I think we would treat it as an accessory use to the structure that's here in the same manner.

MR. WEISS: Okay that being said seeing nothing else . . .

MR. MANIA: Just one quick comment? I'd be remiss if I didn't say this. You know we're going to save taxpayers money and saving taxpayers money is the bottom line to me we pay enough taxes in this town. So if we can save some bucks God Bless us. Thank you.

MR. WEISS: Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Judy Johnson - yes
Nelson Russell - yes
Steve Bedell - yes
Brian Schaechter - yes
Scott Van Ness - yes
John Mania - yes
Howie Weiss - yes

MS. FAIRWEATHER: Thank you.

APPLICATION #PB 13-10 – SUNLIGHT GENERAL MORRIS SOLAR, LLC – (BLOCK 7100, LOT 67)

MR. WEISS: All right we'll come to the original schedule which is PB 13-10 Sunlight General Morris Solar, LLC preliminary and final site plan for 24 Tinc Road which is the Tinc Road School Block 7100, Lot 67. You know what before we do that I'm just going to ask let's take, when I say five minutes 9:15 we're coming back we'll take a five minute break.

(FIVE MINUTE BREAK TAKEN)

MR WEISS: Application PB 13-10, I'm going to ask a question actually a little bit out of the ordinary I know we have an audience here we have two applications one for Tinc Road School, one for Sand Shore and what I want to try to do is be considerate of your time as well. I will move the application because most of the folks here are for the Sand Shore either to hear the Sand Shore application or the Tinc Road. So maybe a show of hands how many people are here for Tinc? And Sand Shore? In a very close vote Sand Shore unfortunately we're going go forward with Tinc. I do believe that based on some of the testimony and it's not my job to testify but we heard most of the engineering and we've heard certainly a lot of Mr. Santaiti I don't think we're going to be (inaudible) unless there's a specific situation so I don't intend to move it fast because of the late hour but we do like to break these meetings at 10:00. So I am going to do everything in our power to be efficient, effective and as soon as Mr. Buzak comes back we're going to start. So I will bring the meeting back to order we are going to continue with the application that I introduced which is PB 13-10 which is the Tinc Road School and I turn it back over to Ms. Fairweather.

MS. FAIRWEATHER: And I'm going to turn it over to the Board of Education attorney.

MR. GEFNER: Stephen Gefner from Day Price & King representing the Board of Education of the Township of Mount Olive. I'm making an application request for

MR BUZAK: Mr. Gefner excuse me could you please spell your name for the record.

MR. GEFNER: (G-E-F-N-E-R) the firm is Day Price & King located in Florham Park.

MR. BUZAK: Thank you.

MR. GEFNER: I make an application to the Board specifically I guess to Mr. Buzak that this be treated as a 40:55D31 review not a full site plan application. Both based upon that and upon the School Board Law 18A that also recommends that because this is an application by the owners of the property which is the Mt. Olive School Board that this be treated as a review and not a full blown site plan application.

MR. BUZAK: All right Mr. Chairman we dealt with this issue also with regard to the use of power and as was pointed out the applicant here is Sunlight General Morris Solar the other ones who are proposing this and we've come to the conclusion that this therefore does not enjoy the benefits of the D31 recommending review or courtesy review but instead a full blown site plan application. We worked with both the municipal application, the school board's application to reduce the requirements the waive requirements that were unnecessarys that the project can go forward. But as you saw really coming in for the municipal building project there are a number of things that the Planning Board is able to advance and interests that their able to advance for the benefit of the municipality. So I would respectfully recommend that (inaudible) this application be denied and that we proceed with the site plan, preliminary and final site plan review.

MR. BUZAK: And that was the advice given to the Planning Board which is the advice that we've been proceeding with so I would ask that we continue.

MR. GEFNER: I would just like to point out for the record if a School Board is a co-applicant in this matter as well.

MR. BUZAK: Thank you.

MR. GEFNER: The proofs that you've heard are going to be very similar to what we will proceed with for both applications although to break them down to one school at a time. However we'll call Mr. Joe Hanrahan who testified in the previous case to testify on the technical areas involved with

the ground mount as opposed to the canopy procedure. Mr. Hanrahan has been previously sworn I don't believe we have to go through those briefs again.

MR. BUZAK: Mr. Hanrahan you remain under oath you can proceed.

MR. HANRAHAN: Thank you.

MR. GEFNER: Joe would you please describe what the ground mount is as compared to the canopy program that you had described earlier and what the impact is both for the school, for educational purposes, as well as the cost saving that the town will realize as a result of these.

MR. HANRAHAN: Yes this project involves a 2.4 acre ground mount solar array located along the easterly side of the Tinc School property. This system will generate 360 kilowatts which represents 81 percent of the schools energy usage. The ground mount system consists of steel posts driven into the ground with a racking system attached to the posts to which the panels are mounted. These panels are mounted on a 25 degree angle towards the sun, they're 3 feet off the ground at the front end and 9 feet off the ground at the back end. The system will be enclosed by an 8 foot high chain link fence. The chain link fence will consist of black vinyl coated mesh 1-1/4 inch links no climb mesh for safety and screening purposes. Access will be provided through a 20 foot wide gate along the driveway aisle to allow access within the array itself, within the enclosed fenced area. There will be a 50 foot clearance between the fence and the array itself for access vehicles. Also as part of the array and enclosed within the fence will be a concrete pad for the inverter. The inverter will be wired to the schools electric room underground and connected after the meter for the net metered system. This project also proposes 48 Arborvitae trees 5 feet on center along the easterly property line to enhance the screening in combination with the fence to the neighbors to the east. There are no tree removals purposed as part of this project and the ground itself is an open space maintained land and suits itself quite well to this proposed application.

MR. BUZAK: What was the number of Arborvitae trees?

MR. HANRAHAN: 48 will be planted 5 feet on center 78 feet high.

MR. GEFNER: Will this proposal also provide an educational opportunity for the students both for this school and elsewhere around the community?

MR. HANRAHAN: Yes there is an educational component where the students can with a kiosk within the school can visualize the energy savings and kilowatts produced from the array. So there is an educational component to this program.

MR. FLEISCHNER: Excuse me you really believe that.

MR. HANRAHAN: Yes.

MR. FLEISCHNER: Okay how old are the children that are going to be seeing this?

MR. BEDELL: Elementary.

MR. HANRAHAN: I just want to point out one thing about the educational component. The (inaudible) was clearing and the project and developer pretty much educational component. The educational component is web based so you'll be able to pull this up anywhere you have internet service. Which means that the kids at the High School and any other school that may have older kids can still access the graphics, look at the environmental metrics and incorporate it into some of their science curriculum. So it's not just made for you know first grade or second grade.

MR. NELSEN: The first screening you mentioned can you repeat that again? What kind of fencing it was and . . .

MR. HANRAHAN: Oh it's 1-1/4 inch mesh no climb fence for safety and screening purposes its black vinyl coated so it does provide some sort of filtered screening to the array itself.

MR. NELSEN: How high is that fence?

MR. HANRAHAN: 8 feet high.

- MR. NELSEN: And you have 48 Arborvitaes on that eastern side of this property?
- MR. HANRAHAN: That's correct.
- MR. NELSEN: I'm looking at the print here of the drawing and it looks like that 48 feet comes to approximately less than half almost maybe a third.
- MR. VAN NESS: its 240 feet out of the 695 it seems a little short.
- MR. NELSEN: Yeah it seems a little short is what I'm saying. Why wouldn't you screen the entire length of whatever that neighbor's property is there?
- MR. HANRAHAN: The reason for that is we have the structure there and the pool and the plan was to screen the structure and the pool to the neighbor to the east, the remainder of the land is open space.
- MR. NELSEN: How high are the Arborvitaes?
- MR. HANRAHAN: 7 to 8 feet tall as planted.
- MR. NELSEN: And would they be maintained?
- MR. HANRAHAN: Yes they will be maintained.
- MR. NELSEN: And if they're eaten by the deer or . . .
- MR. HANRAHAN: They're planted inside the fence.
- MR. VAN NESS: Well that makes absolutely no sense. So you're going to have a screened fence with the trees on the inside of the fence so you can't see the trees.
- MR. HANRAHAN: You'll see the fence but you won't see the panels.
- MR. BEDELL: You'll see the black meshing.
- MR. HANRAHAN: Yes.
- MR. VAN NESS: So the neighbors here are going to see a large 8 foot black wall for 694 feet and 10 inches I think it says or something to that effect, a black wall all the way up this property line along the this eastern . . .
- MR. BEDELL: And the tops of trees.
- MR. VAN NESS: That sounds ridiculous. Absolutely ridiculous.
- MR. NELSEN: I think you need to put the trees on outside of the fence. So if anything they're looking at some greenery instead of a fence.
- MR. VAN NESS: I'm sitting here on this side of a bench I live nowhere near Tinc Road School and I'm very unhappy about this concept. I can only imagine what we're going to hear from the residents that live there.
- MR. GEFNER: Isn't this fence one you can see through in the mesh fence?
- MR. HANRAHAN: Yes it is.
- MR. GEFNER: And the planting that you put behind the fence will also because it's a black fence, also look like the fence disappears and you just see the trees behind it?
- MR. HANRAHAN: Yes.
- MR. BEDELL: But is there a black line I thought you had said?
- MR. HANRAHAN: No there's a black vinyl coated chain link fence.

MR. BEDELL: Oh okay.

MR. HANRAHAN: So you can see through it, it does provide filtered screening so you'll see that where you have the trees behind the fence you will see the trees they'll be filtered behind the fence.

MR BUCZYNSKI: It's not vinyl slats it's just coated, it's plastic.

MR. BEDELL: I know what it is.

MR MANIA: It's chain link.

MR. BEDELL: I'm thinking like by Benjamin Moore they had that vinyl mesh, that's what I was thinking about.

MR. HANRAHAN: It has a small mesh fence so (inaudible) and at the same time the small mesh does provide filtered screening. It's a chain link fence with . . . it wouldn't be a black wall but . . .

MR. NELSEN: With just a slight angle because of the density of the chain link I think if you . . . other than looking at it straight on but if you're on any kind of an angle it's going to appear to be a black wall I believe.

MR. WEISS: It's load and clear from this end let's move on.

MR FLEISCHNER: Well my question is do you have an alternate proposal? Because I think there's a number of people on this Board that are not happy with that.

MR. HANRAHAN: Again this site all the solar options we looked at from a roof, carport and ground mount system the roof is too old so the roof cannot support a rooftop system. The carport system the parking lot is too small and oriented in the wrong direction, and the ground mount system is it's actually an ideal situation for a ground mount system.

MR. BEDELL: I think its good where it is I just think the trees should be on the outside of the fence, that's all.

MR. WEISS: Gentlemen hold on I think the question that, Mr. Hanrahan the question that Mr. Fleischner has for you is do you propose an alternative to the screening? Joe is that what you're asking?

MR. FLEISCHNER: Yeah.

MR. WEISS: You actually answered a very good question, addressed the other concerns you just did you know why you can't be a parking lot, why it can't be a roof mount good answer. Go backwards why can't you screen it based on the recommendations that you're hearing from the Planning Board?

MR. HANRAHAN: We can move the trees to the outside of the fence.

MR. WEISS: Perfect answer, does that make you happy Scott?

MR. VAN NESS: It makes me happy for 240 feet what about the rest of it?

MR. WEISS: What about the rest of it?

MR. HANRAHAN: We can extend the trees to the remainder of the fence line.

MR. GEFNER: My concern gentlemen, and not to argue, is that by keeping the Arborvitaes on the inside of the fence rather than the outside of the fence it's much less accessible to deer damage. And the fence tends to disappear with the trees behind them. It's been my experience, and I'm testifying and I apologize that by keeping the trees on the inside of the fence they're more protected than they would be on the other side of the fence.

MR. MCGROARTY: Yeah well I agree I mean if they're inside the fence and it's going to be an enclosed fence 8 foot high if you put them on the outside of the fence they're going to get nipped.

MR. VAN NESS: What is this fence going to look like from . . .

MR. GEFNER: Chuck doesn't the fence disappear into the trees if they're right behind them?

MR. MCGROARTY: Well yeah there's a black vinyl chain link fence down at the Shop Rite along the side if my memory is correct because it's been awhile. And generally that's the best option if you're going with the chain link because then of course you don't see it it doesn't have that . . . it doesn't reflect sunlight, etc. But to preserve the trees I mean if they're inside the fence it's just going to be a better safety measure I'm sure. If you put them on the outside they're going to look like lollipops in a couple of years, they're going to get nipped right from the ground up.

MR. NELSEN: Is there another Evergreen that wouldn't happen with? Like perhaps Norway Spruce do pretty good.

MR. MCGROARTY: I don't know I honestly don't know the answer to that question.

MR. WEISS: The question is Steve made a point about a Spruce tree but that might get too tall wouldn't it?

MR. HANRAHAN: Yes it would.

MR. WEISS: So therefore maybe we're hearing that putting the trees on the other side of the fence is smart but Scott still makes a good point. You're still willing to extend it the entire length of that property.

MR. GEFNER: No we are not. I apologize for that statement.

MR. WEISS: Okay.

MR. BEDELL: I assume the trees won't provide any shade to the . . . where they're located?

MR. GEFNER: That's correct they're going to be maintained at the fence height.

MR. BEDELL: Okay.

MR. WEISS: Okay question was asked and it was answered. Can we extend it? No. Will it go on the other side of the fence? No it's going to be on this side of the fence it's going to be on the school side of the fence it will be 8 feet tall and it will be 48 Arborvitaes 5 foot centered that's 240 feet. That's your offer.

MR. GEFNER: Yes.

MR. MCGROARTY: Mr. Chairman on that point just two things if I may one is just the detail on the plans I didn't see one if it is on there I missed it and I apologize. But is there a planting height that you . . .

MR. HANRAHAN: 7 to 8 feet planting height.

MR. MCGROARTY: Oh okay thank you. The other question then would just be, and this again for the Board to consider with the applicant, if not the entire length and we did ask for the buffering down there that was prompted by the initial meetings that we had but I recognize now there's a house fronting on Tinc Road so what about at least some of the portion up at that end or the southerly end to screen that persons yard?

MR. HANRAHAN: I just got an indication that can do that for that home yes. There's also some natural landscaping there but we will fill that in.

MR. WEISS: So you're telling us that you will screen the southerly end. You'll screen that area but you're not offering to extend the screening on the north.

MS. FAIRWEATHER: There are no homes there.

MR. BEDELL: That's all open space you saying?

MR. HANRAHAN: Yes.

MR. WEISS: There are no homes but again Mr. Van Ness pointed out that you didn't complete the screening the entire length of the property and I think we asked and you said you're not willing to extend it. Is that accurate?

MR. GEFNER: That's correct.

MR. WEISS: Okay I think that's a mistake but you're entitled to do whatever you like. Okay we understand what they're willing to do.

MR. GEFNER: We'll supplement the landscaping at the southerly end.

MR. BUZAK: No I mean with regard to the screening that was proposed on the southerly, can I get a number or number of feet that we're talking about so we have something as opposed to . . .

MR. BUCZYNSKI: Why don't we say it's along the southerly and westerly property line of Lot 80.

MR. WEISS: Yeah that's good we'll identify cover the balance of that Lot 80?

MR. HANRAHAN: Yeah that's Lot 80.

MR. BUCZYNSKI: To fill in their areas correct?

MR. WEISS: Yeah I'll take your word that it's Lot 80.

MR. BUCZYNSKI: Yeah it is.

MR. WEISS: Mr. Gefner that's acceptable to screen the balance of that Lot 80 (inaudible) and you're suggesting whatever number of feet that is the balance that comes over Lot 80.

MR. GEFNER: Yes.

MR. WEISS: Okay. Any other questions?

MR. GEFNER: No that's it that's our presentation.

MR. WEISS: Does anybody else from the Planning Board have a question . . . I'll come back lets hold off, is there anybody from the public have any questions Mr. Hanrahan based on the testimony that he just delivered? Seeing none I'll close it to the public. Anybody else from the Planning Board?

MR. Mr. Hanrahan are you telling me that to plant another 90 trees you're willing to risk this project not going through? Or not getting approval from this Board?

MR. GEFNER: The Morris County Board of Freeholders is really in charge of this project. I think any condition that you impose has to be approved by the Board of Freeholders. We're here representing only one portion of the application so if you want to impose a condition you might want to address that to the Freeholders and perhaps they'll deal with it appropriately.

MR. VAN NESS: I don't think that's our job to call the Freeholders for anything that's your job is to make sure that you can represent your client as appropriately as you need to.

MR. FLEISCHNER: You can always withdraw your application and talk to them and come back.

MR. GEFNER: I don't intend to do that.

MR. WEISS: Okay gentlemen we've heard it, anything else?

MR. GEFNER: Just give me one minute to consult with my client please.

MR. VAN NESS: Mr. Chairman I do think it's important that if any resident in Tinc Road speak up though.

MR. WEISS: And listen for brevity we've heard it, we've heard the answer.

MR. MANIA: Right.

MR. WEISS: They've heard the request we don't need to pound on it.

MR. NELSON: Is there any way we can substitute the green vinyl fence for black?

MR. HANRAHAN: It is going to be black.

MR. MANIA: He wants it green.

MR. HANRAHAN: Oh I'm sorry I thought he said . . . okay.

MS. FAIRWEATHER: Yes we're coming back. We're done.

MR. HANRAHAN: Would you guys rather us put a wood fence there?

MS. FAIRWEATHER: A board on board fence instead of the black.

MR. HANRAHAN: Right along that property line?

MS. FAIRWEATHER: Board on board fence a wood fence.

MR. BUCZYNSKI: The whole length as we talked about?

MS. FAIRWEATHER: Instead of the planting let's just put a board on board they'll see a fence instead of someone else's fence in the back yard.

MR. NELSEN: Can we open that to the public and ask some of those neighbors back there what their thoughts are on that?

MR. WEISS: Yeah listen we'll come back to the public again before we close our meeting for the evening. I think that the question from the applicant is, is the Planning Board interested entertaining was it 8 feet high board on board?

MS. FAIRWEATHER: Yes.

MR. WEISS: The entire length of that from the north to the south.

MR. HANRAHAN: Right the entire length.

MS. FAIRWEATHER: Right.

MR. MCGROARTY: Is that, Mr. Chairman I just had one more question.

MR. WEISS: Sure Chuck.

MR. MCGROARTY: Since you suggested that I take it your comfortable with that as a security barrier as opposed to . . .

MR. ?: Obviously we'll have to work up a detail to kind of connect the two of them.

MR. WEISS: That's right we have to swear him in.

MR. BUCZYNSKI: The other question is what are they going to do along Lot 80? Are they going to do trees or a fence?

MS. FAIRWEATHER: Peter.

(PETER DUBRO SWORN IN FOR THE RECORD)

MR. BUZAK: Could you please state your name and business address for the record spelling your last name?

MR. DUBRO: My name is Peter Dubro (D-U-B-R-O) I'm a professional engineer in the State of New Jersey I work for Sunlight General Capital at 991 U.S. 22, Suite 100 in Bridgewater, New Jersey.

MR. BUZAK: Thank you sir.

MR. GEFNER: Mr. Dubro are you the person who is in charge of this project for Sunlight?

MR. DUBRO: I am.

MR. WEISS: Mr. Dubro your going to stand somewhere near the . . . Gentlemen let's kind of repeat the conversation of . . we were talking about your offer to swap that chain link fence into an 8 foot high board on board fence for the entire length of the back of the property is that correct?

MR. DUBRO: Yes.

MR. WEISS: Okay I don't remember your question Chuck.

MR. MCGROARTY: Mr. Chairman my question was I assume it's comfortable . . . they've suggested it so from a security standpoint to protect the array field that would work?

MR. DUBRO: Yeah at 8 foot high.

MR. MCGROARTY: 8 foot high.

MR. DUBRO: Yeah. I'd imagine we'd want something of the life span associated with this project I would assume it would be of cedar rather than the pressure treated but I would have to look into that further.

MR. WEISS: Mr. Dubro I have a question at the southern most point of that board on board fence and then you're going to start heading I guess that would be west, what would that little section be because I'm wondering if that . . . would you then at that point turn it into a chain link fence?

MR. DUBRO: Yeah my understanding is to . . . this area is screened in here, this would be a chain link fence coming into here and we'd have to probably overlap it at some point to form a connection between the chain link fence and the board on board.

MR. MCGOARTY: So the board on board would run along that easterly line or contiguous with the residential lots.

MR. DUBRO: Yes.

MR. MCGROARTY: Okay.

MR. WEISS: Can we tell what that structure is on Lot 80? Can you tell what that is? I don't know if that's a swimming pool

MR. BEDELL: There's a pool in the back.

MR. WEISS: No I see that but right here what is this? Is the owner of Lot 80 here?

MR. BEDELL: No.

MR. WEISS: Jim do you understand what I'm asking in the aerial?

MR. HANRAHAN: Yes.

MR. WEISS: It appears to be it looks like a donut I don't know if you can see it.

MR. HANRAHAN: They do have a 6 foot high solid wood fence around their property in the backyard just for informational purposes.

MR. WEISS: I'm just curious what this structure is it could be a trampoline for all I can see from the aerial shot. I'm on PB-101. Okay so anyway your offer was to run the fence the entire length

and at that corner of Lot 80 we should start the chain link fence and then continue back up to the northwestern section.

MR. DUBRO: Right.

MR. WEISS: Planning Board did you have any objection to that? Scott?

MR. VAN NESS: Well I don't know to me a natural planting barrier is probably more aesthetically pleasing to the neighbors I'm guessing than a wood fence. I mean it just seems to me that if you don't put anything beyond the 240 feet of plantings what the neighbors will see is a black fence and the back side of a solar array. Is that correct?

MS. FAIRWEATHER: Look at where your neighbors live if you take a look up here here is the house and pool people that live here are going to have plantings all the way down to there. There is no one here and unless they come in and ask you to subdivide that property there isn't going to be a house there in the next 15 years.

MR. VAN NESS: I understand.

MS. FAIRWEATHER: So there's no reason to plant all of this and triple the amount of plantings that's proposed. If you want someone to be able to look down there a board on board fence is used in homes. This house here has a 6 foot board on board fence around it.

MR. VAN NESS: 6 foot.

MS. FAIRWEATHER: Yeah so they're not going to . . . when they're in their backyard they're not going to be able see anything they've already got a 6 foot fence.

MR. VAN NESS: Actually their deck in the back is probably higher than your entire system.

MR. NELSEN: And your panels are 9 feet high.

MS. FAIRWEATHER: Yes they are.

MR. VAN NESS: So they'll see it easily.

MS. FAIRWEATHER: Right they're panels, they're solar panels you're going to be able to see them.

MR. FLEISCHNER: And maybe the kids in school are going to say, teacher come there's an opening between . . . they didn't plant the trees?

MR. BEDELL: But you know what though with the topography of the land there it starts high in the back of the school it goes a lot lower so if you stand high you're just going to see it that's just the way the land is.

MR. WEISS: If I was to summarize it if we made it very clear that, and Chuck was very eloquently told us that planting would be affected by the wildlife. That's a fact of life. A fence eliminates that problem I think the offer is generous we might not all agree that it's the best but it's a screening that satisfies us because we wanted the entire length. And again we can sit here and argue what we like better but the applicant has an offer and I think the offer answered our concern, that's my opinion. Again I respect everyone . . . I like it green, I like it black, I like a tree, I like a fence, the applicant made an offer to satisfy our request.

MR. MANIA: I would like to hear from the neighbors and see what their feelings are.

MR. WEISS: I don't have a problem unfortunately the owner of Lot 80 is not here.

MS. FAIRWEATHER: And they had noticed and they're not here.

MR. WEISS: I agree, I agree.

MR. BEDELL: Was one of the options the chain link fence with the Arborvitaes' the whole way or just the first 48? It was just the first 48 correct?

MR. DUBRO: Right.

MR. BEDELL: Okay.

MR. WEISS: Okay so that being said let's end this conversation I think the Planning Board is acceptable to, it might not be unanimously acceptable but the Planning Board I'm getting an opinion is it's acceptable to Mr. Dubro's offer. I want to then at this point go back to the public, does anybody from public have any input or questions or comment about the fencing that's proposed by Mr. Dubro? Sir.

MR. HASKOOR: John Haskoor. I'm not sure if we're having someone else speak more on this and that's why I don't know if this question should be asked now for the answer but as far as we said that after 15 years the burden, and going back to the cost to the taxpayers, I think there was three choices after 15 years. The town can either choose to purchase . . .

MS. FAIRWEATHER: The School Board could choose to purchase.

MR. HASKOOR: Okay the School Board could choose to purchase it. Now the cost, does any of that cost come back to the taxpayers? Because at that point I mean you really weren't giving a number of the cost of installing this, maintaining it. Like they said the life span is 25 years hopefully. I'm sure that 15 years they won't have as much of a problem but you know coming up on 20 years things start to fail, what the cost will be will the taxpayers deal with that? For ground systems as far as vandalism because it is low to the ground let's face it things happen we've seen it happen in the past, the cost of repairing solar panels due to vandalism. I mean this is all going to come back to our pockets some time. I mean I'm all for keeping taxes low for us but to me after 15 years, I mean I'm not doing this for myself I don't know where I'll be in 15 years but for the people moving into the town it's a concern to me.

MR. WEISS: And it's not up to me to answer that question but I think we all understand that Mr. Giordano would most likely still be the Board of Education President, but all joking aside, it's most likely at that time that will become a decision of the governing body of the Board of Education to make a financial decision. It's certainly nothing that this Planning Board is going to address it's not our jurisdiction to do that and I would imagine that we have to rely on our elected officials to make those financials decisions that are best for the taxpayers. I don't know how else we can answer that I don't think it would be even fair to turn to the members of the Board that are here this evening because odds are good they won't be here but like anything else they're going to make a decision at the time that will be appropriate. I'll give you an example of a condition let's say the fence 15 years from now needs some work it's rotting it needs a whole bunch of maintenance, the Board of Education could negotiate with the developer and say I'll buy it, it's almost like buying a home you put a punch list together and they would fix what's there. Or they say we're not interested because it hasn't been efficient. Whatever they do that's their decision it's a business decision and it's a decision that's going to happen 15 years from now. So I don't know if that answered your question but I don't know how we can answer that question.

MS. FAIRWEATHER: Yeah it's speculative and it's 15 years in the future.

MR. HASKOOR: No I understand in you know relation to a fence repairing as opposed to this whole array of solar panels I think the cost is you know totally on two separate levels.

MR. GEFNER: But that was testified that's only one of three choices the other choices were they will take it out.

MR. HASKOOR: At a cost.

MR. WEISS: I think we got it, no disrespect I think you understand the options it's nothing that needs to be discussed now and again we just rely on the elected officials at that time to make the right decision.

MR. HASKOOR: Understand.

MR. WEISS: Okay thank you. Okay anybody else from the public about the fencing? Okay I'll close it to the public and I'll turn it back over to Mr. Gefner.

MR. GEFNER: I have no further witnesses for this application.

MR. BUCZYNSKI: I just have one item relative to the engineering. On Sheet SP-06 when we met with everybody a couple of weeks ago on the ground mount racking detail the distance at the time was 3 feet on one side and it showed a height of 15 feet.

MR. WEISS: Mr. Hanrahan I know your thinking about the answer but when you get there we'll mark this one A-1 which is Sheet SP-06 with today's date and I know Mr. Buczynski is questioning details on that sheet.

MR. BUCZYNSKI: Just that one detail I think you just have to have to distance because now you (inaudible) to 9 feet but there's no distance shown on the plans.

MR. HANRAHAN: Yes we'll revise the plan to indicate that dimension.

MR. MCGROARTY: I was just going to say you'll add a detail about the board on board fence right?

MR. HANRAHAN: Yes.

MR. NELSEN: Mr. Chair?

MR. MCGROARTY: Yes.

MR. NELSEN: Question about the fencing? You said maybe a cedar type wood probably not a pressure treated. Isn't there anything decorative about it, dog eared corners or anything like that?

MR. DUBRO: No it's going to be flat it's going to be a solid fill basically.

MR. NELSEN: All right but I know I see a lot of them where they just kind of dog ear the corners that would you know just give it a softer look.

MR. DUBRO: I haven't looked into . . . we'll discuss it with the building department.

MS. NATAFALUSY: What was your question I didn't hear you?

MR. NELSEN: I just wanted to know if they were going to do anything a little bit decorative on the fence. If it could be, the corners the top of the panels would be dog eared. Instead of being straight up a flat straight all the way across the corners are cut it's just kind of a softer look.

MS. FAIRWEATHER: We'll work with your town engineer to make it look softer.

MR. NELSEN: Thank you.

MR. WEISS: All right I take it you have rested?

MR. DUBRO: I have rested.

MR. WEISS: Good answer. Does anybody else have any questions? Chuck, Gene?

MR. MCGROARTY: I have nothing.

MR. BUCZYNSKI: I have nothing else

MR. WEISS: Okay at this point then one more time to the public if anybody from the public has any questions about the application or comments, anything to say about this application now is the opportunity. Sir you know the routine you'll come up you'll state your name spell your last name for the record with your address.

MR. PUDER: Tom Puder (P-U-D-E-R) 74 Kevin Drive. I just had one question I'm curious if the panels are 9 foot high why is your fence 8 foot? Don't you want to cover the whole panel?

MR. WEISS: It's the ordinance.

MR. PUDER: Is it the ordinance?

MR. MCGROARTY: No the ordinance is actually 6 foot.

MR. PUDER: I'm just wondering why you wouldn't cover the whole panel so the neighbor wouldn't see it.

MR. MCGROARTY: It's a viable question.

MS. FAIRWEATHER: People have decks there's decks in the backyard, there's second story's to their houses and they're going to see it. Its solar panels.

MR. MCGROARTY: Okay thank you for that question. Anybody else? Okay seeing none I will close it to the public. Before we open up for a motion Mr. Buzak will read a couple of conditions that if we were so inclined to approve this application they would include the following conditions.

MR. BUZAK: Well we would have the standard conditions of approvals from other governmental agencies as we did in the earlier one and the only condition that I have is the installation of a board on board fence in lieu of plantings along the southerly line, I think it's approximately 664 feet, I'll check the dimension but I think that's what it was.

MS. FAIRWEATHER: Easterly side Mr. Buzak.

MR. BUZAK: Easterly side with the details to be worked out with the township engineer.

MR. WEISS: Okay those conditions considered will someone on the Planning Board make a motion.

MR. RUSSELL: I'll move that PB 13-10 Sunlight General Morris Solar LLC be approved.

MR. WEISS: Thank you. Second?

MR. MANIA: I'll second.

MR. WEISS: Thank you Mr. Mania. Any comments? Seeing none roll call.

MS. NATAFALUSY:

Joe Fleischner	- yes
Dan Nelsen	- yes
Judy Johnson	- yes
Nelson Russell	- yes
Steve Bedell	- yes
Brian Schaechter	- yes
Scott Van Ness	- no
John Mania	- yes
Howie Weiss	- yes

MR. WEISS: Okay here's what we're going to do, even though its 10:00 I want to continue. I want to continue I think we showed that we can address the issues, I think by this point I think we can read the Planning Board and perhaps if we meet some resistance we can address it.

APPLICATION PB #13-11 – SUNLIGHT GENERAL MORRIS SOLAR, LLC – BLOCK 900, LOT 12

MR. WEISS: As I introduce PB 13-11 Sunlight General Morris Solar, LLC preliminary and final site plan which is 498 Sand Shore Road which is the Sand Shore School. We have the same applicant, same attorney, we have the same witnesses are under oath which is obviously Mr. Hanrahan would be back the engineer, Mr. Gefner you are the Board of Education attorney and Ms. Fairweather is here too.

MR. GEFNER: I'm not going to bore you with anything new. Just to reiterate my application to Mr. Buzak I know the answers so I'm just going to put it on the record. This is a very heavily screened area as opposed to the last application. There's a significant amount of landscaping around or trees around the site so I'm going to call Mr. Hanrahan how to describe this site, this ground mounted site at this location.

MR. HANRAHAN: This system is very similar to the last Tinc proposal. Again it's a ground mount system 1.6 acres a little bit smaller than the Tinc system. It's located at the northeast corner of the school again in an open space area; it is heavily buffered to the residences to the east. This system does

have two access points two 20 foot wide access points, there's also an inverter pad within the chain link fence the chain link fence is at the same standards as the Tinc School it's 8 feet high 1-1/4 inch no pine safety and screening purposes.

MR. WEISS: Okay so let me just clarify the current buffering that's there now maybe if would take time to just using your ruler, can you tell us the depth of that natural buffer that's there and confirm that you have no plans to tough it or remove it.

MR. HANRAHAN: Yes I will. That buffer to the east to the right of the solar array is at its minimum distance of 120 feet wide so it's a substantial buffer. I walked the property today I've walked the property in the past you cannot see through the buffer even in the wintertime. So it is 120 feet wide and we do not, there is no proposal to eliminate or disturb any trees on this project either in that buffer or anywhere around the array.

MR. WEISS: Let's do one thing let's turn to this plan and we're going to call this A-1 which is on the map you've been pointing to it it's page SP-02 which is your overall plan dated for today the same exact dates that we previously mentioned as far as revisions. And you've been pointing to the northwesterly corner which is the area behind the existing baseball field when you just explained to us that that's the buffer and I want you to tell me again how deep that buffer is.

MR. HANRAHAN: 120 feet deep and it's the northeasterly corner.

MR. BUZAK: That's starting the trees to the property line correct?

MR. HANRAHAN: That's correct.

MR. NELSEN: Those are mature trees?

MR. HANRAHAN: Yes there's undergrowth there, there are some that are 40 feet high it's a combination.

MR. VAN NESS: Does that electrical box cause any noise?

MR. HANRAHAN: Yes they do they will be less than the borough ordinance and the DEP standards of 65 decibels at the property line. This inverter is rated at 17 feet it will have 60 decibels, we are 300 feet to the property line so we'll be well below the 65 decibel maximum. And the noise itself is a humming noise similar to a transformer, if you were to walk up to a transformer you could hear the humming of it, that's a similar noise that the inverter will make.

MR. WEISS: And so as you're moving to the right I thought that would be east but . . .

MR. HANRAHAN: North is straight up on the page so I'm referring easterly that way.

MR. WEISS: That's fine, to the right the homes are getting further and further away from the site so I think at the closest point your testifying it's 120 feet you have up off of . . . the property lines starts there and it gets even further away.

MR. HANRAHAN: That's correct, that's correct. The nearest house is 280 feet to the nearest house from the array itself. From the array itself 280 feet to the nearest house.

MR. WEISS: So there is a concern and it's very hard to see but in the most northern portion of that map, there's absolutely no buffering to that.

MR. HANRAHAN: That's correct there's no buffering but it's a skewed view they will only be able to see a piece of the array. And again there will be the fence there and they'll be looking at an angle so their view of the array will be substantially screened because they're looking through the fence at an angle and they're 280 feet away.

MR. WEISS: I'm just going to go real quick is the owner of Lot 39.20 here? Okay. So okay you testified to the buffer and we appreciate that. I want you to spend a little time telling us about the options that you had and why you selected the ground array.

MR. HANRAHAN: Very similar to the Tinc school the roof is too old so it can't support a roof mounted system and the parking lot is too small and not oriented in the proper direction so it doesn't

lend itself to a carport system. And again this is ideally suited for a ground mount system flat ground, open space, no trees.

MR. WEISS: What direction of the parking does it need to be in? Which way would your solar fields would need to go in order for it to work?

MR. HANRAHAN: Basically if they were 45 degrees out of . . . if they were kinked 45 degrees so that they were parallel with the bottom of the page that would be due south.

MR. WEISS: That's a fairly large open area. I don't understand why you couldn't combine the ground mount and a parking lot mount in that parking lot area.

MR. HANRAHAN: Well that open space area in the front we have shading conflicts so you will really . . . you either have to take down trees or even if you didn't have shading conflicts it's too small. But with the shading conflicts and the size of the parking and the orientation it just doesn't work.

MR. WEISS: I don't know if I agree with that. I might not be qualified to give that opinion but I know that parking lot is an extremely large open area with probably no shading issues and I don't know how much time you actually spend determining if you could use that parking lot. I'm going to explain why I'm saying this because I've asked for an analysis on the impact on the community if you do what you're presenting to us. Obviously you're putting the solar field over an existing ball field and so granted, I take certain liberties because it's not my field to tell you how to use it and I turn to the Board of Education it's their property. But the impact, just so the Planning Board knows, is I think it's kind of extensive and I asked for an analysis of what that field is used for today and I guess I can submit this, as soon as I'm done I'll present it to you. We have a report from the Recreation Department, the field right now is used by men's softball, it's used by a special needs program it has T-ball that uses that field on Sundays from April to June, the men's softball uses it from April to August, Morris County 4-H Rocketeers launch model rockets they use it on weekends in the summer four to five weekends. Youth soccer uses that field in the fall Monday through Friday until dusk, on and on they have a large soccer tournament that uses that field. The Child Care and Learning Center has used Sand Shore School for many years as their summer camp location. I guess the Board of Education uses it for Lacrosse that certainly would be their own logistical concern. The Township Parks, Buildings and Ground staff mows these fields and various sports groups make contributions towards improving the field. And so now we're dealing with an impact in the community that we didn't have before and I was going to say I think this is a case where I'm looking for a little bit more testimony as to why you can't find an alternative location. And I hear you but I know that's a pretty big parking lot, you can't figure anything else out?

MR. HANRAHAN: Not at that angle and the size of the array is just not, the project is not sensible at that size. We did look to extend the array to the side of the school but there's a septic system there so we did look at other options to put the array in other places on the site and this is really the only spot that is suited for this type of system.

MR. BEDELL: Even the side parking lot too? Were you taking into account the side parking lot?

MR. HANRAHAN: The side parking lot is completely oriented in the wrong way and you have significant shading with trees not on our property.

MR. GEFNER: I'd like to point out this property is owned by the Board of Education who endorses what we are doing.

MR. WEISS: I understand that and I think I kind of prefaced that by saying it's their prerogative how they use the field but it is still, no matter who owns the field, there's an impact on the community that needs to be noted. Whoever owns the field I understand it's the Board of Education I understand the Board of Education is endorsing this plan it's still going to leave an impact.

MS. FAIRWEATHER: And to be clear it's not soccer, the soccer field is still there. The soccer field is not impacted.

MR. WEISS: Dually noted and also for the record I marked that report D-1 with today's date and I'll leave it here for you to review, we can get you a copy of it if you need it.

MR. BEDELL: Are there any plans to possibly replace that field elsewhere on the site?

MR. HANRAHAN: There is an existing field on the other side.

MR. BEDELL: Yeah no but that's why I said to replace that field if anybody knows.

MR. WEISS: That looks like you know based on the . . . without bringing up the members of the Board of Education, it looks like that's not an issue they had addressed, willing to discuss. That's not really fair to ask them that apparently there's no definite plans so Steve I assume we can say there's no plan.

MR. BEDELL: Yeah I figured that.

MR. WEISS: But that's not a bad thing that's not really fair. Joe?

MS. FAIRWEATHER: I just want to add to that. This is and as the Board of Education attorney said this is the Board of Education property that the recreation and things on it is more of a municipal use of the property. So the real question should be is the municipality is using Board of Education property which you know Board of Education has chosen to use in another way. So it . . .

MR. BEDELL: Oh I understand that at 1000 percent but we can still ask that question because we are losing the use of that field for those purposes so it begs the question is there a replacement. That's all.

MS. FAIRWEATHER: Not as Board of Education property.

MR. WEISS: Joe?

MR. FLEISCHNER: My comment I find your comment to be, I don't want to use the word I want to use, I've lived in that neighborhood since 1974 that field is used all summer by kids. They go they play pick-up games there, they play ball there. I understand fully that the Board owns that field. I fully understand when Chester Stephens was Superintendent of the school he encouraged the kids to play on the school property because he would rather have them on a ball field then running around in the streets because that area does not have many sidewalks. So parents bring their kids and before those homes were built I used to cut through the woods, but that is a vital recreational use of the children of Mount Olive. And it's great that you want to put a solar array there but the reality is that is harmful to the township. And when any other applicant comes before this Board and they own their own property they are asked what detriment does it do to the community. It doesn't matter whether they own it or not, if there is a detriment to the community it is the obligation of this Board to take that under consideration. So it's just something to think about and I just find it . . . I think it's great that we could do something you know add solar collectors but I personally do not think that's the place they should go.

MR. GEFNER: I would imagine that you know the area obviously Mr. Fleischner much better than I do. The soccer field can be used for more than one purpose they could absolutely play baseball on the soccer field when they're not playing soccer. You could have joint uses; I think they could find other places in this vicinity to utilize for recreational purposes. This is the ideal place as Mr. Hanrahan has testified for the solar field and I think we ought to consider that very strongly.

MR. FLEISCHNER: And it's also an ideal place for a baseball diamond.

MR. RUSSELL: If we relocated a baseball field just outside the fence what's the distance from the other baseball field?

MR. HANRAHAN: I believe this home plate is about 400 feet to the solar array fence. So from here to here it's probably 400 feet.

MR. NELSEN: I think what Nelson is saying there is if the other diamond was by your transformer and the field was facing this way would that be conceivable? Or would foul balls break your panels?

MR. WEISS: We're not here to start redesigning baseball fields, that's not our mission. I don't want to get off the subject I think you heard us, in an effort to move it forward I hear you. I think that more planning should have been put into it it's my opinion but let's address some of the issues. You haven't testified anything to the energy output I don't know if it's yours or maybe . . .

MR. HANRAHAN: Yes.

- MR. WEISS: So let's hear some of that testimony please.
- MR. HANRAHAN: This system will generate 293 kilowatts representing 80 percent of the school's electricity usage.
- MR. WEISS: What percentage?
- MR. HANRAHAN: 80 percent.
- MR. WEISS: It's much smaller than the other projects?
- MR. HANRAHAN: No Tinc was 80 and the municipal complex was 90.
- MR. WEISS: How about output of energy? This one is 293 how does that compare?
- MR. HANRAHAN: Tinc was 360 and the municipal complex was 450 I believe, 450 yes.
- MR. WEISS: So it is small . . .
- MR. HANRAHAN: Smaller for a smaller school. Just to note you're only permitted to go up to 90 percent for this type of system for a net metered system. So we're almost to the maximum.
- MR. VAN NESS: You said 88 or 80 I'm sorry.
- MR. HANRAHAN: 80.
- MR. SCHAECHTER: And what does that equate to and do you know what the tax savings is to the residents?
- MR. HANRAHAN: I don't have those numbers.
- MR. WEISS: Mr. Santaiti hold on let's make sure that we're picking you up.
- MR. GEFNER: Let's identify him as the person who is testifying now.
- MR. WEISS: Yeah that's an excellent point.
- MR. SANTAITI: It's about \$14,500 in year one savings and about \$266.00 over the fifteen years.
- MR. SCHAECHTER: The question was what's the savings to the taxpayers on what this solar array is going to pay?
- MR. MCGROARTY: Mr. Chairman I just had a question for this gentleman.
- MR. WEISS: Please.
- MR. MCGROARTY: Just out of curiosity if you're the right person, why a municipal site is going to generate 90 percent at least initially, why are the schools less than that?
- MR. HANRAHAN: It's based on the load of the site. So we take the utility (inaudible) it up for each of the sites and then they're sizing the system based on the available area that they can fit within the footprint provided by the specific local unit and making sure that it doesn't exceed the requirements from the net metering standpoint which in this case would be the existing utility consumption. So they try to come as close to Joe's point as 90 percent as possible that gives some buffer for energy efficiency or systems over producing.
- MR. WEISS: Okay did you have anything else to add? Because I'm the one that's saying let's stop beating things up but I'm going to give you another example. I don't know if you've selected this because it was the easiest place for you to put it or because it's the cheapest place for you to put it and I don't intend to make enemies with the folks that live here but I know the area fairly well and I think that buffer between the baseball field and the homes, I would say that's scrub brush. Is that accurate?
- MR. HANRAHAN: There is a lot of low growth brush yes.

MR. WEISS: So it's not up to me to design it but when I sit here and say that you haven't really thought of all alternatives, one of the options is to get rid of some of that scrub brush and put that solar field there and then buffer the homes in a more professional way. My point is I don't think you've done due process here, I don't think you've done your due diligence to find something that works for everybody. Believe me (inaudible) last suggestion might be the worst thing in the world but that's an option you could have considered that as an option. And you didn't you just took what I think is the root of least resistant. Nobody on the Planning Board is objecting to the fact that this is a great plan it's a great opportunity for the Board of Education to save money. I'm not sure if you're doing the township a service by putting it right there. And that's my point there seems to be, I'm not convinced and again what I do for a living would never qualify me to give you any advice but I'm not sure I'm sold on why you can't use the parking lot, you explained it you can probably explain it to me ten more times I might not ever understand. But I found another area and maybe there's other areas but I just don't like that area.

MR. HANRAHAN: One of the main reasons we can't go in that area is because of Highlands. We will not get a Highlands permit is we are disturbing more than a quarter acre of trees.

MR. WEISS: Do you agree with that Gene?

MR. BUCZYNSKI: He's correct. I didn't think of that.

MR. HANRAHAN: Highlands will consider it that area forested, brush, treed area.

MR. WEISS: Mr. Buczynski has agreed with it so it's not worth arguing over.

MR. MCGROARTY: Well is it that they . . . it would be true there would be major Highlands development correct?

MR. HANRAHAN: That's correct.

MR. MCGROARTY: It's not that you can't get it it's that it will be treated as a major Highlands development.

MR. HANRAHAN: It would be very, very difficult to get that permit. We'd have to look at alternative analysis.

MR. MCGROARTY: Well I agree with you I agree it would be very difficult and they'll give you a replanting schedule much more onerous than the town.

MR. HANRAHAN: Yes our guidance from the environmental consultant is that it's a long shot to obtain that permit.

MR. WEISS: Let's do this, let me open it to the public if anybody from the public has any comments based on the . . . I'll open for questions and comments because we're wrapping up. If you would please come up to the podium state your name and address spelling your last name for the record. You know if you would too maybe Ms. Fairweather if you can maybe move it back so we have better context with the . . .

MS. FAIRWEATHER: And they can show us where they live?

MR. WEISS: Or maybe they can throw things at you instead of me.

MR. VAZZANO: My name is Alan Vazzano (V-A-Z-Z-A-N-O) I live at 13 Woodcrest Avenue and if you look at the top of that picture that's my house right there at the top of the picture. I was very concerned about that wooded area. My concern was was it going to stay there, so I really don't like the suggestion to put it there. I mean I pay a hell of a lot of taxes to this town and I don't want to see that buffer area go.

MR. BEDELL: Are you the house with the pool or the house above?

MR. VAZZANO: Pool.

MR. BEDELL: The pool okay.

MR. VAZZANO: I don't have a lot number on my sheet.

MR. WEISS: Okay that's all right we're with you.

MR. VAZZANO: I am the closest.

MR. WEISS: We don't know maybe the neighbor to your (inaudible) might be a little closer but . . .

MR. VAZZANO: But I'm with you I like the idea I'd like to run my power right to that grid to my house but that's not going to happen. But my concern really was that buffer area because we're in the backyard and you can see the pool area we're out there all summer long and anything, you know looking out aesthetically and seeing a bunch of panels is not what I'm looking for in my private oasis of my backyard after paying so much taxes. So I'm really concerned and I really want to put a question to the Board of Education to ask them if we can say if you keep the array there can we guarantee that that buffer will stay there. Because that's what my concern is, we have this development here and then you say well you know what else we could put back there we could put additional parking or something like that.

MR. WEISS: You know what I'll answer that for you. But that's a condition of this approval if we so grant it.

MR. VAZZANO: I like that condition let's put it in.

MR. WEISS: That's actually, looking under the condition that's the testimony, that's what will be part of the plan. If that ever changes there's some serious problems with doing that. So you can rest assured, you can sleep good tonight knowing that if this gets approved that buffer is there. That's just, that's the way it is.

MR. VAZZANO: I have a tough time trusting that okay.

MR. WEISS: I understand.

MR. VAZZANO: Because I've just been here before.

MR. WEISS: Mr. Giordano said he'll speak with you afterwards to gain some confidence.

MR. VAZZANO: You talked about the noise over the decibel level right? It dissipates as it goes, what did you say every 17 feet?

MR. HANRAHAN: Yes this inverter is rated at 60 decibels at 17 feet. It's 300 feet to the property line so we're well below the 65 decibel maximum that we're permitted.

MR. VAZZANO: Now what does that mean? At the property . . .

MR. HANRAHAN: You're not going to be able to hear it. You will not hear anything during the day from the distance you are to your property and the buffering between and again they are off at night.

MR. WEISS: And no sun, no inverter.

MR. VAZZANO: Yeah well I'll just let you know from the angle of the house and the way the school is right now if somebody is on that ball field just talking it's like they're right next to me. It's just that type of acoustics there so that's my concern that I'll here that dull hum during the day. And actually I want to keep that buffer there but I also could be with Howie in that once the town loses a ball field it loses a ball field. It's very difficult to get another field in this town, get land in this town. So a concern from a recreation standpoint is everybody has probably had kids going through recreation leagues in this town and to have that field it means a lot. So I don't know, you know the Board went through where else you can put that, I don't know but it's just a concern from a citizen knowing how much that field . . . I hear it every day and it doesn't bother me I love hearing the people out there using those fields.

MR. WEISS: You know I'm going to throw something in here. We have a representative here from the Mayor Ms. Johnson next to me and I'm going to take certain liberties. I think because it's a passionate issue of mine and certainly we're not going to hold the applicant to this but I'm just tell you that I'm going to ask Ms. Johnson to speak to the Mayor to find out what it's going to take for the

municipality maybe in cooperation with the Board of Education if we can somehow combine resources and redesign the baseball field almost like a clover leaf kind of concept with two fields. I know there's a lot of space out there I don't know if it has to be expensive to redesign and I'm not holding you to it maybe we'll just start a communication. Okay because it's a passion to me and I'll ask Ms. Johnson to speak to the Mayor to investigate what it would take for us to replace a field in cooperation with the Board of Education. We'll do that through the Mayor's office.

MR. VAZZANO: Okay thank you. My only question is I know we talked . . . you guys were on a point on the first application about the technology, now I know you talked about wow we've come a long way but in five years, eight years the technology one of you said could mean one panel could handle what ten do now. So what happens if you know the technology in five to ten years means that this is so antiquated and out of date, is there any provision where you guys will update the system and actually the town or Board of Education will actually make more money back?

MR. HANRAHAN: I'll just answer one part of that. I mean the system will always produce the kilowatts that it's rated at. If new technology comes out this system won't stop producing the kilowatts that it's rated to produce. So it will continue to produce as it's meant to produce. The remainder of the question I'll leave to Mr. Santaiti.

MR. SANTAITI: To the extent the developer can come up with a new technological advance that makes it economical for them to continue to pay the debt service and what they owe for that system while also making those upgrades they can do that. I mean if there's a spray technology that becomes available I know there's some data testing now, five years from now that can increase the output of the system they'll consider it, they'll look at how it plays into the economic equation. But keep in mind they're displacing 80 percent of the load of that site so even if there's a technological advance to increase productivity and efficiency of that system they're already almost maxed out by what they're displacing at the site.

MR. VAZZANO: So when you say 80 percent of the load it's what the school uses now.

MR. SANTAITI: Correct.

MR. VAZZANO: So if the school use goes up does the production of the panels have to

MR. SANTAITI: It doesn't change based on that they're kind of independent of one another you'd probably be displacing a smaller percentage. My guess is though that what will end up happening is that it's more likely that the Board of Education would look at technological advances on energy efficiency. So if they decide to change out their lighting or change out some other electronic devices to lower their usage the system would displace a higher percentage.

MR. VAZZANO: If their use goes up how do you maintain 80 percent?

MR. SANTAITI: Your not it's going to change. It will offer what it outputs but I mean you're looking at it based on the utility grid provided from last year.

MR. VAZZANO: So that 80 percent is now a current use.

MR. SANTAITI: A current use yeah.

MR. HANRAHAN: Right and as Joe stated earlier the panels degrade at about half a percent per year so in year 2015 the panels will produce approximately 7.5 percent less.

MR. VAZZANO: Right the panels would produce less but you know as more and more energy is being used in the school you could be producing only 60 percent of the power that they need. I thought the 80 percent was built into the provision for the life of the contract.

MR. SANTAITI: It's more likely now based on new technologies and advances in (inaudible) systems. I mean that school I believe does not have air conditioning in there I believe it's just lighting and computers so I mean it's more like (inaudible).

MR. VAZZANO: If they put air in what happens?

MR. VAN NESS: If I may just along that line, why is there a limit? Why can't they produce 100 percent or more than 100 percent of what the school uses?

MR. SANTAITI: That's part of the net metering requirements of the State of New Jersey.

MR. HANRAHAN: Because they don't want you to have a single site that's producing more and becoming a power producer. They want to generate as much as your facility . . .

MR. VAN NESS: It seems counter intuitive but okay.

MR. HANRAHAN: Every kilowatt hour above what your current usage is is credited back at the wholesale rate not the retail rate so you don't get credit for it.

MR. GIORDANO: But you can correct me if I'm wrong but anything if we do produce over that by accident does get credited back at the wholesale rate above net metering.

MR. HANRAHAN: That's correct.

MR. BEDELL: So if the system may save let's say 14 grand a year and let's say that's 80 percent of the schools electric bill, does that mean the school's annual bill is like 17 grand a year? Am I missing something? That seems really low for the school.

MR. WEISS: Scott did you have a follow up to that at all?

(INAUDIBLE – EVERYONE TALKING AT ONCE)

MR. WEISS: Chuck had a question or comment.

MR. MCGROARTY: Yeah I had a question which may be for this gentleman but I'll wait.

MR. WEISS: Anthony did you want to say something?

MR. GIORDANO: Yes I do Mr. Chairman thank you.

MR. MCGROARTY: Well let me ask a question if I could because it's for the Board of Education. Why this school? Why if you looked at the various schools in town like the middle school?

MR. GIORDANO: They looked at all of the sites.

MR. MCGROARTY: Okay I'm sure you did so I'm just saying why this one why not like that school across the street which the roof is less than 10 years old and there's a lot more parking? What were the reasons why that school was disqualified?

MR. SANTAITI: Just as a matter of protocol we site that as expressed interest in being part of the program we followed a very systematic process. Okay we met with the Board, we first determined the age of the roofs any roof that was ten years or older in age we automatically precluded. We had a 15 year power purchase agreement we want to make sure the roof can last the same life as the power purchase agreement. Then we discussed other areas within their school districts in terms of land and property that they make available for this type of program. So we pinpoint certain areas parking lots, grounds and then we begin to (inaudible) based on a variety of factors.

MR. MCGROARTY: Well I'm just asking just for example and this is not to challenge what you decided I mean you folks know your business but this school versus let's say the one across the street or the high school for that matter but why did those locations not measure up whereas this one does?

MR. SANTAITI: This in large part, and I'll let the school Board speak because I think you want to speak anyway, but in large part these were the areas that were available to us by the school. The decisions on which areas we use in any site are never dictated by the County, the approving authority . . .

MR. MCGROARTY: Oh so this is a question then for the Board of Education.

MR. SAN TAITI: I think more so than to pinpoint why we came up with it. We give options; they select what they'd like to do.

MR. MCGROARTY: That's why I said I wasn't sure who should answer the question.

MR. SANTAITI: Yeah I mean at the end of the day

MR. WEISS: Go ahead Anthony.

MR. GIORDANO: Thank you Mr. Chairman. First of all I appreciate everything you do on the Planning Board I know the time and effort you put in

MR. WEISS: Maybe you can just identify yourself for the record.

MR. GIORDANO: Oh sorry Anthony Giordano 49 Crenshaw Drive, Board of Education President.

MR. BUZAK: Can you spell you last name sir?

MR. GIORDANO: (G-I-O-R-D-A-N-O).

MR. BUZAK: Thank you sir.

MR. GIORDANO: No problem. I appreciate all the time and effort you do put into the town and helping us moving it forward. To answer a couple of questions before I answer the one question as to why the Board had chosen the sites we chose. I'd just like to remind the Planning Board the tremendous working relationship we now have with the Council and with the Mayor's office in the past 2-1/2, 3 years as opposed to when I first got on the Board, the at your throat pointing fingers at one another. We share a tremendous amount of shared services with the Council and with the township, we share fields, the Board of Education allows the recreation department to utilize a large part of our fields. With no cost they do maintenance on some of them for us, the baseball field behind the Board office we pay for the electricity so it goes hand in hand. I don't think, I question Ms. Daggon's information to this Planning Board for my own personal reasons I'd like to get our own information from the people at the Board of Education and for my own personal reasons. Answering your question as to why the Board of Education chose those sites, the options that they were given were . . . have you ever seen and Randolph is probably the best example, Randolph just put the array the municipal building is going to get at their school. They were fortunate enough that their parking lot was below grade, it's in the back originally they wanted to go all the way down Millbrook Avenue with that because that's all Board of Education property they want to do ground covered. You know they worked with the Planning Board they had some discussions it was ultimately decided to be able to do that in the back because aesthetically no one can see them when you pull into Randolph it's far in the back. No one ever sees it from the road. If you're talking about Sand Shore and you're going to put those panels in front of Sand Shore okay let's put them there, let's cut down all those trees then all of the people going down Sand Shore and across the street are going to have to see those panels. Regardless and there's nothing to hide them. If you take a look at Wayne Hills High School in Wayne they're fortunate enough from the front they have a natural barrier so you can't see them until you pull into them. Byram, I worked with the Byram B.A. she is shared service in my school, she absolutely hates you know but that's what the Board chose to do but she hates them. Aesthetically they are horrible talk to people that live in Byram. Okay so a lot of it was placement. It was the lesser of all evils particularly at Sand Shore we knew we were going to have to compromise part of that field to be able to do this and that's the reason why. It certainly wasn't done to be malicious to say put our thumbs up at the Board of Education or the kids in the town we know how important fields are in this town. It's my understanding that the Council and the Mayor's office is looking to develop Blue Atlas to open up fields, there's Turkey Brook that they've opened up a Lacrosse field, another soccer field up top, a practice football field in the back so I don't think we have an issue of getting land or vacant fields in this town, I think it's just a matter of us working together to make it work. And I think we will make this work I'm open as the Board of Education President Mr. Weiss to meet with the Mayor's office discuss how we can do that I don't know if the Board would be on board with that but I'm always open to talk to the Mayor or the Council President on any issue I'm bringing to the Board. So I'd just like to remind you that before you vote, and I hope for me and I'm not speaking for the Board of Education I'm speaking for me as Anthony Giordano a no vote for me would send a message that there's a crack in the relationship between Council and the Board of Education again. Even though I know you're an autonomous body that's the way I would view that personally and I just would like to remind you although your lawyers opinion is that we need your approval to do this, we have plans already at the DOE once the DOE approves the Board is going forward. We're going to make the accommodations to Tinc Road, we're going to be able to do the things and try to accommodate what you've suggested that we do but ultimately that's what it comes down to. We do want to work with you, we do want to work hand and hand and be you know have a nice working relationship but I'd just like to have everyone keep that in mind as you're voting. Thank you very much.

MR. MCGROARTY: Could I ask you one question?

MR. GIORDANO: Sure.

MR. MCGROARTY: The middle school across the road here, . . .

MR. GIORDANO: Again it was an aesthetic reason to have the trusses up high.

MR. MCGROARTY: No, no I was going to ask because I understand a roof that's 10 years or older wouldn't work. Would it work on the roof over there?

MR. GIORGANO: At the middle school? The school was built in 2001 I think it was finished.

MR. MCGROARTY: So it's passed that 10 years.

MR. GIORDANO: Yeah.

MR. SCHAECHTER: Anthony did you guys look at the parking lot to the back by the tennis courts of the middle school? It's almost the same size as the parking lot here.

MR. GIORDANO: I believe everything was looked at and the suggestions were brought to the Board and that's what the Board chose to do Mr. Schaechter. It wasn't that you know we just felt that . . . for me I can tell you right now for me I wanted no overhead they are aesthetically hideous. I mean the fact that I think the municipal complex lucked out so you won't see it from the street is great. I'm telling go to CCM and just drive there you don't see it from the street but maybe walking . . . driving to CCM they smack you right in the face it's God awful.

MR. MANIA: You can see it from the street.

MR. GIORDANO: And then there's also . . . yeah you're right from Route 10 you can. There is an issue too I brought up at Wayne Hills actually buses actually hit the trusses and everything it was a nightmare. I think it was just an accident it wasn't because they were done improperly I think it was a bus drivers issue. So you know we did discuss it I want you to know it went through a process we vetted it we've been talking about this for two years. Ms. Quimet in conjunction with Council, the people on the Council brought the energy audit to us and started getting the ball running. So it's not you know that we've done this in a hole, we've been open I've talked to the Tinc Road PTO, the Mountainview PTO and other Board members have gone to Sand Shore PTO's it's been out there this has been coming for a while. Any other questions? I'm sorry not to take over Mr. Chairman I apologize.

MR. WEISS: Anybody else from the public? Sir please.

MR. MOON: Good evening thank you Steve Moon (M-O-O-N) 2 Anna Drive. Two things, I think you're spot on from the baseball field perspective. My son walked across the Sand Shore . . . I live directly across from Sand Shore I face the parking lot I consider myself a part-time volunteer custodian for 17 years there always helping out. So I think somehow you've got to save the field because my son still plays over there. But from my point of view I feel strongly that I need to go on record, and I hope you're right that you're wrong on this Howie that I don't want to look over at a solar array in front of my house. You know I don't mind looking at the school today I'm proud of Sand Shore but also as a homeowner in Mount Olive Township and the taxes I pay you know it's going to decrease our property value to have that kind of aesthetic. So I just felt strongly enough that I want to go on record for that so I sat here tonight. But I think it's a great thing that we're doing with the township for solar to supplement . . . but you've got to protect the fields as well. Thanks for your time.

MR. WEISS: Anybody else from the public? Please mam.

MS. MICKUS: I'm Patty Mickus (M-I-C-K-U-S) I live at 1 Anna Drive right across from Steve Moon. Ditto, I think aesthetically it really will decrease the value, I mean aesthetically it's going to look ugly. I wish we had pictures I'm going to go online and look at all of the pictures to see what it's going to look like at the municipal building with having the carports. It's great that it's behind the building but I'm still, I got to see what it looks like I really don't think it will work to do it in the front of the building. The parking lot I don't think is that big. Again someone brought up about how high will the . . . you know if it was a carport or if it's going to be on the parking lot, will the buses hit it. The parking lot is . . . it's just not big enough and I don't want to every time I walk out of the building just see that. There is

no buffer for us at all we are right across the street from the entrance of the school. My question to you is what about the humming noise that you're saying that the transformer is going to make? It looks like this what's currently proposed it's going to take up about a quarter of the field that's behind the school. It looks like a . . . it's really close to the school itself. Is that going to be a . . . I mean I know we have to use our imagination here but we're sure that that's not going to affect the students, be distracting to the students? I guess this is something that you know you eventually tune out but it's not going to distract them? It's going during the day once school is in session.

MR. SANTAITI: Joe can I? I've often heard it referred to as essentially a car idling, the noise level. It's fairly low. And at that distance, what is the distance of the school?

MR. HANRAHAN: To the school the inverter is about 85 feet to the school. We're going to be well below the DEP noise thresholds for the inverter.

MS. MICKUS: Okay to me it looked close to the school and I'm concerned because I do have children who are still there and will be there for a couple of years.

MR. HANRAHAN: And keep in mind there's other transformers around the school that make similar noises so this isn't the only situation that makes a noise around the school building.

MS. MICKUS: And again my concern is this is a small property, we are losing a quarter to me it looks like a quarter of the playing field that is used again not just by the school but you know on the municipality level. I think it's a big loss and you know as someone said once you lose it it's gone. I just think it's going to look really ugly I don't think it's going to . . . you know it's great to save money on taxes but I got to see it to believe it. Thank you.

MR. WEISS: Thank you. Anybody else from the public? Okay I'm going to close it to the public because no one else from the public has anything else to say. Seeing none let me just turn it over to Mr. Buzak who has a question.

MR. BUZAK: Mr. Hanrahan I just wanted to get it straight the nearest house to the array you testified was 280 feet?

MR. HANRAHAN: That's correct.

MR. BUZAK: And the nearest, and the inverter is 300 feet from the nearest property line?

MR. HANRAHAN: Let me just double check that real quick. Yes 300 feet.

MR. BUZAK: From the property line.

MR. HANRAHAN: From the property . . . the nearest property line is the farm field to the rear.

MR. BUZAK: Thank you.

MR. WEISS: Why don't you tell Mr. Buzak how far the inverter is to the closest home. I don't think he really cares how far it is to the . . . although he did ask that question technically.

MR. HANRAHAN: Approximately 520 feet.

MR. WEISS: To the closest home.

MR. HANRAHAN: To the closest home.

MR. WEISS: Thank you for those answers. Anybody else have any last minute questions? Okay Mr. Buzak . . .

MR. VAN NESS: I do but for you or Mr. Buzak that either of you could address Mr. Giordano's comments?

MR. WEISS: You heard Mr. Giordano comment.

MR. VAN NESS: I did as did I'm sure the rest of the Board. Thank you.

MR. WEISS: Do you have anything else?

MR. GEFNER: I do not.

MR. WEISS: Scott I'll just go back I'm not sure what you'd like anybody to do about the comment. Let us then turn to Mr. Buzak if there's any kind of conditions that might be associated with an approval.

MR. BUZAK: Mr. Chairman the condition that I have noted is that the buffer area in the northeast corner approximately 120 feet wide shall be maintained throughout the life of the solar panel installation and operation.

MR. WEISS: As well as all the other boiler plate approvals that would be necessary.

MR. BUZAK: Correct.

MR. WEISS: Minor, if anybody has any comments otherwise I will look for a motion. Before I do that though I need any last chance from the public, anybody have anything to say? Okay I'll close it to the public and . . .

MR. FLEISCHNER: Comments you asked comments from the Board?

MR. WEISS: I did comments from the Board.

MR. FLEISCHNER: I think it's admirable that the Board would like to save taxpayers dollars, two of us did a little calculation and I come out that it will save the average taxpayer in this town assessed at \$318,000 a year, \$3.00. My esteemed Board member feels it's somewhere in the . . . \$2.00 to \$3.00 per taxpayer in this township. But the loss to the township and the residents of the township is far greater than \$2.00 to \$3.00 savings. You can't even buy a Starbucks coffee for \$2.00 or \$3.00 anymore. It doesn't mean, and we talked about different locations but it's not the worst case scenario that no solar collection system be placed at Sand Shore School. It's not going to end the world, it's not going to change anything in Mount Olive, tomorrow will still be Friday. It just means there will be no solar array at Sand Shore School. And this summer the kids from the neighborhood and all the other adults will be on that field playing ball. Unless the school Board chooses to put up no trespassing signs, they could do that but I don't think that would go over to well with the taxpayers of this township either. So I think it comes down to which is better for the township. To have a field in a neighborhood, it's nice that you're going to expand Blue Atlas, etc. but the people that use that field are all the local people in the area are not getting in their cars to drive to Blue Atlas. They're finding their ways through the local neighborhood that's there to get to those fields. And I just think it's not the worst case scenario if there is no solar array at that school. I think it's great that there's going to be one at Tinc Road, I think it's great that there's going to be one at Town Hall but that is not the place to put a solar field and take away that field that has been used by the taxpayers of this township for longer than I've lived here and I've been here for a long time.

MR. WEISS: I know you Planning Board members are going to find this to be quite amazing that I'm going to disagree with Mr. Fleischner. And not because I don't agree with the philosophy Joe because I couldn't have said it better myself without reading the notes. From the Planning Board we have a legal obligation ladies and gentlemen we've been presented with a site plan the site plan has been reviewed by our experts, the criteria and all of the details that were given are reasonable. We might not agree with them but to turn down a site plan because we don't agree with the use of a field might not be the proper position to take. I agree with you losing the field, we have another field that's still there we have I think Ms. Fairweather might have said . . . what is it the soccer field can be used for anything. They're not wiping out the field, I don't like it, I wish that you wouldn't do it but I don't think that's grounds for the Planning Board to deny the application. And as much as I agree with everything you said Joe I think from the Planning Board's perspective we have a bigger obligation than being annoyed about losing a field. It bothers me I personally led the effort to find out the data, I don't think that it's appropriate for the Planning Board to shoot it down for that reason. As much as I agree with Joe I don't think that's an appropriate response from the Planning Board.

MR. FLEISCHNER: I don't think it's an appropriate response from the Chairman of the School Board to say if you vote it down it doesn't matter if the Department of Environmental Protection approves it we're going to go forward anyway. So you know two wrongs don't make a right but one of our parameters for this Board has always been and correct me if I am wrong I turn to the attorney, if we feel it's a detriment to the community we have the right to vote something down.

MR. BUZAK: I think when we're dealing with a variance one of the criteria is of course the negative criteria that has to be satisfied, that there should be no detriment to the public good and no substantial impairment to the zoning ordinance or the zoning plan. In a site plan we've looked at these applications as site plans without variances. We've determined that these are accessory uses, the solar panels and the solar energy projects are accessory uses to the primary use the school and the municipal building. So I think that because we don't have a variance situation here and we have an application that you know has as the Chairman said conforms to what our requirements would be, the fact that the results of going forward are the loss of a field and a detriment to the municipality unfortunately I think cannot be considered as a basis to deny a site plan. It would be a basis to deny a variance but we don't have that here. So for that reason I think the Chairman has generally accurately set forth what the standards are in terms of what this Board has to do. And I think to the extent that we can impose conditions and one of them is the buffer area I think that was important to the residents and to others, I think that's something that we can do and would be sustainable.

MR. WEISS: I would only add one thing, that if recreation is a goal of ours and that goal that obligation needs to fall upon the shoulder of the municipality. And perhaps we've been fortunate that the Board of Education has allowed us to utilize their property. But ultimately the day is going to come that the township is going to need to address recreation on their own shoulders. And if that's the case then we as a Planning Board need to urge Administration to beef up plans for Blue Atlas, for the further development of Turkey Brook and any other field if we don't have the appropriate field space. And I hate to say that but I think that's where this has to go. Nelson?

MR. RUSSELL: If an Ad Hoc field was in the property owned by Toll Brothers can we deny them the opportunity to put a house there?

MR. BUZAK: If it were an Ad Hoc field the answer would be no we would not be able to deny them. And it wouldn't come before us, I would doubt it would come before us but the answer is no we would not be able to deny them.

MR. WEISS: Anybody else? Brian.

MR. SCHAECHTER: It concerns me a little that you go through the effort today or in previous days to have the recreation department even come up with a report as to what the field usage is for that. Because if it's ultimately not our decision what the field usage is why did we go through those exercises?

MR. WEISS: I can answer the question Brian, that issue by itself I don't believe is reason for this Planning Board to turn it down. Now that data is part of a package of other things that we find to be unacceptable, let's say for example a buffering that's our obligation I would say combine the buffering with this I would use it as an argument. But we don't have any other issue. I think it would be irresponsible in my opinion it's irresponsible for the Planning Board to turn down this application solely for the field because it's not any criteria for approval. That's really my reason for that. Anybody else? Okay I see no other comments would someone please make a motion on this application.

MR. MANIA: I move for approval of PB 13-11 Sunlight General Morris Solar, LLC preliminary and final site plan.

MR. WEISS: Is there a second?

MR. VAN NESS: I will second it.

MR. WEISS: Okay Scott seconded it. We already had conversation, Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - no

MR. FLEISCHNER: Before I vote the only thing I can say is thank God our founding fathers had the moral turpitude to stand up to the laws that existed at the time of the founding of this country. Because they knew that somebody had to do it and I just find it really, really sad that we say oh we have no grounds to turn this down. Yes we do, we have the grounds of right and wrong. And I vote no.

MS. NATAFALUSY: Dan Nelsen - yes
Judy Johnson - yes
Nelson Russell - yes

MR. RUSSELL: I've been going back and forth with it I hate losing the field but I'm going to vote yes.

MS. NATAFALUSY: Steve Bedell - no

MR. BEDELL: Well I like the idea I do not like the execution and losing essentially one third of the grounds of Sand Shore so I'm going to vote no.

MS. NATAFALUSY: Brian Schaechter - no

MR. SCHAECHTER: I'm going to vote no I think it's not the right decision to cast.

MS. NATAFALUSY: Scott Van Ness - yes
John Mania - yes
Howie Weiss - yes

MR. WEISS: As we wrap up I will make an effort to sit down with the Mayor and address the field issue because I think it's our obligation to do so. Thank you everybody for your patience tonight.

MS. FAIRWEATHER: Thank you very much.

MR. WEISS: Before we leave the meeting is not done yet we have a discussion matter which we're going to carry, Chuck we can have this conversation in May correct?

MR. MCGROARTY: Yes.

MR. WEISS: Okay so we're going to bring to the table the draft Master Plan Reexamination Report to the May meeting. And Scott please go ahead.

MR. VAN NESS: The display from the Board of Education in this meeting tonight was to me arrogant and it disgusts me.

MR. FLEISCHNER: You might want to listen to this.

MR. WEISS: The meeting is still in order.

MR. VAN NESS: I felt that their representation and comments were a bit disgusting.

MR. WEISS: And who was this Scott?

MR. VAN NESS: The Board of Education.

MR. WEISS: Okay.

MR. VAN NESS: And we don't have any recourse on it I didn't allow it skew my point of view on whether I should vote positive or negative on the plan. But I felt it was unprofessional and inappropriate and very much not appreciated. I know that we're here on our time, volunteering our time to be here.

MR. GIORDANO: And I said that in the beginning.

MR. VAN NESS: Yes sir. But the way you treated us about it was not acceptable.

MR. GIORDANO: I'm sorry you felt that way.

MR. VAN NESS: I'm not the only one that feels that way sir.

MR. GIORDANO: Well (inaudible).

MR. VAN NESS: I have much more respect for you than that and I was actually kind of surprised at you.

MR. WEISS: Any other comments for tonight's meeting? Motion to adjourn?

MR. BEDELL: So moved.

MR. WEISS: All in favor?

MS. NATAFALUSY: One question, the Draft Master Plan will be at the May 9th meeting?

MR. WEISS: Yes.

MS. NATAFALUSY: Okay thank you.

MR. WEISS: May 9th for the Draft Master Plan.

MR. VAN NESS: Motion to adjourn.

MR. WEISS: All in favor?

EVERYONE: Aye.

MR. WEISS: All right thank you for staying.

(MEETING ADJOURNED AT 11:00 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department