

GREENWICH TOWNSHIP ZONING BOARD OF ADJUSTMENT

PUBLIC MEETING MINUTES

July 14, 2011 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Mr. Buckwalter called the meeting to order at 7:30 pm. Ms. Oldford said this is the 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 and the Star Ledger, and the notice of and agenda for this meeting was posted on the bulletin board in the Township Administration Building, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Ray Buckwalter, Dan Detore, Michael Black, Robert Vetrecin, Angelo Faillace, Steve Babula, Dawn Marie Kondas, Jeremy Blunt

Absent: Jeanne Zander, Michael Black

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

MINUTES

Motion to approve the minutes of May 12, 2011, was made by Angelo Faillace and seconded by Steve Babula.

Members concurred on voice vote.

RESOLUTIONS

Effi Solar, Application #2011-3 / Resolution No. 2011-06
Block 14, Lots 2 and 2.01

Grant of certain completeness waivers, denial of certain completeness waivers, and delegation of completeness determination to Board secretary.

Members eligible to vote: Ray Buckwalter, Dan Detore, Steve Babula, Angelo Faillace, Jeanne Zander, Dawn Marie Kondas, Jeremy Blunt

Motion to approve was made by Dawn Marie Kondas and seconded by Jeremy Blunt.

Members in favor: Ray Buckwalter, Dan Detore, Angelo Faillace, Steve Babula, Dawn Marie Kondas, Jeremy Blunt

Frank Ricci, Application #2011-4/Resolution No. 2011-07
Block 34, Lot 10.22
25 Red Hawk Lane – R2

“C(1)” variance to permit construction of an attached deck encroaching into the rear yard setback area.

Members eligible to vote: Ray Buckwalter, Dan Detore, Michael Black, Angelo Faillace, Steve Babula, Jeanne Zander, Dawn Marie Kondas, Jeremy Blunt

Motion to approve was made by Dan Detore and seconded by Dawn Marie Kondas

Members in favor: Ray Buckwalter, Dan Detore, Angelo Faillace, Steve Babula, Dawn Marie Kondas, Jeremy Blunt

REQUEST FOR CONTINUANCE

Metro PCS, Application #2011-2
Block 23, Lot 1 Dumont Road -- PDZ zone

Applicant seeks a use variance and site plan approval to construct a wireless telecommunications facility by mounting 6 antennas at the top of a 185' Ft. Worth structural insert within an existing 175' electrical transmission tower, and by placing electronic equipment cabinets on a concrete slab within a fenced compound at the base of the existing electrical transmission tower.

Application remains incomplete due to the applicant not submitting a site specific evaluation for limestone at the base of the proposed “Fort Worth insert” monopole tower in accordance with Board Resolution No. 2011-04 adopted on May 12, 2011 which granted a partial waiver from having to submit a formal geotechnical report as required by completeness checklist item #73.

Applicant has requested to carry the application until January, 2012 at which time the applicant may seek a further waiver from checklist item #73 to totally dispense with any geological testing.

Board action is possible to either grant continuance to January, 2012 or dismiss the application without prejudice.

Mr. Buckwalter recommends dismissal without prejudice. Board concurred.

Motion to dismiss without prejudice was made by Ray Buckwalter and seconded by Dan Detore

Members in favor: Ray Buckwalter, Dan Detore, Steve Babula, Robert Vetrecin, Dawn Marie Kondas, Jeremy Blunt

PUBLIC HEARING

Effi Solar, Application #2011-3
Block 15, Lots 2 and 2.01

Applicant seeks a use variance and preliminary and final site plan approval to construct a photovoltaic facility.

Motion to open the public hearing was made by Robert Vetrecin and seconded by Steve Babula.

Members concurred on voice vote.

Mr. Drill noted that Mike Black has recused himself from this matter.

John Giunco, Esq. introduced himself on behalf of the applicant. He said the use and bulk variances have been identified.

Mr. Giunco said he would present two witnesses, Evan Hill, P.E. and Andrew Janiw, P.P. who were in attendance with him. Two Board witnesses were also in attendance, Mike Finelli, P.E. and Carl Hintz, P.P.

Mr. Drill swore in all four witnesses.

Evan Hill, P.E. was called as the first witness and the Board accepted his qualifications as an expert in engineering.

Mr. Hill introduced the plan set as filed with the Board revised through 6/20/11. He distributed a reduced size set of plans + 7 exhibits, marked A-1 – A-7. Mr. Hill confirmed his supervision of plan preparation.

Mr. Hill testified applicant seeks use and preliminary and final site plan approvals. The proposed lots are located in the RCD zone. He referred to sheet T-1. The site is south of Rt. 57, north of an existing rail line. It is bounded on the east and west by agricultural fields.

Mr. Hill referenced E-1, existing conditions. He explained the inside lot is owned by Sunshine Landscaping and Tree Service. The site is currently used for agricultural purposes. There is wooded buffer on perimeters. A portion of the property is in Franklin Township where no development is proposed. Wetlands were field delineated, and

wetlands LOI has been received from NJDEP. There are no wetlands on the site. However, there are state open waters, namely a tributary. According to Mr. Hill the Morris Canal which crosses the property was abandoned in 1983. This land has been farmed. This land is gently rolling with its high point on Rt. 57.

Mr. Hill explained development over the common lot line. Applicant agrees to consolidate the lots.

He testified that the Morris Canal Commission is a part of Warren County Planning Department and that the applicant had submitted an application to the Canal Commission.

Mr. Hill referenced S-1. He explained this shows the area of the site proposed for development as well as the areas not proposed for development. There are two gravel access driveways. He noted an 8' Security fence will be installed around the improvements. Landscape buffer is proposed consisting of evergreen, deciduous and lower shrubbery as well as perennial grasses. Buffer area is 50'. A solar powered light, which is motion activated, is proposed for security.

Mr. Hill testified the design proposes 37,990 fixed tilt panels. It is a two-panel high system, low profile, with maximum angle of 20 degrees. The row spacing would be between 5 and 6'. Maximum height is 4.2'. Panels are aimed south. A 25' aisle is proposed for maintenance and emergency access. The output would be 10.5 mw. There are 11 inverters proposed.

Mr. Hill said small portion of the property for access over stream crossing has been submitted to NJDEP for approval.

The area will be vegetated by meadow grass, orchard vineyard nursery mix. This is a well established seed mix used over 20 years.

Mr. Hill explained a solar panel creates DC power. Panels are connected and called strings. The connection wires are within conduit. Combiner boxes combine strings. From the combiner boxes the power goes to inverters and converts to AC power. Lines are underground. Safety devices are built in, including disconnect switches. This is designed in accordance with power company and international building code standards. The Department of Community Affairs issues permits. Power goes underground to utility pole. No transformers or other equipments are required.

Further, Mr. Hill testified that some trees must be cleared. Access is granted to the farmer to farm Lot 2, Block 17. An easement exists which goes to the railroad for cattle manure. Clearing is meant to provide continued access. Asked whether the access is used, Mr. Hill noted there is a gravel driveway that parallels the drainage ditch.

PJM monitors and administers the electrical distribution system. A feasibility study was submitted to PJM and approved. A system impact study has also been submitted to the utility company.

Mr. Hill referenced S-6. He contended this property is well suited for solar because of its south facing slope. No grading is required except to level inverter pads.

Mr. Finelli asked about the unregulated drainage ditch.

Mr. Hill testified the panels are mounted on an elevated racking system. He said flexibility is built into the design so that the ditch will not be impacted. Mr. Hill confirmed the ditch will be stabilized with vegetation. He contended storm water run-off will be reduced, and the quality as well as run-off will be improved.

Mr. Hill reiterated the spacing between rows of panels will be 5 – 6.

Mr. Hill referenced drawing C-2. He noted if a post should fall within the ditch, it would be replaced by 2 posts on either side of the ditch.

Mr. Drill noted the easement is a private matter between the owner and applicant, and it is not within Board jurisdiction.

Mr. Hill explained the access for the solar farm as well as the easement access for a farm road within the side yard setback. Mr. Hintz asked why the proposed access is so wide, namely 40'. Mr. Hill responded it should be adequate for farm equipment. As to the hedgerow, Mr. Hill explained the clearing is to be consistent with what exists.

Mr. Hill noted the Warren County Soil Conservation District will impose conditions, and applicant will abide.

Mr. Hill summarized construction details. As to fencing, he noted it will be chain link with the front fence being vinyl coated. The fence would be 8' high. It is meant for security. There will be a light at the gates as well as a key for emergency services personnel to access the site, if necessary. Landscape buffer will be 50'.

Referencing C-2, Mr. Hill explained the detail for the culvert will be revised. There will be 2 inverters on each pad. All of the equipment is meant to be outside. Inverters make a humming noise during the day. Noise level is comparable to a residential air conditioner. There is no noise at night. Mr. Finelli asked why inverters are not enclosed. Mr. Hill the inverters would blend into the site being lower than the fencing of the solar arrays. The chain link fence provides security.

Interconnections are underground.

Switch gear pad is dictated by the utility company. Design comes later in the process. Equipment typically does not exceed 8'.

Two security lights including pole will not exceed 21' total height. He explained this is a downward facing light.

According to Mr. Hill, there are no liquids or contaminants within the proposed panels. Nothing can leach into the ground. Mr. Hill testified the panels are matt finish, low reflective glass.

Mr. Hill said he has designed 35 -- 50 solar sites in the state. Most have been approved on farmland.

Inverter pads contain 2 inverters. The only wiring not underground is the wiring on the back of the panels. Everything else is underground at least 18". Each panel generates 275 watts of electric, 7 amps.

The geotechnical analysis shows the depth of bedrock is more than 11'. There is no evidence of karst features. Mr. Hill confirmed applicant will use low impact installation techniques. Mr. Finelli noted applicant had done sufficient testing. Mr. Hill contended final design is done for the permitting process.

Yingli is the projected manufacturer of the panels. Mr. Hill represented this is a readily available polycrystalline panel.

Mr. Hill will provided MSDS sheets for the panel. Panels are warranted for 25 years.

Components used in the construction are not combustible. Applicant will agree to Fire Dept. conditions.

Asked about the 140' setback, Mr. Hill said he thought the ordinance referred to buildings. Applicant will comply with whatever setback is required. Enhanced setback is required on Rt. 57.

Landscape buffer on Rt. 57 is proposed. Mr. Hill said the landscape buffer will be 50' wide, consisting of 3 rows of evergreens staggered. In front of the evergreens will be shrubs and grasses. Mr. Hill said applicant would work out the details with Mr. Hintz. Mr. Buckwalter noted there must be a plan submitted by a landscape architect.

Mr. Drill summarized the ordinance requirements as to limestone.

Mr. Hill described the Exhibits 1 – 7 photos. As to buffering, question was raised as to additional buffering. Applicant's professionals will work with Board professionals as to the specific landscaping.

As to Mr. Finelli's report of July 12, Mr. Hill said applicant agrees to comply.

Members of the public were invited to question Mr. Hill

Paul Berezny owner of Sunshine Tree Landscaping, asked whether the Rt. 57 scenic byway plan has been checked. Mr. Hill said he believed the applicant had addressed the

intent. Mr. Hill said he would work with the Board planner for compliance. Mr. Berezny asked why such tall trees. Mr. Hill said the issue was to buffer the improvements. Mr. Berezny asked about buffering his property. Mr. Hill said no interior fencing was proposed. Further, the proposed fence would be 75' from the property line and panels located 100' from the lot line.

Mr. Guinco introduced Andrew Janiw, PP of Beacon Planning as the next witness and the Board accepted his qualifications as an expert in planning. Mr. Janiw will testify at the continued hearing

Mr Guinco said these are the applicant's only 2 witnesses.

Board requested a proposed panel with matt finish as well as MSDS sheet.

Mr. Guinco said applicant's professionals will plan a meeting with the Fire Dept.

Additional geotech information was requested to prove compliance with the limestone ordinance.

Applicant's professionals will meet with Mr. Hintz and prepare a revised drawing regarding landscaping.

Mr. Buckwalter requested additional photos of the view shed.

This hearing is continued to August 11 without the need for further notice.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Motion to adjourn was made by Robert Vetrecin and seconded by Steve Babula with members concurring on voice vote.

The meeting was adjourned at 10:10 p.m.

These minutes were approved August 11, 2011.

Alice Oldford, Secretary to the Board

