

GREENWICH TOWNSHIP BOARD OF ADJUSTMENT

PUBLIC MEETING MINUTES

September 23, 2010, 7:00 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Ray Buckwalter called the meeting to order at 7:00 p.m. Ms. Oldford said this is a regular meeting of the Board of Adjustment of the Township of Greenwich. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in *The Express Times*. Notice was posted on the municipal bulletin board in the Township Municipal Building in Greenwich Township, New Jersey, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Ray Buckwalter, Michael Black, Robert Vetrecin, Angelo Faillace, Dan Detore, Tom Strozeski, Steve Babula

Absent: Dawn Marie Kondas (recused and excused), Jeanne Zander (excused)

Professionals: Jonathan Drill, Esq.; Michael Finelli, P.E., Lisa Specca, P.P.

APPROVAL OF MINUTES

Motion to approve the minutes of meeting of August 12, 2010 was made by Robert Vetrecin and seconded by Dan Detore

Minutes were approved on voice vote.

PUBLIC HEARING

Warren Solar, Application #2009-03

Block 15, Lot 1; Block 17, Lots 1 & 2; Block 13, Lot 3; Block 19, Lot 1; Block 16, Lot 6; Block 14, Lot 10

Applicant seeks approval for a bifurcated “d(1)” use variance approval for a solar power generating facility and, if the Board grants the variance, will subsequently apply for site plan approval.

This hearing commenced on June 10, 2010 and continued July 8, 2010 and August 12, 2010.

Dawn Marie Kondas is recused from hearing this application.

Mr. Selvaggi introduced himself and noted he had provided the MSDS sheet to the Board on September 22, 2010.

Mr. Tauriello responded to that submission by letter of September 23, 2010, and his response has been distributed to the Board.

Mr. Selvaggi said Mr. Tauriello had raised a question about the interior contents of the panel. The MSDS indicated the frame of the panel could melt at a high temperature and be toxic.

Mr. Drill recalled that applicant had previously agreed to contact the fire department regarding how the Fire Department would fight a fire, i.e., with water or chemicals and, under both scenarios, how the water or chemicals would be supplied to fight the fire.

Mr. Selvaggi said applicant would be prepared to address this in October. Mr. Vetrecin noted he had only heard vague references as to toxicity. Mr. Selvaggi confirmed applicant would be present in October to respond to questions subsequent to contact with the fire department.

There are two fire safety issues: how the Fire Department would put out a fire; and what the Fire Department would do if they encountered toxic materials resulting from the fire.

Mr. Selvaggi called James Pippin, of Environmental Design and Research to testify regarding the visual impact of the proposed project. Mr. Pippin prepared a photo sampling of the project. He is an environmental project manager. Mr. Pippin oversees the environmental permitting process. Mr. Pippin is presented as a factual witness, not an expert witness. He said he had worked on 12 projects since joining the company.

Mr. Pippin said these are simulations from pre-determined locations. He described simulation rendering process.

Applicant introduced a photo board with twelve 4" x 6" photos marked A-12. Certain of the photos taken, and renderings of certain of the photos taken, were introduced and marked A-13 to A-24. Photographs were made on June 30, 2010.

A-13 is a shot from 114 Willow Grove Road. A-14 is a project rendering from 114 Willow Grove Road. Panels and fencing have been rendered according to Mr. Pippin.

A-15 was taken from 114 Willow Grove Road, a split level home. A-16 is a rendered view from the panels.

A-17 was shot from a window in the home at 118 Willow Grove Road. A-18 is a rendering showing the location of the panels.

Mr. Vetrecin observed that previous testimony had been that the panels were 8' high. Mr. Vetrecin expressed doubt as to the scale of the panels. Mr. Pippin explained the scale used was 5'6" from the ground.

Mr. Pippin explained A-19 was taken from the second story of 138 Washington Street. A-20 is a rendering for 138 Washington Street.

A-21 is a shot from the third story of 138 Washington Street. A-22 represents the rendering. He noted fencing and some panels are visible.

A-23 is taken from 203 Greenwich Street from a public trail. A-24 shows the rendered panels from the vantage of 203 Greenwich Street.

Mr. Finelli observed that a shot should have been taken from Rt. 57. Mr. Selvaggi said he would see that it is done.

A-25 is an aerial location map locating the places where photos were taken.

Mr. Buckwalter announced a 15-minute recess for the Board and members of the public to view the exhibits.

Mr. Buckwalter reconvened the meeting, and Mr. Selvaggi asked Mr. Pippin whether modeling was done at 5'6", which is the highest that applicant proposes. The highest point of the panels will be 5'6" according to Mr. Selvaggi. Therefore, the renderings are applicable. Mr. Selvaggi would accept the height of the panels at 5'6" as a condition of approval.

A-25 was produced to provide a viewpoint of the location of the photos.

Mr. Selvaggi noted that A-9 provided in July 2010 depicts the panels back from the road.

Mr. Vetrecin asked for confirmation that the panels will be no higher than 5'6" from the ground. Mr. Selvaggi concurred that this is what the applicant represents.

Mr. Buckwalter invited public questioning of the witness.

Ron Marinelli, 112 Willow Grove Road, referenced A-15 and A-16. Mr. Marinelli asked why panels were not represented in a field in view of his home. Mr. Pippin explained panels were not proposed in that particular field. Mr. Pippin described the viewpoints and how they are affected by the topography. Mr. Marinelli contended the panels would be visible.

Constantine Chancies asked whether the photographs are true or smoke and mirrors. Mr. Pippin explained they were taken at the homes of the residents. Photos were taken to depict project visibility. Mr. Pippin explained the modest height, 5' 6". Mr. Chancies

asked about the Environmental Impact assessment. Mr. Pippin explained he was not the correct witness to answer those questions.

Mr. Drill explained the EIS must be submitted by Sept. 28 for testimony at the October 14 meeting. The applicant agreed to provide the required number of paper copies as well as to provide a digital copy to the Board Secretary so that she would provide it to members of the public.

Steve Trochin, 306 Meadow Run asked whether renderings could be done in a winter setting. Mr. Pippin said yes it could be done when the leaves are off the trees. Mr. Selvaggi, however, said applicant would take the request under advisement.

Joseph Tauriello, 307 Meadow Run, referenced the presentation and simulations presented. He asked how many total photos were actually taken. Mr. Pippin said 387 photos were actually taken. Mr. Tauriello asked whether there were 350 photos not presented. Mr. Pippin concurred. Mr. Tauriello asked who decided which photos to present. Mr. Pippin answered that his company made the selection. Mr. Tauriello asked about Richline Hill Road. Mr. Pippin said no photos were taken from this vantage point.

Mr. Tauriello referred to A-24 and asked what is depicted. He asked whether the topography is flat or hilly. Mr. Pippin said the topography is hilly. Mr. Tauriello introduced a photo marked OT-1. He asked whether Mr. Pippin recognized what is depicted. Mr. Pippin identified it and noted there is a walking path depicted, which is the same as A-24. Asked whether it is hilly, Mr. Pippin testified both photos have hills.

Debbie Winters, 116 Willow Grove Road, referenced the photos taken at 114 and 118 Willow Grove Road. Is the photo A-18 viewing straight from the front window? Mr. Pippin responded yes. Is A-14 looking straight out? Mr. Pippin responded no. In fact, A-14 looks northeast and A-18 is looking north. Mr. Pippin explained each location was selected on a resident's request.

Tom Kinsman, 18 Herleman Road, asked whether other addresses could be added. Mr. Pippin said it is possible. Ms. Selvaggi, however, said applicant would take it under advisement.

Mr. Tauriello asked whether he could have copies of the 350 photos that were not used. Mr. Selvaggi said he could produce 2 CDs with those photos, one for the Board file and one for Mr. Tauriello. Mr. Pippin was asked to group the photos by viewpoint.

Board member Fallaice seeks photos from east on Rt. 57 with solar panels facing south. Board member Faillace will accompany Mr. Pippin to the area on Rt. 57 where a photo and rendering is sought. Mr. Pippin will also take photos from Richline Road as requested by Board member Detore. Board member Detore will accompany Mr. Pippin to the area on Richline Road where a photo and rendering is sought.

Mr. Finelli asked about applicant providing a power point presentation with photos. Mr.

Finelli asked why there were no inverters or substations depicted. Mr. Pippin explained they were not within the view of the photos. Mr. Finelli asked about proposed buffering. Mr. Selvaggi explained the photos and renderings represented the worst case scenario with no buffering. Mr. Finelli asked whether Mr. Pippin stopped at high points which would be particularly visible. Mr. Pippin said he had done so, in fact, identifying sensitive and higher vantage point sites.

Mr. Drill referenced the Clarke Caton Hintz report which identified Master Plan designated scenic roads, including Richline Road.

Mr. Finelli asked what point on A-25 could be identified as having the most exposure. Mr. Pippin said he did not have that type of view shed model.

Ms. Specca asked for a visual representation of the proposed substation. Mr. Drill noted that this information had been requested from the applicant in June, along with the request for the EIS and some other information. Ms. Specca asked about the exact location of the substation and the impact.

There being no additional questions, Mr. Selvaggi indicated that he wanted to call Mr. Richard Roseberry, P.E., who did an analysis of storm water impact as related to the negative criteria for the D variance. Chairman Buckwalter asked whether this would result in repetitive testimony and be an efficient use of time since the stormwater analysis is supposed to be included in the EIS which has not yet been submitted and which Mr. Roseberry will be testifying about once the EIS is submitted.

The Board agreed to Mr. Selvaggi's request that the witness be allowed to testify prior to the EIS being submitted.

Mr. Roseberry was duly sworn. Mr. Roseberry noted he had designed 3 solar sites in 2010. He is currently involved in design for 4 more sites. He was accepted by the Board as a civil engineering expert.

Mr. Roseberry testified he had reviewed the site as to storm water regulatory requirements and what impacts would be expected. The site is 351 acres. He introduced exhibit A-26, which is a USGS map with the site superimposed upon it. HUD 14 boundary is identified. Merrill Creek and Pohatcong Creek watersheds are marked. NJAC 7:8 and municipal regulations apply. Ground water recharge regulations provide for 100% average annual recharge on the site. The State has adopted an amendment that solar panels are not impervious coverage. Therefore, the site will have little impervious. Disturbance on the site will be minimal. No detention basins or pipes will be proposed.

This is a major development which must comply with regulations. A full report will be provided at the time of site plan.

Mr. Roseberry observed that conditions will be improved by conversion of the property to meadow condition. Asked about erosion, Mr. Roseberry testified there will be no

erosion based upon his experience with other sites.

Mr. Buckwalter indicated that the Board would question this witness first, prior to the public questioning the witness.

Mr. Black asked whether the existing conditions would remain, i.e., no disturbance of the land. Mr. Black asked about the impact of the hilly topography. Further, Mr. Black noted he did observe a sheeting effect off the solar panel on the project at Merck. Mr. Roseberry testified grass stabilized the soil at the Crayola project. He recommends a grass mix to stabilize the soil. Mr. Vetrecin asked about the impervious coverage representation. He asked whether 120 acres of panels would accelerate run off or create some erosion. Mr. Roseberry answered he believed there would be no impact.

Mr. Roseberry explained that, while the panels are elevated, there would be no sheet flow or concentrated flow because there are gaps between the panels, allowing the runoff to flow through the gaps so that a concentrated sheet flow would not occur. Mr. Vetrecin questioned whether the arrays of panels are fastened together like they were at Merck. Mr. Roseberry examined the submission of Mortenson as to the panel array and explained that the panels here will have a gap in between allowing storm water to flow through. Mr. Roseberry did not know how wide the gap would be between the panels and stated that he would bring that information to the Board at the continued hearing next month.

Mr. Faillace referenced an issue raised when the corn is harvested from the field. Mr. Roseberry indicated this would be a site plan issue. He explained the site would be seeded with a grass mix which would create a meadow condition. It improves storm water management allowing for re-charge and also slows down the water.

Localized drainage issues on Washington Street currently exist according to Mr. Finelli. Mr. Roseberry clarified that the property will be vegetated, and meadow condition limits run off better than row crops, but he conceded that he did not know the specifics of any of the drainage problems on Washington so could not give any specific answers as to improved drainage on Washington unless he knew the specifics of the existing problems.

Mr. Finelli asked about the 6" diameter pier for supporting panel arrays. Further, he inquired about geotechnical investigation. Mr. Selvaggi said it would be covered by the EIS. Asked about a storm water management report, Mr. Roseberry said he had not been instructed to prepare a report but he could do so and include it in the EIS if that is what the applicant instructed him to do.

Asked by Ms. Specca how low the grass would be cut, Mr. Roseberry testified the grass is recommended to be mowed twice per year with a height no lower than 6". Asked whether grass grows under the panels, Mr. Roseberry testified it does. Asked by Mr. Drill about photos showing the establishment of the grass under the panels at the Crayola site, Mr. Roseberry said such a photo can be provided.

Mr. Buckwalter announced the October 14 meeting will be held in the municipal building

at 7 p.m. Extension of the Board's time to act was requested to December. Mr. Selvaggi said applicant would take it under advisement.

Mr. Selvaggi requested special meeting dates to facilitate completing this application in 2010. Mr. Drill said the Board would take it under advisement and told Mr. Selvaggi that he would have to start this process by sending Ms. Oldford an email with the request and with proposed dates so that Ms. Oldford could forward the email to the Board members and professionals to see if dates could be found.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

The meeting was adjourned at 10:15 pm.