

## MINUTES

**PRESENT:** R. Dodds  
D. Haywood  
T. Kratzer  
P. Lubitz  
S. McNicol  
E. Niemann  
L. Sensus  
J. Strasser  
M. Syrnick, Alt #1  
D. Banisch, Planner  
T. Decker, Engineer (8:24 PM)  
D. Pierce, Attorney

**ABSENT:** J. Mathieu

### ALL TO ORDER

The meeting was called to order at 7:30 PM by R. Dodds.

### 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 Courier News, 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

Sundancer Capital LLC – Block 24, Lots 4 & 7 – Muddy Run Road and Barbertown Point Breeze Road – Preliminary Approval

R. Dodds announced the public hearing is adjourned to the September 8, 2011 meeting of the Kingwood Township Planning Board beginning at 7:30 PM at the Kingwood Township Municipal Building without further notice.

EffiSolar – Block 38, Lots 17, 18 and 19.01 – County Road 519 – Determination of Completeness

M. Gross of Giordano, Halleran and Ciesla, attorney, was present this evening for the application. R. Roseberry of Maser Consulting, engineer and planner, was also present this evening for the application.

D. Pierce swore in R. Roseberry. R. Roseberry provided his credentials and professional experience to the Board.

After reviewing T. Decker's comments, R. Roseberry provided the testimony as indicated in bold in the comment portion of the following checklist.

Site Plan Checklist Item	Corresponding Subdivision Checklist Item	Comment
<b>ADMINISTRATIVE</b>		
4	4	Copy of plan in electronic format. <i>Our office has not received an electronic copy. <b>Applicant will provide.</b></i>
<b>PLAN REQUIREMENTS</b>		
1	2	Applicant has requested a waiver from a plan size of 24"x36". <i>We recommend granting a waiver given the nature of the application and property size.</i>
-	3	Applicant requests a waiver from providing subdivision plans at a scale of 1"=100'. The subdivision plan is provided at a scale of 1"=200'. <i>We recommend granting a waiver for completeness purposes subject to satisfying Subdivision Checklist Item # 17 and Site Plan Checklist Items #12 &amp; 20 regarding existing building and setback dimensions.</i>
-	7	Applicant has requested a waiver from providing proposed deeds at this time and agrees to provide upon Board approval. <i>We recommend granting a waiver for completeness purposes.</i>
11	15	List of property owners within 200 feet as certified by the Township Tax Assessor. <i>Board Secretary should confirm receipt.</i>
12	17	Plans do not depict existing and proposed setback dimensions to the buildings to remain. <i>We <u>do not</u> recommend granting a waiver in order to confirm zoning compliance with proposed subdivision.</i>
18	22, 23, 24, & 26	Applicant requests a waiver from depicting septic suitability, associated notes and deed restrictions as no septic facilities are proposed. <i>We recommend granting a waiver for completeness purposes subject to satisfying Subdivision Checklist Item#34 and Site Plan Checklist Item #45 as discussed below.</i>
20	-	Existing building dimensions are not provided. <i>We <u>do not</u> recommend granting a waiver in order to confirm zoning compliance with proposed subdivision. <b>Applicant will provide.</b></i>

Site Plan Checklist Item	Corresponding Subdivision Checklist Item	Comment
24	-	Location and design of off-street parking areas. <i>Applicant has indicated that the proposed solar field is an unmanned facility requiring minimum parking requirements for maintenance. Applicant should be aware that observations of ongoing solar construction projects in the township have been cause for concern regarding parking of construction related vehicles on public roads and should be prepared to address.</i>
28	-	Existing and proposed exterior lighting and foot candle distribution is not provided. <i>Applicant has indicated that this item is not applicable. Applicant should be aware that observations of ongoing solar construction projects in the township have been cause for concern regarding temporary security lighting effects on neighboring properties.</i>
-	28	Locations of Conservation Easement Markers have not been provided. <b>A waiver is required. Applicant will provide.</b>
40	31	Mapping of steep slopes in accordance with Chapter 114, Steep Slope Conservation. <i>A general area of steep slopes is outlined, however slopes in the 15 to 20% and &gt;20% have not been identified. Applicant will provide.</i>
45	34	Depiction of septic and wells on and within 100 feet. <i>Applicant has requested a waiver as the proposed project does not propose any new septic or wells. Our office supports granting a waiver from showing septic and wells within 200 feet however <u>does not</u> recommend granting a waiver from showing onsite septic and wells. Septic and well locations for the existing buildings to remain should be provided to confirm proposed lot configuration will maintain required setbacks.</i>

It was moved by P. Lubitz, seconded by S. McNicol and carried to grant waivers for Checklist Item Nos. 1, 4, 18 and 20 and Subdivision Checklist Item 2, 3, 4, 7, 22, 23, 24, 26, 28, 31 and 34 except for the requirement to depict the onsite well and septic. All members voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who abstained.

It was moved by P. Lubitz, seconded by S. McNicol and carried to deem the application complete conditioned upon submission of the items still lacking and for which waivers have not been granted in time for the next hearing date, September 8, 2011, at which time the matter will be set down for a hearing. All members voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

EffiSolar – Block 23, Lot 11 – County Road 519 – Preliminary Approval

M. Gross of Giordano, Halleran and Ciesla, attorney, was present for the applicant this evening. R. Roseberry, planner and engineer, was also present.

D. Pierce inquired of T. Decker if the application had submitted the information required as part of the conditional completeness determination. T. Decker responded they have submitted the information.

D. Pierce stated he has reviewed the affidavit of service and proof of publications. The Board may open the hearing.

D. Pierce swore in R. Roseberry.

R. Roseberry stated he is a senior associate with Maser Associates. He provided his educational background and professional credentials.

The Board accepted R. Roseberry as an expert in his field.

R. Roseberry testified he is familiar with the Township ordinances. He has reviewed the professional's reviews. R. Roseberry testified, Exhibit A-1 dated August 11, 2011, was an aerial view of the property. He described the location of the property, surrounding area and current use. There was an initial application on this site earlier this year prior to the enactment of the amendment to the solar ordinance. The original application contained many more solar panels on the property. After the adoption of the ordinance, his client decided to modify the site plan. It was a major modification and conforms to the current solar ordinance. The property contains 130 acres and is owned by Perrotti. It is currently used for agricultural purposes. He was at the property today and it is actively farmed with hay. The property itself has minimal frontage along Route 519. The frontage is by way of a 50' flag stem. An existing condition is that the site is accessed by an easement off of Route 519 with an existing driveway. There is no current access where the frontage of the property intersects with Route 519. To the north and east there are existing woods. To the west there are several large residential properties. There is a cluster of 5 or 6 residential properties on the northwest corner of the property. The property has the Locketong Creek and a wooded area surrounding the creek. The hay on the property is about 4' in height. The aerial depicting the proposed solar layout, dated August 11, 2011, was marked as Exhibit A-2. There will be two phases to the project. The solar installation which would require no DEP permits and would not be encroaching into any regulated features will be Phase I. Phase II will be in the agricultural wetland area and homestead property, which contains a small area of isolated wetlands. He has the plans available for the racking system, inverters and transformer with him this evening.

D. Pierce inquired if the applicant intended to improve the 50' flag stem or utilize the access easement. If the applicant intends to utilize the access easement, have they provided notice to the owners within 200' of the access easement? If they have not, the hearing cannot continue.

The applicants reviewed the notice and it was determined they did not provide notice to the property owners' within 200' of the access easement. They requested the hearing be adjourned to the September 8, 2011 meeting without further notice. D. Pierce indicated notice would be required to be sent to all the property owners.

D. Pierce suggested the Board consider scheduling a special meeting in September to hear some of the solar applications.

Draft Ordinance Environmental Impact and Assessment (SEIA) and Preservation of Threatened and Endangered Species and Suitable Habitats

The Board postponed the matter until the September meeting.

## Resolutions

It was moved by S. McNicol, seconded by L. Senus and carried to adopt **Resolution No. 2011-09 - Cacciabauda – Block 37, Lots 3.05, 3.06 & 3.07 – Federal Twist Road – Request for Extension to File.**

All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood, T. Kratzer, E. Niemann and J. Strasser, who **ABSTAINED**.

It was moved by P. Lubitz, seconded by M. Synchron and carried to adopt **Resolution No. 2011-10 - Garden Solar – Block 15, Lot 4.03 – Slacktown Road – Final Approval**. All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood, T. Kratzer, E. Niemann and J. Strasser, who **ABSTAINED**.

## MINUTES

It was moved by S. McNicol, seconded by L. Senus and carried to adopt the minutes of July 14, 2011 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood, T. Kratzer, E. Niemann and J. Strasser, who **ABSTAINED**.

## PRIVILEGE OF THE FLOOR

S. Doyle commented on the withdrawal of the solar application on Route 12. R. Dodds confirmed the application was withdrawn. She commented that the current ordinance does not have any provisions for improving the access road or parking issues. T. Decker responded his review does have comments regarding parking, which is on file. T. Decker stated drainage is an item that has to be looked at on a case by case basis. The Stormwater Management Ordinance deals with drainage. She inquired about the hours of operation during the construction phase. R. Dodds responded the ordinance does not indicate the hours of operation during construction. S. Doyle inquired if she has a concern about a project, who should she contact in the Township? R. Dodds responded as any project is moving along, a resident can come to the Board. If the issue is happening during the construction, the concern would then be forwarded to T. Decker, who is the onsite representative engineer. She inquired if the ordinance requires that she not be able to see the facility from the second floor of her dwelling at 30'. T. Decker, theoretically, the ordinance does provide that limitation. D. Banisch stated the Township has requested, from some applicants, a sight line analysis. She inquired, if she has other concerns, who should she contact? P. Lubitz responded the zoning officer is here every Tuesday evening from 5:00 – 6:30.

J. Keller, 48 Muddy Run Road, expressed some concern about the damage to the roads and bridges of the Township by the solar installations. D. Pierce stated it is anticipated to be a condition of approval that they will be responsible for any damage offsite. J. Keller stated he cannot envision what something will look like in five years.

F. Floyd, Chief of the Kingwood Township Volunteer Fire Company, stated they will be having training for the Garden Solar Facility in a couple of weeks. He is working on an emergency plan with them. It is going very smoothly. Last evening one of the workers on the site passed out and there was an emergency call placed. He stated that particular site is a small site. On the larger sites, there will be upwards of 1,000 workers and possibly more emergency calls. He stated he has been in touch with Elizabethtown Gas and have secured a training date of September 26<sup>th</sup> at 7:00 PM at the Rescue Squad. The training will take approximately 2 to 2.5 hours.

## MINUTES

It was moved by S. McNicol, seconded by L. Senus and carried to approve the minutes of July 14, 2011 Executive Session Minutes. All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood, T. Kratzer, E. Niemann and J. Strasser, who **ABSTAINED**.

It was moved by S. McNicol, seconded by E. Niemann and carried to approve the minutes of July 27, 2011 with the following change:

*Page 11, 3<sup>rd</sup> paragraph - P. Lubitz stated he believes the Township has the most aggressive ordinance in the state. The ordinance went to the limits allowed by law. This is not the only ..... (corrected in original minutes).*

All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood, T. Kratzer and J. Strasser, who **ABSTAINED**.

T. Decker left the meeting at 8:24 PM.

Re-Exam Report of the Master Plan

D. Banisch reviewed the recommendations from his Re-Examination Report as follows:

***40:55D-89d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.***

After review of the Master Plan, land development ordinances, and a series of background papers on a series of planning issues in preparation of the 2011 Periodic Reexamination Report, the Planning Board has identified the following recommendations.

Master Plan

- 1 The Planning Board should organize one set of goals and objectives for each Master Plan element and incorporate them into a master list of goals and objectives statement for the Master Plan.
  - a. 2. The Planning Board should prepare a Land Use Plan Element that evaluates and addresses the updated land use planning policies, goals and objectives that are discussed in this periodic reexamination report into a single updated document.
3. Prepare a Policy Statement as required by N.J.S.A. 40:55D-28d of the M.L.U.L., indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located".
4. The Planning Board should prepare a Recycling Plan Element as required by the Solid Waste Management Act", P.L. 1970, c.39 (C. 13:1E-1 et seq.).

5. Update the Circulation and Community Facilities Plan elements of the Master Plan. In addition, a Utility Services Plan Element is needed to assess wastewater treatment capacities for centralized sewer facilities in connection with the proposed Eastern Gateway Village Center Overlay District.
  
6. The ERI also included an inventory of historic sites. The Planning Board should prepare and adopt a Historic Preservation Plan Element in accordance with the M.L.U.L. requirements.
  
7. There have been a number of changes in regulations, State law, regional and State planning initiatives, and local assumptions forming the basis of the master plan and development regulations since adoption of the last Land Use Plan element that suggest the need for an updated Land Use Plan, including:
  - a. State Development and Redevelopment Plan Cross Acceptance III;
  - b. Hunterdon County Strategic Growth Management Plan;
  - c. Transfer of Development Rights legislation;
  - d. Stormwater management rules and the requirement that each municipality develop its own stormwater management plan;
  - e. Demographics/growth – increased pace of development within the Township and a shift of development opportunities within the region as a result of new State regulations which include (1) the designation of C-1 streams in Kingwood Township with required 300’ setbacks from these water courses, (2) State stormwater management regulations, (3) new COAH rules and methodology soon to be adopted and the results of the 2010 Census. Because of these developments, the Planning Board should update the Land Use Plan element of the Master Plan.

In addition to changes in the State and County regulatory and planning environment, this report identifies numerous recommendations, some of which are carried forward from the 2004 Reexamination Report. As recommended in the 2004 Reexamination Report, this report recommends that the Planning Board update the Land Use Plan element of the Master Plan. As a result of the significant regulatory and policy changes that have occurred at the regional, county and State levels, it is recommended that the Planning Board prepare an updated statement of goals and objectives, and other Master Plan elements to bring the Master Plan up-to-date with current conditions. In addition, this Reexamination Report recommends that the Master Plan be compiled and organized as a single bound document for ease of use and reference in the future.

### Land Development Ordinance

The Planning Board has identified the following recommended changes and modifications to the Land Development Ordinance and actions to support the implementation of the Township’s Master Plan. They are:

1. As has been noted the Township has adopted an ordinance providing regulations to site and develop Solar Facilities in the Township. The Planning Board in concert with the Township Committee should again reevaluate the existing regulations in the context of the discussion addressing the statutory requirements of Section 89c. above. This recommendation includes consideration of adopting a “limited planned industrial development option” for major solar or

photovoltaic energy facilities and structures, such that the open lands requirement may be addressed off site in accordance with the provisions of Section 65c. of the M.L.U.L., which may better reflect the land use policies of the Township and goal of retaining open lands and protecting the Township's natural resources as identified in NRI.

As an alternative to the limited planned industrial development option mentioned above, the Planning Board in concert with the Township Committee should evaluate whether the extent of permitted development may be better regulated through the use of an impervious coverage standard that has the effect of limiting the extent of a tract that may be occupied by solar photovoltaic electric generating facilities as provided for in State statute. Because of the nature of the use, the impingement of the use upon the Township's farmland retention and rural character objectives, and the impact of introducing an industrial use into residential zones, a sufficiently low impervious coverage standard should be developed to limit the extent of development permitted on a tract of land as provided for at N.J.S.A. 40:55D-65.b. In addition, and in accordance with N.J.S.A. 40:55D-61.a., the Township may establish different impervious coverage standards for different classes or kind of uses and structures, which would not be inconsistent with the second paragraph of Section 61.a. where it is stated that ". . . The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings or other structures or uses of land, . . ." The authorization in the law, combined with the unique nature of the use and the need to balance opportunities for renewable energy development with other important local objectives such as farmland retention, protection of rural character and community character, establishes the basis for identifying a very low impervious coverage standard for the solar photovoltaic electric generating facility, especially within the Township's residential zones.

2. The Township Committee desires to establish a mixed use smart growth land development options at a location that is supported by appropriate existing and planned infrastructure to (1) accommodate the future population growth of the Township, (2) accommodate reasonable opportunities for affordable housing development, and (3) attract beneficial growth and tax ratable development. The area identified for this mixed use development overlay are situate generally along Route 12 in the vicinity of the intersection of Barbertown-Point Breeze Road and Pittstown Road (County Route 615), which has been found to be the most advantageous location in Kingwood Township for smart growth, mixed use high-density development opportunities. This location possesses (1) proximity to Flemington and regional development located to the west, (2) County Route 615 access to the regional interstate highway system located to the north, (3) an undeveloped land reserve capable of supporting smart growth, mixed use high-density development, and (4) lands that currently possess centralized wastewater treatment facilities capable of expansion to support smart growth, mixed use high-density development. An ordinance establishing the Eastern Gateway Village Center Overlay (EGVCO) Zone and Regulations should be adopted. The proposed ordinance is provided in the Appendices to this report, which provides specific detail for the uses, standards, arrangements of development permitted. A rezoning map may also be found in the Appendices to this report.
  
3. The Township Committee's desire to preserve and enhance the undeveloped rural lands situated along the Route 12 Corridor in such a manner that will maintain and reinforce the Township's rural character and existing scenic views and vistas within and along the Route 12 Corridor should be implemented. Ordinance 16-14-2011 addresses this objective, while at the same time providing for reasonable land use opportunities for lands situated within the Route 12 Corridor. It is recommended that the ordinance be adopted to establish the Route 12 Scenic Corridor

Overlay (SCO) zone and Route 12 Scenic Corridor Overlay zone regulations. . The proposed ordinance is provided in the Appendices to this report, which provides specific detail for the uses, standards, arrangements of development permitted. A rezoning map may also be found in the Appendices to this report.

4. Based on the recommendations of the ERI the Township Committee should adopt a stream corridor buffer ordinance.
5. The Planning Board recommends that the Township Committee adopt an ordinance amendment establishing an average front yard setback standard based upon existing / adjacent development along existing roads. This is recommended to minimize the evolving condition of a piecemeal and staggered setback pattern of development resulting from the introduction of new development, built to current standards, adjacent to existing development that is situated in close proximity to existing roads. This will help bring uniformity to front yard setbacks and also serve to reduce the undesirable condition of the front yard of a new dwelling being located rearward of the rear of existing dwellings.
6. The Planning Board identified an issue associated with single-family dwelling units resulting from minor subdivisions encountering problems with the siting of septic systems. Therefore the Board recommends that the Township Committee amend the Land Development Ordinance to require that the Board of Health certify the suitability of the proposed location of septic systems at the time a proposed subdivision plan is submitted to the Planning Board, not as a condition of approval.
7. The Planning Board recommends that the Township committee adopt an amendment to the Land Development ordinance that requires all accessory structures to be setback rearward of the principal structure.
8. The Planning Board recommends that the Township Committee amend the sign provisions of the Land Development Ordinance for the following:
  - i. Review and amend existing ordinances for political advertising signs, specifically as regulations relate to (1) the permit process for posting such signs, (2) identifying regulations for placement of signs before and removal after political event, and (3) number of signs permitted on a single property.
  - ii. Establish sign requirements for non-agricultural activities
  - iii. Establish a permit/review approval process for signs of non-residential uses in residential zones, and for placement of property identification signs.
  - iv. Establish requirements for Farm market signs in terms of advertising non-farm agricultural uses.
  - v. Establish a limit on the number and size of signs permitted in conjunction with nonresidential development.
  - vi. Establish permitted signage also needs to be established for the BP and the PO/R zones.
  - vii. Adopt the Route 12/Barbertown Study sign design recommendations.
7. As a result of increases to ordinance amendments that increased minimum lot size and bulk requirements, a large number of preexisting developed lots in the Township have been made non-conforming. An ordinance amendment is needed to permit preexisting developed dwellings on undersized lots to be expanded, enlarged, extended, or added onto within bulk standards tailored to classes of lot sizes, or in accordance with the setbacks that applied immediately prior

to the adoption of changes in lot area and bulk requirements. This will serve to reduce the need for setback variance relief for lawfully existing structures that previously conformed to setback requirements, but have been made nonconforming due to changes in the ordinance. In addition, the amendment should permit the expansion of a non-conforming structure, provided that the expansion does not further extend the nonconforming condition, such as a non-conforming setback condition.

8. The Planning Board should prepare, and the Township Committee should adopt an ordinance amendment requiring that a standard condition be attached to all Planning Board and Zoning Board approvals, which requires an applicant to return to the approving regulatory Board to document that all conditions of approval have been fulfilled, prior to final approval in the case of major subdivisions, prior to the issuance of a certificate of occupancy in the case of minor subdivision, site plan and/or variance approvals. The ordinance amendment should provide the Board with the authority to determine on an individual basis whether a personal appearance or professional sign-off will satisfy this condition. In cases where zoning board variance relief has been granted, a procedure should be established to ensure that the Construction Code Official does not issue a construction permit until the zoning officer certifies that all conditions of a variance(s) have been satisfied.
  
9. The Planning Board recommends that the Township Committee reconsider the recommendations from Section 89d. of the 2004 Reexamination Report.

40:55D-89d. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

***The Planning Board has developed no recommendations for the Township to consider for designation of redevelopment plans pursuant to the Local Redevelopment and Housing Law.***

***Appendices***

1. The 2004 Periodic Reexamination report identified the following recommendations to the Township Committee. These recommendations specifically address amendments to the Township’s Land Development and Zoning Code.
  - a. Amend the Highway Commercial District to include a sliding scale FAR based on the size of the property with an increase in permitted FAR for larger properties.
  - b. Adopt an ordinance to regulate development of steep slopes and limit disturbance of steep slope areas.
  - c. Reexamine the Township’s sign regulations in terms of number and size with nonresidential development as well as establishing permitted signs for the Business Park and Professional Office/Residential Districts. Also incorporate the sign recommendations of the Route 12/Barbertown Study.
  - d. Develop a co-location ordinance requiring new personal wireless telecommunication providers to utilize existing towers as well as identifying Township sites, which may be used for future personal wireless telecommunications transmission facilities.

- e. Amend the zoning ordinance to increase setbacks for principal buildings, or allow some limited encroachment into required principal building setbacks for patios and decks, provided that they are not enclosed.
- f. Increase rear and side yard setbacks to reduce potential conflicts with adjacent agricultural parcels.
- g. Investigate/review permitted heights of accessory and principal uses as well as the method of measuring building height.
- h. Amend the ordinance to require that principal uses be constructed prior to accessory uses.
- i. Adopt the design standards from the Route 12/Barbertown Study and modify Master Plan and Land Development Ordinance to achieve consistency between the two.
- j. Amend the required buffer in the Business Park District from 50 feet to 100 feet as recommended in the Board of Adjustment's 1996 Annual Report.
- k. Define the preferred location of on-site parking in the various nonresidential zones.
- l. Establish a minimum distance of parking from the right-of-way and lot lines for landscaping, which is required by the ordinance.
- m. Reduce the minimum required parking stall size to 9 feet by 18 feet for purposes of reducing impervious cover and related stormwater runoff.
- n. Reduce the number of parking stalls for auto service station use.
- o. Amend the ordinance to permit driveways or roads through commercially zoned parcels located along the highway frontage to access residential portions of lots especially those, which rely upon such access as the only means to an existing residential use.
- p. Require a stream corridor buffer along all streams where the required width is dependent on the classification of the waterway; and require a stream corridor conservation buffer to prevent disturbance adjacent to these corridors, to reduce potential stream erosion, protect water quality, encourage groundwater recharge and protect natural greenways that are formed by streams.
- q. Amend the site plan checklist requiring nonresidential development applications to provide information on anticipated water consumption and wastewater discharge requirements.
- r. Examine and amend, as needed, the submission requirements for subdivision and site plan applications to ensure that the Board is provided with adequate information in a format conducive for Board review.
- s. Amend the ordinance requirements for escrow fees to establish a fee for conceptual/informal site plan reviews.
- t. Continue to update local ordinances in accordance with the MLUL as it is amended.
- u. Amend the ordinance to authorize shared access or common driveway in conjunction with the development of flag lots.
- v. Investigate Township regulations related to individual well pump tests and results being provided to Board of Health before the issuance of a certificate of occupancy.
- w. Examine the potential of the use of sludge as an agricultural fertilizer and potential regulations governing such use.

D. Banisch requested comments on the draft report, as revised, from the Board members. He stated these are recommendations that should be addressed in the future. These are not things that have to be addressed to adopt the report. It is basically telling the Governing Body to go and adopt ordinances covering these recommendations.

R. Dodds asked for comments to be back to D. Banisch by the September 8<sup>th</sup> meeting. He stated it will be put on the agenda for the October meeting. D. Banisch stated D. Pierce had indicated a public hearing is not

necessary for the adoption of the Re-Examination Report but that a public hearing should be held due to the zoning recommendations in the report.

The subject to, possibly, include the fire and rescue organizations in discussions before the Board in a more formal matter was briefly discussed. It was determined the Township Committee has the authority to appoint individuals to the specific Boards.

M. Syrnick inquired on whose responsibility it would be if a system was decommissioned and there were no funds to remove it. Could a bond be required? D. Pierced responded the MLUL allows the Township to require a performance and maintenance bond for the construction of the facility. There is no provision, in his opinion, to require the applicant to post a bond for the decommissioning of the system. M. Syrnick stated, in her opinion, many of these companies are developing very rapidly. Once the SREC's go away, there is a possibility the Township might be left with multi-million dollar transformers and farmland that will have berms and racking. It could be worse than a whole bunch of cars in a gas station. D. Pierce stated, if that ever happened, the Township has the ability, under the Redevelopment Act, to declare a blighted area, which would allow the Township, under the MLUL, to contract with a developer to come in and have a plan for development and reclamation of the land and negotiate with the property owner. The property would be taken by eminent domain. The Township or Board does not have the ability, under existing state law, to require that type of bond at the commencement of the operation. The Township has to apply the ordinances consistently to similarly situated properties. The solar developments are no different than any other development on a commercial property when the building becomes derelict.

R. Dodds stated some of the things the Board has discovered is there are a significant number of individuals working on the sites and a significant number of cars. The applications have to be dealt with on a case by case basis. Is it acceptable to have 1,000 cars if there are 1,000 employees? What roads can they travel on in Kingwood? There are some roads that will be weight prohibitive. Can the issues be addressed through an ordinance? D. Pierce responded it can be included in the ordinance but the ability to deal with on a case by case basis can also be available. R. Dodds stated there might be a need to have an off-site parking area.

P. Lubitz stated there is a lot of concern about the number of people who are working on these sites but he has been speaking to the business owners and the workers are bringing in a lot of money into our community. The Board has to balance their thinking on these projects.

D. Banisch stated the review letters have asked for staging and parking areas and the phasing of the Muddy Run project.

L. Senus suggested a condition of approval be added if the facility had a significant change in ownership, they would be required to appear before the Board. D. Pierce stated once the facility has approval, they have a vested right and a change of ownership would not require an appearance before the Board.

D. Pierce stated the federal tax credits expire at the end of the year. Two of the approved applications are owned b Con-Ed. There is a requirement that a certain percentage of energy has to be generated by renewable sources. The two approved ones were purchased by the power providers and will stay solar until the end of time. Some of the applications have an option to buy after getting approval, some have leases and some with conversions with an option to buy.

T. Kratzer commented the activity of these projects compacts the soils immensely. He inquired what will the compaction be after the project is in place. He stated on steep slope, erosion will make trenches between the vegetation on the site. Models are unpredictable after they are in place with the compaction. D. Pierce stated

the Board should check with T. Decker. The models are set by the State and Township does not have any authority to deviate from those models.

S. McNicol expressed concern about the 8' height of the fence and its adequacy to protect against access into the site.

R. Dodds suggested September 26, 2011 at 7:30 PM for the special meeting.

### **CORRESPONDENCE**

R. Dodds reviewed as per the agenda with the addition of a letter from the Kingwood United Methodist Church in regard to Block 38, Lot 17.

### **ADJOURNMENTA**

It was moved y E. Niemann, seconded by S. McNicol and carried at 9:30 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**