

MINUTES

7:30 PM

PRESENT: J. Burke
R. Dodds
D. Haywood
T. Kratzer
J. Mathieu
S. McNicol
E. Niemann
L. Senus
J. Strasser
M. Syrnick, Alt #1
D. Banisch, Planner
T. Decker, Engineer
D. Pierce, Attorney

CALL TO ORDER

The meeting was called to order by R. Dodds at 7:32 PM.

NOTIFICATION

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Express Times, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

Nagy – Block 14, Lots 31.03 and 33 – Boundary Line Adjustment – Route 29 & Fairview Road – Determination of Completeness

G. Nagy, C. Nagy and B. Nagy were present for the matter this evening. B. Nagy indicated the application is for a lot line adjustment to change the acreage on two parcels so it allows for the construction of a dwelling on Lot 31.03.

T. Decker stated his office has performed a completeness review. He stated the submission is sufficiently complete to schedule a public hearing for next month. The application brings the lot size in conformance with the zone.

It was moved by J. Mathieu, seconded by S. McNicol and carried to determine the application complete and schedule the hearing for December 14, 2010. All members present voted **AYE** on **ROLL CALL VOTE**. Since the application did not require a variance and the applicant's had paid a variance fee, it was moved by J. Burke, seconded by D. Haywood and carried to return the variance fee in the amount of \$350.00 to the applicants. All members present voted **AYE** on **ROLL CALL VOTE**.

BDAC – Block 23, Lot 17.02 – Barbertown Point Breeze Road – Request for Extension of Time to File

A. Belle indicated he is waiting for approval from the D & R Canal Commission.

It was moved by D. Haywood, seconded by S. McNicol and carried to grant 190 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Sargenti – Block 1, Lot 6 – Ridge Road – Approval to Construct Barn over 5,000 sq ft

D. Sargenti and A. Tarjan were present for the application this evening. The application is to seek approval to build an agricultural building.

D. Pierce stated this is an application under the Right to Farm Act which pre-empts local land use jurisdiction. It is for commercial farms and the County Agricultural Board (CAG) has adopted rules. The CAG does not have the ability to grant approvals. The CAG considers the municipal land use ordinances for the municipality and refers it to the municipality to see if there are any issues related to the application.

T. Decker stated the application does not appear to violate any setbacks or environmental issues. There is a letter from J. Tareila, a wetlands consultant.

The property was viewed on the overhead projector.

D. Sargenti stated the property is preserved. In response to a question by a Board member with regard to a wetlands delineation from the DEP, A. Tarjan responded they have the correspondence from J. Tareila and a stormwater management plan.

In response to a Board members question regarding the need for a presence or absence letter, D. Pierce responded to require a presence or absence letter is beyond the Board's authority because it is pre-empted by the Right to Farm Act. The applicant has to comply with applicable laws. There are various permits available and exceptions to areas that are actively farmed. It is incumbent upon the applicant to make sure they are not violating the wetlands law. The applicant is permitted to rely on J. Tareila's letter. T. Decker stated J. Tareila did not perform a delineation or valuation of the entire property. J. Tareila's review was site specific and he determined there was an absence of wetlands within the limits of disturbance.

A. Tarjan stated the location of the barn was chosen due to the lack of wetlands in the area.

It was moved by J. Mathieu, seconded by D. Haywood and carried to grant approval for the construction of a barn exceeding the 5,000 sq ft limit. All members present voted **AYE** on **ROLL CALL VOTE**.

Garden Solar, LLC – Block 15, Lot 4.03 – Route 12 – Public Hearing

D. Pierce stated he has reviewed the affidavit of publication and proof of service and the applicant has satisfied the notice requirements and the Board can open the public hearing.

W. Wilson, attorney, stated the applicant is seeking preliminary and final site plan approval on Block 15, Lot 4.03. The array will be connected to the distribution system of the grid and is designed for 3 megawatts of electricity. The original application and notice called for variance relief but he is not sure if a variance is required. The panel array will be 58' from the property line. The plan is following the Board's hard work on the ordinance in a cooperative manner with the applicants. They have pulled back the arrays to the building set back line. They have shown a demonstration of their good faith by providing a buffer enhancement to the plan. He stated they thought the original plan was a good plan but what is before the Board this evening is a great plan. He hopes the Board and members of the public think that also. The application is compliant with the

existing and new ordinance. The proposed use of the property has been determined to be a permitted use under the land use laws. The statute is one of many adopted in the last couple of years of public policy towards solar energy production. The site is great for its location, physical configuration and the ability to obtain the direct energy that is needed to generate electricity. There will be a concise and clear presentation from J. Chmielak and Y. Kishinevsky. T. Ferguson and B. Fratus were also present to answer any questions that may arise.

J. Chmielak and Y. Kishinevsky were sworn in by D. Pierce.

J. Chmielak presented his professional credentials to the Board as well as his employment experience.

W. Wilson stated he has pre-marked several exhibits:

- Exhibit A-1 – colorized version of the site plan dated 11/9/2010;
- Exhibit A-2 – revised site plan dated 11/9/2010;
- Exhibit A-3 – aerial photo;
- Exhibit A-4 – current view from Slacktown Road;
- Exhibit A-5 – viewscape rendering;
- Exhibit A-6 – planting benefit for Block 15, Lot 5;

J. Chmielak stated the application is a utility scale solar development. The property is located on Slacktown Road with slight access along Route 12. Exhibit A-1 is titled overall site plan. It is a one sheet rendering. The application is for Block 15, Lot 4.03 whose predominant frontage is on Slacktown Road. It is also the primary access to the property. The project consists of ground mounted solar arrays which will be connected to the electrical grid at the interconnection point at the central portion of the site. JCP&L will provide service for the interconnection which will run in the vicinity of the actual pole at Route 12. The existing property is currently utilized almost entirely for agricultural use, such as corn, cultivation and other crop rotation. The property drains from the east to west with a 2% slope. It is a very consistent slope. There are no water courses on the site. There are some to the north and northwest of the property. Both of those courses are C-1 streams. There are minor wetlands on the periphery of the property. There are minor drainage conditions on the south and southerly boundary. The applicant has pursued the necessary NJDEP permits. They have made application and received approval from the DEP for the various permits. The reason for the selection of the property is because a viable interconnect is available on Route 12, the moderate topography of the property, the southern orientation of the property and the availability of the property. The property is located in the BP zone which is the Township's zone that includes industrial uses which lends itself to this being a permitted use. The State has determined it to be an inherently beneficial use. The zoning is suited for this use and makes it a permitted use. The environmental considerations include a stormwater management analysis relative to identifying any stormwater runoff. They have performed their assessment and there will be a reduction of stormwater runoff because of increase in vegetation. With proper maintenance, there will be no negative impact on this site. The existing drainage on the property will be maintained. The panels will be installed and the surface of the ground will contain a vegetative cover of grasses suitable to growing between the arrays and under the panels. They have included a design methodology to minimize grading, minimize soil movement and maintain the system grade. In regard to design considerations, they have reviewed the proposed ordinance's conditional use that is being considered by the Township for solar facilities and note they comply with those conditions based on the unique nature of the property.

He stated in regard to the proposed ordinance:

§132-102.P.

P. *Solar and/or Photovoltaic Energy Facilities and Structures.*

All Major solar or photovoltaic energy facility or structure installations shall comply with the following conditional use standards:

- (1) *Major solar or photovoltaic energy facilities and structures.*

- a. *Minimum lot size: 20-acres.*

He stated the property is slightly over 21 acres.

(3) Except pursuant to a permit issued by NJDEP, no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. A 300 foot buffer shall be maintained between NJDEP designated Category One waters, as defined in the existing Surface Water Quality Standards rules at N.J.A.C. 7: 9B-1.4, and any portion of proposed major solar or photovoltaic energy facilities and structures. Category One waters include, and may not be limited to, the Lockatong, Wickecheoke, Warford, Nishisakawick and Little Nishisakawick Creeks and all named and unnamed tributaries of these streams.

The applicant has obtained the necessary DEP land use permits to facility the installation

(4) Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is to be located, exclusive of a pole for interconnection of the facility to the electrical grid. The minimum vegetated visual and security buffer width for major solar or photovoltaic energy facilities or structures shall be provided in all zones and the minimum principal setbacks shall be increased in any zone where the principal building setback is less than 50'. In no case shall the principal building setback be less than 50' such that the required 50' minimum width vegetated visual and security buffer shall be provided.

The structures will comply with the 100' set back. The property will be adequately buffered from the surrounding properties, refer to Exhibit A-2, which is a revised exhibit and includes two very minor additions, the removal of photovoltaic panels from the front yard setback and the addition of a significant amount of landscape buffering along Slacktown Road and other areas.

(5) Major solar and photovoltaic energy facilities and structures shall not be visible from the public traveled way (public roads, trails, navigable waterways, scenic highways and bi-ways), publicly owned properties, open space, preserved farmland and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.

- a. *Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from public view.*
- b. *To the extent achievable, solar and photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.*

The arrays will be adequately buffered with landscaping and buffers from adjacent property. The applicant will provide a maintenance plan for the landscaping, which is included to the maximum extent practicable. There are native species and non-invasive species in their plan

(7) Vegetated visual and security buffer - berm, landscaping, fence requirements. As required in subsections (4), (5), (6) and (7) herein, a vegetated visual and security buffer shall be provided not less than 50' in width shall be provided in all zones. The vegetated visual and security buffer shall consist of a combination of a landscaped berm, landscaping and a security barrier behind the landscaping and berm.

- a. *Vegetation shall visually screen the major solar or photovoltaic energy system from all adjoining residential uses and zones, the public traveled way (public roads, trails, navigable waterways, scenic highways and bi-ways), publicly owned properties, open space, preserved farmland and*

historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places. Vegetation shall be provided in accordance with §132-54A.(2), (3), (4) & (5), except that where the provisions of §132-54A may conflict with the visual screening requirements and objectives of §132-102.P., the applicant shall provide landscaping consistent with the visual screening objectives of §132-102.P. In addition, landscaping shall be limited to native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in Appendix C of the Kingwood Township Conservation Plan Element, and shall not include invasive species as listed in Appendix D in the Conservation Plan. Such plantings shall be depicted on a plan prepared by a licensed landscape architect.

b. A continuous landscaped berm shall be provided within the buffer, which shall be constructed in a free-form, undulating configuration and shall be of varying height to complement the natural landscape and enhance visual screening of the facility.

c. A barrier shall be installed behind the required berm which barrier shall: 1) secure the facility at all times; 2) restrict access to all electrical wiring that may be readily accessible; and 3) be in conformance with the Uniform Construction Code. One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the responsibility parties (1) for operation of the major solar and photovoltaic energy facilities and structures, (2) for maintenance of the facility, and (3) for maintenance of the berm, landscaping and security fence. All Transformers and high voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. The height of the security fence and access gate surrounding transformers and high voltage equipment shall be eight (8) feet in height, or as required by applicable federal & State regulation, and/or local building code.

d. Prior to any disturbance of the site, the applicant shall submit a cost estimate for the required berm and landscaping, which shall be subject to review and approval by the Board Engineer. The approved cost estimate shall be the basis for either a bond or cash guarantee, which shall be subject to a development agreement and shall be posted by the applicant prior to any site disturbance and the issuance of construction and subcode permits.

He stated the application will have an ordinance compliant buffer. There will be shrub plantings, conifers and deciduous plantings. The plan does include a security fence which consists of a 6' high chain link fence encircling the installation entirely around the perimeter. Exhibit A-2 shows the main access from Slacktown Road. On the west side will be an entry gate maintained and secured at all times. It will be open for maintenance personnel.

J. Chmielak stated the applicant is amiable to including a minor placard sign to identify the responsible parties for maintenance and operation.

(10) Major solar and photovoltaic energy facilities and structures and alternative energy systems shall not result in reflective glare as viewed from a height of 30' above ground level on adjoining residential properties.

He responded they have determined there will be no negative impact to any of the surrounding properties with glare. In response to a Board member's question of how that was determined, he responded that solar panels are designed and constructed to absorb light and reflection is minimized as part of the design of the solar panel. The panels include low iron glass. They have analyzed that the reflection of the panel will be well above the 30' allowed in the ordinance and above the structures. He stated a solar expert performed the analysis.

J. Chmielak stated the property is currently in agricultural use and disturbed. He stated the other factors of the application:

- ❖ The perimeter will be revegetated with meadow grass;
- ❖ The plantings, in and around the property, will be maintained;
- ❖ There will be no advertising signs associated with the installation;
- ❖ The maximum height of the panels is 10' and complies with the maximum height provided in the ordinance;
- ❖ A 90 mph design for uplift is included in accordance with the UCC requirements;
- ❖ No lead acid batteries are proposed;
- ❖ It is a conditional use;
- ❖ Decommissioning plan will be prepared and submitted as a condition of approval;
- ❖ Provided compliant landscaping plan with native species;
- ❖ No negative impact on cell phone reception, appliances, internet access, etc;
- ❖ Relative to light and glare, this facility is a rather passive facility;
- ❖ No extensive lighting is proposed after hours;
- ❖ Maintenance personnel will be present on a periodic basis;
- ❖ Inverter locations are installed on concrete pads;
- ❖ No heat impact on the surrounding properties;
- ❖ No noise impact (the inverters make a low hum which is generated from the exhaust fan which moves the warmer air from the inside to the outside. The exhaust fan is only on when the system is operational);
- ❖ Performed an analysis and located the inverters in the central portion of property (236' from the nearest property line);
- ❖ Have determined there will be no acoustical impact beyond the ambient conditions;
- ❖ There is no odor impact at the property line;
- ❖ No waste created;
- ❖ No vibration impact, as there are no moving parts;
- ❖ Traffic impact is minimal as the property would be visited very infrequently (on a weekly basis, if necessary);
- ❖ Monthly and semiannual visits for other maintenance needs;
- ❖ The native shrubs will be installed at 15' on center along Slacktown Road and staggered conifers and deciduous trees, 40' on center, along the other boundaries. The conifers and deciduous trees will be at a height of 8-10' to start. They will be installed in the spring and fall. It will take approximately 5 years for the plantings to fill in (Exhibit A-4 shows a current view and A-5 shows a future view);
- ❖ Installation should take approximately 3 months;
- ❖ Buffering along the two residential properties would be supplemented as needed;

- ❖ There will be no planting along the southerly property line. There is an elevated berm and there is existing vegetation and growth on the berm. He doesn't anticipate any viewscape impact from Route 12 to the south;
- ❖ The existing wooded area from the south provides the buffering in the riparian corridor (which is offsite);
- ❖ Will be adding additional plantings to the immediate south of Block 15, Lot 5 (as indicated on Exhibit A-6);
- ❖ The panels are framed in brushed anodized aluminum. They do not anticipate any negative glare from the frames;

W. Wilson has discussed with his client and they are willing to accept as a condition of approval a post-construction walk through with the professionals. If after the walk through there was an instance of additional buffering required, the applicant would be agreeable. He stated unacceptable visual conditions can be rectified with shrubs, trees or both. The additional planting applies to any aspect of the property.

D. Banisch inquired on the two adjoining properties, are there limitations of tree clearing in that area? J. Chmielak responded some of the area is regulated by DEP because it is a wetlands area. There is minor drainage. There is a constrained area in that vicinity. They have reviewed the viewscape and have supplemented where they have determined it is needed. There is heavy buffering existing in the area. They have added about four conifers.

J. Chmielak stated the applicant is strongly considering fixed tilts arrays. They have not stopped thinking about the option of a tracking type system. It would have a similar layout, shape and orientation of the panel. The impact of noise would be similar to the inverters. The movement of the panel is virtually undetectable to the eye. They anticipate it will serve as a renewal energy facility well into the future. It is not a short term project. He stated there is certain efficiency within the 20-25 year life span but other panels have far exceeded the 20 year limit. There is no liquid in the panels. He stated the three inverters will be running at the same time.

W. Wilson stated the efficiency of the panel have a 20-25 year life expectancy.

R. Dodds stated the Board has received reports from their professionals and will be reviewing them. The matter will then be opened up to the public for comments and final questions from the Board.

T. Decker reviewed his memo of November 5, 2010. He stated several items have been addressed through testimony.

J. Chmielak stated the technology has been selected but the final manufacturer has not been selected. The possible change from the submission might be due to the selection of the manufacturer in regard to dimension of the overall panel and spacing. In regard to the utility lines being placed underground, J. Chmielak responded the area contains several constraints and are regulated by the DEP. The facility will contain approximately 18,000 panels. In regard to the safety of the facility, it will be fenced in and enclosed with a locked gate. In terms of hazards to the panels, there is very low hazard. It will be installed to the UL and electrical subcode standards. He reviewed how they are connected to the inverters. He stated precautions with the code requirements will protect against any hazards.

T. Decker stated the legislature has determined the panels are not an impervious surface. Only the mounting supports are impervious. They have demonstrated by a management report of the property going from a row crop agricultural field to a vegetative meadow that they have addressed all the stormwater management issues

such recharge. They have satisfied the stormwater management requirements. He stated the ordinance has been discussed point by point and his comments have been taken care of in that discussion. His office received a copy of Exhibit A-2 which eliminates the need for the variance.

W. Wilson stated the panels will be fixed.

D. Banisch inquired how the applicant would comply with the following:

2. No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures are constructed. Within areas containing Prime Farmland and Farmlands of Statewide Significance as identified by the USDA Natural Resources Conservation Service, there shall be no concrete footings constructed or used for solar or photovoltaic panel racking systems or other structures to support panels, however concrete pads for inverters and similar equipment, and concrete footings for security fence may be constructed within areas containing these soils. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and for construction of inverter and switching equipment pads.

J. Chmielak stated it is the applicant's intention to install footings in non-invasive measures. There may be some localized areas where rock may be encountered and concrete footings are required. The applicant is requesting the Board to understand the practicability to that to some of the limitations that can occur during the installation. The depth to bedrock varies from 3' to 8 or 9' throughout the site of fractured rock. The typical installation detail provides for the mounting poles to extend 10' into the ground. The final footing design will be worked out during the building permit process. They do not anticipate footings. D. Banisch had comment he has seen some applications that provide for racking systems that are put on top of the surface and no ground penetration is required. J. Chmielak responded that system has some issues that would require additional ballasts and coverage on the property. Safety and security of the panels are a concern and the applicant desires them to be fixed to the ground. They would request a condition that would allow a periodic footing or attachment of concrete, which would be decided on a specific case by case, pier by pier basis. They would like to leave the option open for concrete footings. They requested the engineer authorize the installation of the concrete footings. T. Decker stated at what point does a few become too many. T. Decker is suggesting the applicant do an onsite soil analysis. J. Chmielak responded they have completed a geotechnical survey and the are is fractured. The applicant is confident, based on the investigation, that helical screws and driven piers would be sufficient. W. Wilson stated it was a site specific study and will provide a copy to T. Decker. W. Wilson stated the applicant is confident they can install the facility with helical screws and driven piers.

J. Chmielak responded the applicant has invested a significant amount of energy before the winter months have approached to seed the existing agricultural field with the seed specified on the plan. They have received approve from the Hunterdon County Soil Conservation District. The anticipate growth is in the spring. They will start construction as soon as approval from the Board is received.

D. Banisch inquired if installation will begin prior to the chance for the permanent vegetation to grow. W. Wilson stated they have been in discussion with the Hunterdon County Soil Conservation District indicating that they would not issue a final certification of the plan until they are satisfied not only that it has been installed but that it is growing. There is a maintenance plan for the landscaping. The Board can require a condition that the required turf has been established. It is more labor intensive if what has been seeded does not do well. The applicant is not opposed to a local bonding requirement for the permanent vegetation.

J. Chmielak stated the seed that has been selected is a shade tolerant seed. They applicant will be able to obtain germination, maintain it and stabilize the seeded area. The seed mix has been developed by the NRCS and Hunterdon County Soil Conservation District. There are a variant of grasses which have been determined to be soil stabilization grasses. He feels they will perform in this application. There is a periodic mowing of the property. It will grow upwards of 24". It does not affect the functionality of the system and will not be cut less than 4-5" when it is mowed. The access ways for the cutting of the grass would utilize mowing equipment and

the other areas will be done by hand operated equipment. The removal of invasive shrubs will be part of the maintenance practice. Removal of the invasive shrubs is anticipated to be done by mechanical means. If an herbicide is required it will be hand applied, if amiable to the Board. The gross application of an herbicide is not proposed. The maintenance plan will be submitted for the professional's review as a condition of approval. He stated the viewscape from Route 12 along with the supplemental plantings and the traversing of Route 12 at a higher elevated speed of 40-50 mph would provide no negative impact. In regard to the two non-native species in the planting, he stated they have been included to provide diversity in cases of disease and viability.

D. Banisch inquired about the continuing maintenance of the landscaping. W. Wilson responded there will be a requirement of a maintenance plan in the approving resolution as a condition. The first aspect is a 1 year warrantee and a 2 year maintenance guarantee for the plantings. The annual maintenance would require the removal of any dead trees or limbs. It becomes part of the approved site plan. The enforcement would be done through the zoning officer. The Planning Board does not have lifetime jurisdiction. If a tree dies and needs replacement, it will be replaced or may not need to be replaced. A determination at that time will be made based on the existing conditions. He sees it as a continuing site plan issue.

D. Banisch stated if the decommissioning plan will be incorporated as a condition of approval. W. Wilson responded the contractual agreement with the property owner requires a decommissioning of the facility. There is a monetary amount of the lease deposit which is posted and earns interest over the life of the agreement so the property owner is not left in a bind. The applicant will submit a decommissioning plan which will mirror the requirements of the ordinance.

D. Banisch stated since the presentation in the Exhibit A-5 indicated a period of 5 years growing, would the applicant be willing to guarantee the plantings for the 5 years even though it is beyond the limits of the Municipal Land Use Law. W. Wilson stated the applicant would comply if the Board imposes that condition in their approval. A maintenance guarantee is through a surety, cash deposit, guarantee or letter of credit. A maintenance plan or the continuing of the landscape plan is enforced through the zoning officer.

R. Dodds inquired, since the applicant is requesting preliminary and final approval, will they return to the Board at any time. D. Pierce responded the Board will grant an approval with conditions of that type or can defer a decision and ask the applicant to present that item before the Board acts. W. Wilson responded the applicant would most respectfully seek an approval with conditions. If there was a desire to defer the action, they would prefer it be on final rather than preliminary.

R. Dodds opened the meeting to the public.

R. Dodds inquired if the property owner of Block 15, Lot 5 was present. R. Runion was present

R. Runion was sworn in by D. Pierce.

R. Runion stated he resides at 875 State Highway 12, Block 15, Lot 5. He affirmed that he has had discussions with the applicant. He stated the project will impact him directly since it is located in his backyard. The applicant has responded to any questions that he had with regard to the project. They have tried to remedy my concerns. The applicant came to his house to see precisely the view perspective from his home. He stated the applicant agreed to do whatever was practical to remedy the view impact by the installation of trees on the property line. He requested any trees that would be planted be planted on his property and as close to the property line as possible. The berm was man-made several years ago by trucked in construction debris. There is a ROW on the western most end and he requested it remain open as the farmer who farms his property uses that ROW. The applicant assured him it would remain open. He has no other objection to the project. It will generate more tax revenue. He stated T. Ferguson is an honest and trustworthy individual. J. Chmielak responded the buffer plantings along R. Runion's property will be in the vicinity of the property line. There is a little drainage on his side of the berm. They will look at the area and install the plantings at the most appropriate location.

D. Pierce requested the Board take a five minute break for the court reporter.

J. Lee Frank was sworn in by D. Pierce

J. L. Frank, 41 Tumble Idell Road, was concerned about an unmanned power generating facility in the middle of a hayfield. If it was a building, it would have a sprinkler system. He inquired if the fire company has been contacted. W. Wilson responded the applicant anticipates, before the site goes on line, there will be central training for the local fire department. W. Wilson stated Y. Kishinevsky will address flammability of the system.

Y. Kishinevsky stated the developer will meet with the local fire department. Every firefighter is trained in fighting electrical fires. As far as the probability of fire, there is nothing in the facility that will be able to burn. There is a fire retarded on the wire and everything is basically metal. There are no flammable liquids or materials on site. There is a lot less probability of a fire than in a residential structure. The system will be monitored remotely. Any malfunction will be detected. J. Chmielak described the access to the fields and inverters. The plan provides for access off Slacktown Road. The inverters are located laterally in the central portion of the property. The access road is 15' wide and built with an aggregate base which should be able to carry vehicles such as fire or maintenance vehicles. There is enough access pavement on Slacktown Road and the drive area. Horizontally, the access area is slightly over 5'. A fire truck would not be able to get into the center but sufficient access is provided to the inverter locations.

Y. Kishinevsky provided his professional credentials and experiences. W. Wilson indicated he is a professional engineer experienced in solar technology.

D. Pierce suggested the Board require the preliminary approval require the applicant submit plans for access.

Y. Kishinevsky stated the access is needed to the substation and inverters. There is nothing flammable in the panels. The melting temperature of the panel is very high. The only potential for fire is in the inverters and substation. Small transformers do not need oil. He stated in the event of a grass fire, it will not create an issue.

W. Wilson stated they do not have any other direct testimony but both witnesses are available for questions.

In response to a Board's question in regard to how the glare of the panels is measured, Y. Kishinevsky stated the panels are made with non-reflective glass. It is accomplished by two means, a low reflection glass and the glass has dimples in it. It is a blurred glare and dissipates very fast. If you are close to the panels you would see a fuzzy reflection. We estimate glare by looking at the solar field and the direction of the panel. The rest is geometry. The solar movement at every location in the world is documented and we have used that data. When taking into consideration the data, the reflection of the titled panel goes 200' above the nearest structure. The only sun angle when the glare may hit the nearby building is when the sun is four degrees over the horizon. When the reflection reaches ninety degrees it turns away from the house. The frames are very thin and not very reflective. The sun that is reflecting one second is not reflecting in the same spot in another second.

W. Wilson stated the lights in and around the inverters will be the brightness of a porch light.

Y. Kishinevsky stated any issues that might arise with the inverters will be detected by remote monitoring. He stated the maintenance plan does not envision any evening work unless there was some major replacement required.

W. Wilson stated the approval can indicate there would be no work at night other than in an emergency. He stated he will be providing the plan in a "pdf" file. The proposed fencing will be a galvanized chain link fence. D. Banisch stated if there is visibility of the fencing during growing, black colored fencing makes it disappear.

J. Chmielak stated the depth between the conduit and the panel is a minimum of 18". They are installed in a narrow trench. The planting plan is understoried with native shrubs to help with the deer destruction.

W. Wilson stated he has received full plan certification by the Hunterdon County Soil Conservation District for Phase I, which is for under panel seeding. Phase II is under review and he has received verbal verification everything is satisfactory.

In response to a Board member's question regarding erosion, J. Chmielak stated with the implementation of this property and vegetative stabilization, the project will not experience erosion. Noting the fact that the stabilization is in progress, there might be a discharge from the site of silt during a rainstorm. It should be remedied immediately. They have been working with the Hunterdon County Soil Conservation District and they have made several recommendations, such as hale bales and surface matting. Any runoff will be dealt with within the next week or two. W. Wilson stated erosion mats are on the site and have been installed as of this evening. J. Chmielak stated there is an area allocated as necessary for soil stock piling during construction as required by the Hunterdon County Soil Conservation District. The excavation is minimal. There will be excavation in the access drive for the placement of the aggregate reinforcement. It will be kept localized in that vicinity in the entry road and spread out. They are trying not to disturb and keeping the soils where they are today. The existing slope will be maintained.

Y. Kishinevsky stated there are many ways to rack the system. They don't have a final arrangement. The final winner of the bid process has not been selected. The lift from the wind is factored into the foundation design. He stated the installation does not require any batteries. The only batteries on site will be for small computer equipment as a backup battery.

In regard to the guarantee on the landscaping, W. Wilson stated for the record purposes, their warrantee is continuing through the life of the property. With regard to the decommissioning plan, he stated the applicant will submit a plan that fits on a single page. It will state the disconnection of the system will be done a licensed electrician and the balance will refer to the disassembly of the panels, underground conduit, peering system, etc. The lease is for 20 years with two five year extensions.

J. Chmielak stated there will be no well on the site. Any washing water will be brought to the site.

D. Pierce stated it would be appropriate for the Board to grant approval for the preliminary site plan. The Board needs to approve a waiver of the requirement that the applicant provide parking and loading facilities.

It was moved by R. Dodds, seconded by S. McNicol and carried to grant a waiver of the design standard of parking and loading facilities. All members voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Burke, seconded by J. Strasser and carried to grant preliminary approval with the following conditions:

1. The applicant shall submit a Maintenance Plan for the landscaping and vegetative grass cover to be subject to the approval of the Board's professionals.
2. The applicant shall post a performance guarantee for a period of five years for the landscaping and vegetative cover installation in the amount approved by the Board engineer and planner.
3. The applicant shall submit plans revised to include:
 - a. Notes concerning the maintenance requirements for the landscaping and vegetative cover;
 - b. Notes concerning the restrictions on the use of concrete footings for panel supports;
 - c. A note referencing the requirement for a Landscape Maintenance Plan;
 - d. A note indicating that all utility lines except for the interconnection are to be installed underground;
 - e. A note indicating that the applicant is required to attend a pre-construction conference with the Board engineer;

- f. Specifications for providing suitable ground cover and soil stabilization, including the specific mixes of grasses proposed for use;
 - g. A note indicating that the ground area beneath the solar and photovoltaic panels shall be maintained in a natural condition and shall not be covered with stone;
 - h. A note indicating that batteries for storage of energy are not permitted on-site except for batteries used to power computers, communication and monitoring equipment;
 - i. To include a detail for the responsible party sing to be installed at the entrance to the facility.
4. The applicant shall submit a Decommissioning Plan that shall be subject to review and approval by the Board's professionals.
 5. The applicant shall submit a revised Landscaping Plan for review and approval by the Board Planner.
 6. The applicant shall attend a pre-construction conference with the Board Engineer.
 7. The applicant shall provide 48 hours notice to the Board engineer prior to the commencement of any constructions activities.
 8. Receipt and submission to the Board of approval or a determination of no jurisdiction from the Hunterdon County Planning Board.
 9. Receipt and submission to the Board of approval from the Hunterdon County Soil Conservation District.
 10. Submission of the Letter of Interpretation and freshwater wetlands general permits issued by the New Jersey Department of Environmental Protection.
 11. Receipt and submission to the Board of approval or a determination of no jurisdiction from the D&R Canal Commission.
 12. There shall be no display of advertising except for the reasonable display of the equipment manufacturer's name and the site operator's name, which shall not be visible from the public road.
 13. The maximum height of the solar panels shall not exceed twelve (12) feet.
 14. The applicant shall submit its site plan to the Kingwood Township Volunteer Fire Company for their review and approval and shall modify the site plan as necessary to comply with the requirements of the Kingwood Township Volunteer Fire Company.
 15. The applicant shall install a sign or placard at the entrance of the facility that identifies the owner and operator of the facility and provides their contact information.
 16. This approval is subject to a post-construction inspection of the landscaping by the Board's planner and any modifications to the quantity and location of landscaping required, to be consistent with the density and diversity of the proposed plantings along Route 12, where deemed reasonably necessary by the Board planner to adequately screen the facility.
 17. This approval is subject to a post-construction inspection of the vegetative ground cover by the Board's planner and any modifications to the ground cover where deemed reasonably necessary by the Board planner to provide adequate stabilized ground cover underneath and between solar panels.
 18. There shall be no maintenance of the facility conducted after dark except in the case of emergency.
 19. Submission for review and approval by the Board engineer of the site specific geotechnical study for the site.
 20. The applicant shall provide training to the Kingwood Township Volunteer Fire Company regarding fire fighting issues associated with the facility before the facility is made operational.
 21. To the maximum extent possible solar panel supports shall be installed through the use of helical screws of driven piers. Concrete footings for solar panel supports shall be permitted only when approved by the Board engineer as necessary and appropriate.
 22. The buffer plantings to be installed on Lot 5 shall be made in conformance with Exhibit A-6 and shall be installed as close to the northerly property line of Lot 5 as practicable.
 23. The applicant shall submit one copy of all revised plans in electronic form.

24. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998.
 In the event that the calculation to be performed under the growth share ordinance determines that there is no growth share obligation associated with the proposed development, then the development fee ordinance shall be applicable. The development fee ordinance requires a developer, pursuant to 132-13 of the Kingwood Township Code, to pay a development fee to the Kingwood Township Affordable Housing Trust Fund.
 The applicant shall pay fifty percent (50%) of the estimated developer's fee, if any, to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.
25. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. This memorializing resolution shall not be released to the applicant unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
26. The applicant shall have two (2) years from the date of the adoption of this memorializing resolution to obtain a construction permit and complete construction of this project. If during said two (2) year period, or extension thereof as granted by the Board pursuant to N.J.S.A. 40:55D-52, a construction permit is not obtained, or if such permit is obtained but work not completed within 24 months of the issuance of the permit, all relief granted in this memorializing resolution shall expire and automatically become null and void.
27. Approval of this application by the Board of Adjustment shall not and is not to be considered as an approval of any other requirements or approvals of permits as may be necessary to allow construction.
28. The within approval, and the use of all property subject to the within approval, are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or department shaving jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or condition of the within approval and any approvals(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon property application.
29. The Kingwood Township Board of Adjustment reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Board of Adjustment. Minor deviations and field changes may be authorized in writing by the Township Engineer.
30. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statues, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
31. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the application, its

successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

All members voted **AYE** on **ROLL CALL VOTE**.

Proposed Ordinance 16-16-2010

D. Banisch reviewed his memorandum of the changes made to the proposed ordinance since the meeting on October 25, 2010:

1. Page 4 – §132-102.P.(1) The minimum lot size for major installations is changed to 20 acres for all zoning districts;
2. Page 4 – §132-102.P.(2) The provisions restricting facilities from being constructed within areas containing prime and statewide significant farm soils have been replaced with limitations to restrict the use of concrete footings for solar panel racks and racking systems, but to allow the construction of concrete pads for inverters and similar equipment and for footings for security fencing. Additionally, soil removal is not permitted from any site where major facilities are constructed;
3. Page 4 – §132-102.P.(3) This section was eliminated. These were the provisions relating to critical habitat limitations;
4. Page 4 – §132-102.P.(4) This section number was changed from (4) to (3) and amended pursuant to David Pierce’s comment to add the phrase: “Except pursuant to a permit issued by NJDEP;” at the beginning of this section relating to facilities in NJDEP regulated areas (wetlands, transition areas, floodplains, flood hazard areas and stream buffers and riparian zones);
5. Page 4 – §132-102.P.(5) This section number was changed from (5) to (4) and now allows for a pole for the interconnection to the electrical grid to be constructed outside of the required setback. A statement was added that “The minimum vegetated visual and security buffer width for major solar or photovoltaic energy facilities or structures shall be provided in all zones and the minimum principal setbacks shall be increased in any zone where the principal building setback is less than 50’.” This will ensure that the full 50’ wide buffer is provided adjacent to all major installations, particularly in zoning districts with setbacks less than 50’ (AR-2 the side yard (40’); VR-1 the front, rear and side yard, VR-2 the side yard; VC-1 the rear and side yard; VC-2 the side yard; and PO/R the side yard).
6. Pages 5 – §132-102.P.(6) This section number was changed from (6) to (5) and was edited to add the word ‘navigable’ to clarify that the facilities should not be visible from navigable waterways.
7. Pages 5 & 6 – §132-102.P.(7) This section number was changed from (7) to (6) and revised to clarify seed mix requirements.
8. Pages 6 & 7 – §132-102.P.(8) This section number was changed from (8) to (7) and revised so that the landscaping requirements make reference to the planting and visual screening requirements of §132-54.A. Part of Section 132-54A is directed to preventing headlight screening on commercial uses. As a result, we have included a qualification that where the visual screening requirements of §132-54.A. conflict with the visual screening objectives of the solar facilities ordinance, enhanced screening requirements shall be required, and further that the required buffer width is 50’ in all zoning districts (§132-54.A. permits 25’ wide buffer in VC-1 and PO/R). The requirement to use native, non-invasive species is maintained along with the reference to Appendix C & D of the Conservation Plan for the list of accepted and prohibited tree and plan species. Additionally, the requirement that the buffer would have to be provided within the principal building setbacks has been eliminated. Finally, a requirement was added for a construction bond estimate for construction of the berm and installation of landscaping, which will be subject to approval by the Board Engineer and includes a requirement that the bond or a cash guarantee must be posted with the Township prior to site disturbance and issuance of permits.
9. Page 7 – 8 – §132-102.P.(9) through (15) These section numbers were changed to (8) through (15).
10. Page 8 – §132-102.P.(17) This section number was changed to (16) and was revised to eliminate a requirement for a restoration bond at the time of approval, which was replaced with the requirement for a decommissioning plan with a cost estimate for same to be provided prior to approval. Provisions that would

permit the Township to order decommissioning of (1) a facility that is partially constructed, but not completed (where a cessation of activity for a cumulative period of 180 days is evidenced); or (2) a facility that has ceased to operate for a period of 180-days has been added.

11. SECTION V., Pages 10 & 11 has been added, which establishes Supplemental Design and Performance Standards for the Major solar or photovoltaic energy facility or structures as permitted uses in the BP zone. These are identical to the conditional use standards, however as supplemental regulations for a permitted use, relief from these standards may be granted by the Planning Board and will not require variance relief from the Zoning Board of Adjustment.

D. Haywood commented on the following corrections:

Section 132-102.P.6.a.iii – third sentence – replace “were” with “where”;
 Section 132-60.A.6.d.vi – third sentence – replace “were” with “where”;

D. Banisch reviewed the following technical changes:

Section V – Chapter 132-60.A.6.d.v – reference should be changed from 132-102.P.(10) to 132-60A.10;
 Section V – Chapter 132-60.A.7.e – reference should be changed from 132-102.P to 132-60A;

It was moved by M. Syrnick, seconded by D. Haywood and carried to recommend adoption of proposed Ordinance No. 16-16-2010 to the Township Committee. All members voted **AYE** on **ROLL CALL VOTE**.

PRIVILEGE OF THE FLOOR

Windpowered Generation Towers

D. Banisch provided the following memorandum for the Board to review:

1. Permitted in Every Industrial District of a Municipality.

The Municipal Land Use Law at Section 66.11 provides that “A renewable energy facility on a parcel or parcels of land comprising 20 or more contiguous acres owned by the same person or entity shall be a permitted use within every industrial district of a municipality. For the purposes of this section: “renewable energy facility” means a facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy.

As was the case for solar and photovoltaic energy systems, the Township BP zone has been deemed to be an industrial district as intended in Section 66.11 of the Municipal Land Use Law. The purpose of the Business Park District states that “ This zoning district is located in the vicinity of Route 12 which is partially developed with various businesses and industries. The intent of this district is to further promote the industrial and commercial businesses in Kingwood which are sensitive to the particular environmental conditions of the area.” Thus, adding these types of facilities as permitted uses in the PB Zone would seem to comply with the law that establishes these uses as permitted uses in all industrial zoning districts.

2. Currently Permitted as Accessory Structures in Kingwood Ordinance.

At §132-50., Accessory buildings, uses and structures, subsection D., Kingwood Township’s ordinance provides that “Energy-generating equipment driven by wind, including structures, towers or poles. Energy-generating equipment driven by wind is permitted.”

At §132-50.E. Height and area of accessory buildings and structures., the Ordinance carves out an exception for “energy-generating equipment driven by wind, including structures, towers or poles if it meets the setback requirements in Subsection D above, which may be such height as necessary to function adequately, provided that the structure, tower or pole complies with all building and electrical codes.”

At §132-50.F. Location., the Ordinance provides that “. . . energy-generating equipment driven by wind, including structures, towers or poles, may be erected in any yard, provided that it meets the setback requirements set forth in Subsection D.”

There do not appear to be any setback requirements identified in the Ordinance for energy-generating equipment driven by wind (see Subsection D. set forth in its entirety above).

3. Zoning Considerations:

Zoning considerations related to wind energy structures and facilities include:

- (1) visual impact,
- (2) potential noise impacts; and
- (3) potential ‘fall’ hazard associated with a structure tower.

Insofar as existing ordinance provisions allow for energy-generating equipment driven by wind, and the ordinance essentially permits their location in any yard, and at “. . . such height as necessary to function adequately, provided that the structure, tower or pole complies with all building and electrical codes to pole that may support wind driven ,” it would seem a logical starting point in the Board’s consideration of an ordinance to regulate these structures is to identify whether the existing provisions for these types of facilities as accessory uses should be revised with regard to placement (i.e. setback, yards), noise, and height.

As a matter of State law, and in accordance with N.J.A.C. 7:29, NOISE CONTROL (Statutory Authority: N.J.S.A. 13:1G-1 et seq.) last amended November 9, 2005, the following standard is cited:

“§ 7:29-1.2 Industrial, commercial, public service, or community service facilities

(a) No person shall cause, suffer, allow, or permit sound from any industrial, commercial, public service or community service facility that, when measured at any residential property line of any affected person, is in excess of any of the following:

1. From 7:00 A.M. to 10:00 P.M.:

i. Continuous airborne sound which has a sound level in excess of 65 dBA; or . . .

2. **From 10:00 P.M. to 7:00 A.M.**

i. Continuous airborne sound which has a sound level in excess of 50 dBA; or . . .”

In light of these standards, the 50 dBA noise level is the appropriate standard for the maximum noise level identified for energy-generating equipment driven by wind.

Assuming that it is the Board’s intention to regulate these facilities with respect to placement, noise and height, we have found sample ordinance provisions from an ordinance that has been introduced, but tabled by the Lebanon Township Committee in Hunterdon County. The reason the ordinance was tabled was related to provisions in the ordinance concerning outdoor wood burning furnaces. The following provisions are related to what the ordinance defines as a Small Wind Energy System, which is defined as follows:

SMALL WIND ENERGY SYSTEM -A wind energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less.

The Lebanon Township provisions for these facilities are as follows:

- (3) Small wind energy systems.

- (a) The minimum lot area shall be 10 acres.
- (b) The maximum height shall be 120'.
- (c) The minimum and maximum setback of the small wind energy system from any property line shall be 50 percent of the system height.
- (d) The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved by the approving authority.
- (e) There shall be no signs visible from any public road or neighboring property posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning sign, or owner identification.
- (f) Sound levels of the wind energy system **shall not exceed 55 decibels as measured at the site property line.**
- (g) Abandonment.

[1] A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to be abandonment. The Zoning Officer shall issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to be abandoned. The notice shall be sent return receipt requested.

[2] The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the Notice.

[3] If the property owner provides information that demonstrates the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the property owner that the Notice has been withdrawn.

[4] If the Zoning Officer determines the small wind energy system has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.

[5] If the property owner fails to remove the facility in the time allowed under

[4] above, then the Township may remove such system and place a lien on the property for the cost of the removal.

- (h) The small wind energy system shall not cause flickering shadows on adjoining properties.

These would seem to be appropriate to energy-generating equipment driven by wind *as accessory uses*, as well as for larger installations (i.e. in the BP zone). As indicated above, the setback provisions appear to permit placement in any yard (i.e. front, side, rear). The indicated distances would seem to address potential "fall" concerns or hazards. Additionally, the proposed provisions for Lebanon Township identify an elevated noise limit at the property line that is higher than the 50 dBA limit identified in State Law.

D. Banisch stated renewable energy that is from wind energy are permitted uses in Section 66-11 of the Municipal Land Use Law. The accessory uses ordinance permits energy generating equipment driven by wind but does not contain setback requirements for this permitted accessory use. There is visual, noise and fall impact of wind generating towers. He stated they have been declared inherently beneficial in all industrial zones. He stated there is an application in Somerset County to install three turbines which are cylindrical in shape. He stated there is one in Alexandria Township that has been in service for awhile. It is owned by an electrician and he has been disappointed with the electrical generation of the system.

T. Decker stated the difference between solar and wind is that the sun has a clear view but because of varying wind speed, the site selection is very limited unless you are on the peaks of the Township or a ridge line. He stated there was an application before the Board of Adjustment. The application was before the Board of Adjustment due to the fact that the applicant wanted the Tower in the front yard. If the applicant had installed it in the backyard, it would have to have been 180'.

D. Haywood stated she has obtained some information from the Office of Clean Energy. They have drafted a model ordinance for wind management. There are some municipalities that have adopted a similar version.

The Board authorized the professionals to draft an ordinance and present it to the Board.

Checklist Amendment – Environmental Impact Study

D. Banisch stated the Township does not have a requirement for an Environmental Impact Study for site plans and subdivisions. If it is a requirement, it offers the opportunity to dialogue with an applicant if they are seeking a waiver.

After some discussion, the Board decided to forward the sample to the Environmental Commission for their review.

Resolution No. 2010-18 -Open Space and Recreation Plan Element

R. Dodds stated the changes are to the clarity of the maps. The change is to separate one map into two maps. It did not change the content but clarified the maps by providing a separate map for farmland. After a brief discussion, it was noted the public hearing would be continued to the December 14, 2010 meeting at which time the resolution will be considered for adoption.

Resolution No. 2010-19 – Appointment of Professionals

The purpose of the resolution is due to the fact that Van Cleef Engineering submitted a contract for each individual board. It is for services rendered in 2010.

It was moved by E. Niemann, seconded by S. McNicol and carried to adopt Resolution No. 2010-19. All members voted **AYE** on **ROLL CALL VOTE**.

R. Dodds excused D. Banisch and T. Decker at 10:53 PM.

2011 Budget Request

The secretary was requested to provide the Board with a summary of the expenses.

Approval of Minutes

The approval of the minutes of October 12, 2010 was tabled to the December 14, 2010 meeting.

It was moved by E. Niemann, seconded by S. McNicol and carried to approve the minutes of October 25, 2010 and place on file. All members voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

R. Dodds reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

S. McNicol inquired who has the authority to amend the list of targeted farms. D. Pierce stated it is a function of the Township Committee.

E. Niemann stated the Township Committee is discussing the possibility of changing the meeting nights. The matter will be listed on the December agenda. It was suggested a standardized meeting start time.

ADJOURNMENT

It was moved by J. Burke, seconded by R. Dodds and carried to adjourn the meeting at 11:09 PM. All members voted **AYE**.

Respectfully submitted,

Diane Laudенbach, Secretary