

Franklin Borough Planning Board
Meeting Minutes for
December 21, 2015

The meeting was called to order at 7:35 PM by the Vice-Chairman, Mr. Nathan Foulds, who then led the assembly in the flag salute.

Mr. Foulds read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mr. John Christiano
Mr. Nathan Foulds
Mr. Jim Williams
Mr. James Nidelko
Mr. Sean Kidd

MEMBERS ABSENT: Mr. Fred Babcock
Mr. Mayor Crowley
Mr. Steve Zydon
Mr. John Cholminski

ALSO PRESENT: Mr. Ken Nelson, Nelson Consulting Group
Mr. Tom Knutelsky, Harold E Pellow & Associates, Inc.
Mr. Dave Brady, Brady & Correale, LLP

APPROVAL OF MINUTES:

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for November 21, 2015**. Seconded by Mr. Nidelko. All were in favor.

APPROVAL OF RESOLUTIONS:

Mr. Williams made a motion to **Approve Resolution Concerning Proposed Amendments to Chapter 161, "Land Development", and Chapter 218, "Signs" Of the Code of the Borough of Franklin**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Williams, Nidelko, Kidd

NAYS: None ABSTENTIONS: None

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

There were no adjourned cases.

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PAYMENT OF BILLS:

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Escrow Report** for December 21, 2015. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Williams, Nidelko, Kidd

NAYS: None ABSTENTIONS: None

APPLICATIONS TO BE HEARD:

PB-12-15-1, Vanguard Energy, (Hardyston Elementary School), Energy Program Capital Solar Panel Project, Informal Review, Block 1601 Lot 10.

Mr. Brady announced Board Member Mr. Sean Kidd will be excused from the Vanguard Energy hearing tonight. He said this application is a Capital Improvement review and the function of the Planning Board is to review the proposal and suggest comments and recommendations.

Judith Fairweather, Esq. on behalf of the County of Sussex and Vanguard Energy Partners in regards to the Capital Solar Project stepped forward. She said her letter dated November 6, 2015 indicated 660 solar panels but said only 644 solar panels are being proposed. She indicated the solar panels will be ground mounted.

Board Engineer, Mr. Tom Knutelsky addressed the Board and indicated the applicant is before us as a courtesy review. He referred to his letter dated December 15, 2015 which gave his observations and recommendations. He discussed his observations and recommendations with the Board. He indicated we are looking for specifics as to how the solar panels are fixed to the ground and are they ground mounted with ballast or post driven. He said we need to look at the ground cover and what material will be used under the solar panel. He commended on the grass under the solar panel and questioned if it be replaced with gravel or some type of vegetative cover. He indicated are the solar panels cleaned and will there be any chemical spray. He said the plans look like the panels are facing westerly. He commented on the south westerly exposure that is needed. He commented on the clearance in between the panels and was concerned if there was enough room to maintain the panels. He commented on the outside coverage between the fences and the mesh material fencing that will be used. He wants to make sure children will not be able to climb over the fencing. He recommended a meeting with Emergency Management to go over shut-down procedures in case of an emergency.

Board Planner, Mr. Ken Nelson said he did not do a written report since this is an informal application. He indicated he has reviewed the Master Plan and confirmed the applicant is not inconsistent with the Master Plan.

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Applicants Engineer, Mr. Joseph Hanrahan stepped forward and gave his credentials to the Board. Board Attorney, Mr. Brady confirmed with Board Members, Mr. Hanrahan qualifies to testify as an expert engineer.

Mr. Hanrahan gave an overall review of the proposed project. He said the project is located at the Hardyston Elementary School which is located on the east side of Route 23, Block 1601 Lot 10. The project proposes a ground mount solar array within the grassed area in front of the school. He indicated the grassed area is approximately just under three quarters of an acre. The entire ray will be fenced by a six foot chain link fence which has a 1.25 inch openings in the fence so it cannot be climbed. He said also within the fence area and in addition to the solar panels will be a concrete pad where the control panel will be mounted. He said there is a utility line running through one edge of the array. There will also be a concrete ballast array and the remaining ninety percent of the array will be post driven into the ground. He discussed what is underneath the panels and said the construction will take place on the grassed area. The land will not be cleared and no gravel will be used. The grass will be reseeded with a low growing medal mix which is low maintenance and panels will be cleaned by rain water. He discussed the direction the panels are facing. He indicated when the panels are installed Vanguard will work with the local emergency and fire department and go over how they operate and install a knox box. Mr. Brady requested more details on the safety procedures. Mr. Hanrahan indicated someone from the company will meet with the fire department and go over emergency procedures. Mr. Brady recommended additional training may be needed for new volunteer fire department members and said this can be a condition of any approval.

Mr. Hanrahan discussed the distance of the panels and how close they are to the fence. He said it's a very narrow system and is comfortable with the access. Mr. Knutelsky commented on the two gates shown on the site plan. He said the gate on the southwesterly corner has a very flat grade along the existing pave drive and is concerned the other access location is on a steep grade. He suggested to relocate the gate. Mr. Hanrahan agreed and will relocate the gate to a location in front of the school where the area is flatter.

Mr. Knutelsky commented on the colored photo of the panels included in the application. He commented on the direction the panels are facing and the shading. Mr. Hanrahan discussed the tilt of the panels and indicated there is no shading. Mr. Hanrahan confirmed there is no glare and said the panels are designed to absorb light not reflect it.

Mr. Knutelsky commented on the ballets and the sewer line. He talked about Storm Water Management purposes and said Storm Water Management is not required for this application.

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Mr. Williams questioned if there was a electric danger if a car was to hit the chain link fence and go into the panels. Mr. Hanrahan indicated no electrical concern. Mr. Knutelsky had a concern regarding with the snow plowing because the fence is close to the drive-way. Applicants Attorney, Judith Fairweather confirmed that Mr. Hanrahan will work with the school district to make sure whatever procedures are followed will be worked out with the solar panels.

Mr. Knutelsky questioned when construction will begin. Judith Fairweather requested to apply for the building permit prior to receiving approval letter. She indicated the project will take two to three months to build. Mr. Hanrahan said all construction will take place within the fenced area and the equipment used will consist of a fork lift, track mounted hydraulic ram and a few pickup trucks. He commented on the fencing around the site.

Mr. Foulds expressed a concern of safety around the school area. Mr. Hanrahan indicated he works with the school system and safety is his number one priority. Mr. Knutelsky questioned if the school supports the construction and asked if construction noise would interfere with the school day. Mr. Hanrahan said he will be working with the school on the hours of operation. Ms. Fairweather indicated the school district has to approve anything that is conducted on school property. Mr. Nelson confirmed the site location was decided upon by the School Board and asked why roof mounting was not chosen. Ms. Fairweather responded the School Board is not here with us tonight to answer that question.

Mr. Knutelsky questioned the life of the solar panels. He asked if a bond is in place to guarantee the removal of the solar panels. Ms. Fairweather said Sussex County has the ability to keep them and maintain them. Mr. Hanrahan indicated the life span of the panels are between twenty and twenty-five years. Mr. Foulds asked if a company is leasing the land from the Hardyston School. Ms. Fairweather explained that the County owns the panels and the company is there to maintain and operate the panels and the benefit goes to the school. She said construct of the panels will be completed by Vanguard and it has not been determined who will be maintaining the panels. Ms. Fairweather indicated the ground is leased.

Mr. Hanrahan explained the size of the inverter. He said there is a concrete pad that's five feet wide by 30 feet long and the inverter is about 20 inches in height, 14 inches wide and 10 inches deep. He discussed the size of the control panel and said all equipment will be within the fenced area. Mr. Knutelsky questioned if there was any noise coming from the equipment that will interfere during school hours. Mr. Hanrahan said it is less than 65 decibals at 30 feet. He said the closest panel to the school is about sixty feet and the inverter is about 65 to 70 feet away from the school.

Mr. Christiano asked if the array size meets the needs of the building. Mr. Hanrahan responded it's based on the percentage of the needs and indicated it's less than 90

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percent. He explained how the array creates electricity and how it is used in the school. He said if the school is not using the power generator from the array it will go back to the meter and the school will get credit for the power. Mr. Christiano commented on the power from the array during the summer months when the school is closed. He asked if the power from the array will go back to the street. Mr. Hanrahan indicated yes. Mr. Christiano asked what disconnects the array from the street if someone hits the utility pole.

Mr. Steve Schwerd from Schwerd Consultant stepped forward. He is supporting Vanguard with the management coordinating of the engineer and design services and has an electric engineer background. He discussed the performance of the inverter system and said electrical service and will shut down upon loss of utility power. Mr. Schwerd discussed how the meter will spin backwards and commented on reduced energy charges. He said when the panels produce more energy than the school is using it will flow back into the grid. Mr. Christiano asked how much the array will be contributing to the grid. Mr. Schwerd indicated the utility company will analysis and keep a history of load profiles. Mr. Christiano commented on energy savings and the cost of the project. Mr. Tom Knutelsky commented on replacing the panels if more efficient panels were made. Mr. Schwerd said it may be possible but also could affect the electrical system.

There were no further questions from the Board and the meeting was opened to the Public for comments or questions.

OPEN PUBLIC SESSION:

PB-12-15-1, Vanguard Energy, (Hardyston Elementary School), Energy Program Capital Solar Panel Project, Informal Review, Block 1601 Lot 10.

Mr. Williams made a motion to **Open to the Public Application PB-12-15-1, Vanguard Energy, (Hardyston Elementary School), Energy Program Capital Solar Panel Project, Informal Review, Block 1601 Lot 10.** Seconded by Mr. Nidelko. All were in favor.

No one from the public stepped forward.

Mr. Williams made a motion to **Close to the Public Application PB-12-15-1, Vanguard Energy, (Hardyston Elementary School), Energy Program Capital Solar Panel Project, Informal Review, Block 1601 Lot 10.** Seconded by Mr. Giordano. All were in favor

Judith Fairweather said this concludes her presentation and thanked the Board for their time.

Mr. Brady indicated the function of the Board for this hearing is to make comments and recommendations and indicated Ken Nelson does not report any discrepancies

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with the Master Plan. Judith Fairweather requested to apply for the building permit in January 2016. Mr. Brady said he sees no issues with the applicant proceeding with the building permits.

Mr. Williams made a motion to **Approve and Create a Resolution with Conditions for Vanguard Energy, (Hardyston Elementary School), PB-12-15-1, Energy Program Capital Solar Panel Project, Informal Review, Block 1601 Lot 10.** Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Foulds, Williams, Nidelko

NAYS: Christiano ABSTENTIONS: None

Mr. Sean Kidd returned to the meeting.

PUBLIC HEARING:

2015 Master Plan Re-Examination Report and Master Plan Amendments.

It was announced this public hearing was carried from the November 16, 2015 meeting.

Mr. Nidelko made a motion to **Open Public Hearing 2015 Master Plan Re-Examination Report and Master Plan Amendments.**

Seconded by Mr. Williams. All were in favor.

Mr. Nelson discussed his report dated December 14, 2015 which listed changes that will be included in the final version of the Master Plan Re-Examination Report. Board Members had no further comments or questions on the changes.

Mr. Dick Durina resident of 23 Lozaw Road stepped forward. He had questions on Page 23, (Zoning Categories), Block 1010 line 11 and said the proposed change is to make the property a HC1 Zone. He said the property is located in front of a school and is concerned of the safety at the intersection. He commented on the New Jersey Department of Transportation and would like to see the lot remain in the R3 Zone. Also, on Page 23 he commented on the former Lumber Yard, Block 605 Lot 5. He is concerned of the property changing from commercial to residential use and discussed the ingress of the property and would like to see the property remain commercial. Mr. Nidelko commented on the Department of Transportation issues on the property. A brief discussion took place on the left hand turn out of the property. Mr. Nelson said the property was included in a proposed redevelopment area and said Council did not take action on designating the area as an area of redevelopment. Mr. Nelson commented on the properties shape and ingress problem. He commented on a perspective developer interesting in using the property for residential purposes. A brief discussion took place on the Meenan Oil property and its non-conforming use. Mr. Nelson pointed out that it is up to the Borough Council to decide whether to enact on any recommendations. Mr. Foulds

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commented on the town's needs and vacant properties. Mr. Durina commented on the Sterling Plaza property that is changing its use from commercial to residential. He feels the Lumber Yard site is a perfect site for commercial use and commented on the future of commercial properties and talked about the old Jersey Central Power and Light building.

There were no further comments or questions.

Mr. Williams made a motion to **Close Public Hearing 2015 Master Plan Re-Examination Report and Master Plan Amendments**

Seconded by Mr. Christiano. All were in favor.

Mr. Ken Nelson asked the Board how they would like to proceed with the adoption of the Master Plan Re-Examination Report and Amendments. It was decided to delay the adoption of the Master Plan to the February meeting scheduled for February 16, 2016. Mr. Nelson suggested the Board needs to address the public's concerns and questions. Mr. Brady announced the February meeting will continue discussion on the Master Plan, address the public's concerns and questions, and also include that action on the plan may be taken.

CORRESPONDENCE:

Mr. Brady asked Board Secretary, Karen Osellame to include on the 2016 Meeting Dates schedule that Official action may be taken at any workshop session.

OPEN PUBLIC SESSION:

Mr. Williams made a motion to **Open to the Public**. Seconded by Mr. Christiano. All were in favor.

Councilman Mr. Bob Dabinett stepped forward and thanked the Board for all their hard work and efforts.

Mr. Williams made a motion to **Close to the Public**. Seconded by Mr. Nidelko. All were in favor.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:50 PM on a motion by Mr. Williams. Seconded by Mr. Nidelko. All were in favor.

Respectfully submitted,

Karen Osellame
Secretary