

TOWNSHIP OF GLOUCESTER
PLANNING BOARD

Tuesday, March 22, 2011

Chairmen Kricun called the meeting to order. The Secretary, Mr. Lechner read the commencement statement and all professionals were sworn.

Roll Call:

Mr. DelDuke	Present
Mr. Dunn	Present
Mr. Gerace	Present
Mr. Jones	Absent
Mr. Mercado	Absent
Mr. Moffa	Present
Mrs. Musser	Present
Mr. Palmer	Present
Mr. Pillo	Present
Mrs. Washington	Present
Chairman Kricun	Present

Also present is Michael McKenna, Esq. who swore in the Board professionals, Elissa Commins, PE, CME, Board engineer and Kenneth D. Lechner, PP, AICP, Board Planner and both were qualified as experts.

Chairman Kricum seated Mr. Gerace for Mr. Mercado.

Minutes for Memorialization

There were no minutes for Memorialization.

Resolutions for Memorialization

There were no resolutions for Memorialization.

Ordinance O-11-08	Glen Oaks Redevelopment Plan
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Mr. Lechner explained to the Board that this Ordinance was set up, May 13, 1997, in reference to land use. It is presently zoned as a business park and don't usually reusable energies technologies. There is a potential applicant that has appeared before twp council and would like the planning board to review the amendment. The amended ordinance would allow renewable energy facilities such as solar. After reviewing all the plans, Mr. Lechner feels that this technology is getting more common and is consistent with the Townships master plan.

Mrs. Musser wanted clarification of where the Glen Oaks Business Park is and where the arrays would be. Mr. Lechner explains that it is right by the bend as you go under the overpass for route 42 on Lower Landing Road and is about 60 acres. As of right now this is only an ordinance review. Should it be passed, then an applicant would come in front of the Board with a site plan.

Mr. Palmer wanted to make sure that there would still be a property tax since it is improvement to the property. Mr. Lechner explains that this has been a difficult property to redevelop and would be some kind of tax revenue from it.

With nothing further from the Board this application was opened up to the public. With no one from the public wishing to speak the application was closed.

Mr. McKenna will do a resolution if Council needs one.

Mr. Palmer made a motion to recommend to council to adopt the new ordinance, seconded by Mrs. Musser.

Roll Call:

Mr. DelDuke	Yes
Mr. Dunn	Yes
Mr. Gerace	Yes
Mr. Moffa	Yes
Mrs. Musser	Yes
Mr. Palmer	Yes
Mrs. Washington	Yes
Chairman Kricun	Yes

#111006CSPF Aqua New Jersey, Inc.	Block: 20901 Lot: 2 Preliminary & Final Major Site Plan
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Appearing before the Board is Dennis Riley, Esq. for the applicant; Normand Rodgers, PE; Addison Bradley, Architect; Mathew Stanger, Chief Development Officer-Blue Sky Power; James Batbado, PE were sworn and qualified by the Board as experts.

Mr. Riley informed the Board that there are a few things that have changed since the original plan that will be discussed.

Mr. Bradley explains, using exhibits A1 & A2, the fencing within the property and what will be added when the arrays are put in. What he would like to do is close off what would be a little walk way between the properties by continuing the 8ft chain link fence. This would also allow the field to be seen from the road, adding visual aid against vandalism and trespassing. They have also added more landscaping that will grow to be several feet high, which will add screening. This proposal creates two variances. One variance is the rear yard setback at 50ft and they would prefer to have 11ft. The second variance would be for the 8ft fence. If they do extend the fence it would be more than 6ft. The variance in either case doesn't create any negative impact. The 50ft is extreme and would limit the solar panels. Extending the existing fence would give a better look as to not have all different types of fencing.

Mr. Moffa stated that there is a drainage basin on the property and that public works needs space to be able to get back there. Mr. Bradley states that there is a break through between two houses in the photo. It does not appear as open as it really is. Aqua will work it out to make sure public works can access the property.

Mr. Dunn asked (referring to the engineer's report) if the maximum height for the solar panels is 12ft. Mr. Bradley showed on the exhibit where the 12ft. panels will be placed with the fencing around them. Mr. Dunn is concerned that the panels will obstruct the view from surrounding lots. He also questioned if there would be a glare from the panels. Mr. Bradley replied that he is putting vegetation around the panels, however, the solar panels will be seen from the second floor of the surrounding properties. He explained that there nothing that can be done about that. The panels are going to be south facing and that should not be a problem with glare. Mr. McKenna clarifies that even though the panels are 12ft in height, it is still lower than the existing permitted uses.

Mr. Palmer suggested since the fencing is black, they should use black framing on the solar panels. The applicant agreed.

Mr. Lechner had a previous concern in reference to more landscaping, which has been added to the plan. Ms. Commins asked that the conduit be shown for any trenching that may be required. She also asked for a cross section of what the array would look like, which has been provided. Ms. Commins asked about the maximum wattage produced by the array and how much would go back to the grid. Mr. Stanger explains that this is a net meter project, which means the power is used on site and not used to export to the power grid. The solar panels will off-set approximately 40% of current power use on site.

Ms. Commins asks that foundation details be provided once they have a contractor and know which panels are going to be installed.

Mr. DeIDuke wants to know if there is anything that emergency public services would need to know or understand that would help them. Mr. Lechner replies that once there is a permit issued for solar construction they notify all of the fire districts. Mr. Stranger further explains that there is an emergency shut off on site.

Mr. Rodgers explains that the existing use of this property is for two water wells and a 926 sq. ft. water treatment building. There is a daily maintenance check to make sure everything is running property. There will not be any waste generated on the site. The area is approximately 12,000 sq. ft. which indicates that the maximum limits of where they would envision the solar array to extend to. They did provide a layout of the solar array panels to offer a maximum coverage area within that 12,000 sq. ft. The project has not been sent out to bid out yet, and there are several types of panels and arrays that can be fitted in the area. What the exhibit shows are the maximum limits in height and area. With regards to the planners and engineers letter most items have been addressed. In the planners letter it is asked they add a flood plane to the plans, which will be done.

Chairman Kricun asked what their environmental impact will be. Mr. Stranger replied that he does not have the exact numbers but there is a positive effect of not having to use as much utility power to generate energy.

Mr. McKenna asked for more testimony for the variance of the rear yard setback. Mr. Bradley explains that the 50 ft. set back would push everything up towards Johnson Road. Since there are not any residential properties along the back, there is not a need for a larger set back. Mr. Lechner added that solar energy is so new that the number is for residential building and if possible, should not be the same number for solar array.

Mr. Palmer asked why all of the landscaping is by the fences except for one angle view where there is only a white fence. Mr. Bradley advised that there is only one foot of property between his and the Township Property.

With nothing further from the Board, Chairman Kricun opens this application up to the public.

John Sieber told the Board that the back of his property backs up to Aqua. Right now he has an open fence so he could have a nice view. His complaint is that there is going to be basically a black wall, which would be the new fence. He would like to know if there is anything that could be done to help his view. Mr. Bradley explains that there will be vegetation installed and they could add more. However, they can't plant anything that will grow too large since it would impact the panels. Mr. Stranger added that the highest point of the panel will be facing away, so that the panel would not be right at the fence line. Mr. Sieber continued that he likes the fact that they are using solar energy but he like the view he has. Mr. Pillo asked Mr. Sieber what his solution would be. Mr. Sieber replies that if the Board does not give the 11ft set back, they will have to move more towards Johnson Road. Mr. Rodger states that they can put a solid fence against his. Mr. Sieber disagreed.

With no one else from the public wishing to speak the public portion was closed. Mr. Moffa made a motion to approve this application with all suggestions and additional landscaping, seconded by Mrs. Musser.

Roll Call:

Mr. DelDuke	Yes
Mr. Dunn	Yes
Mr. Gerace	Yes
Mr. Moffa	Yes
Mrs. Musser	Yes
Mr. Palmer	Yes
Mrs. Washington	Yes
Chairman Kricun	Yes

Mr. Lechner had an emergency and had to leave.

#051149PF US Estates	Block: 17902 Lot: 4
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Mr. McKenna advised the Board that they can continue without the planner if they would like. If an issue came up that the planner needed to answer then the application would have to be tabled.

Appearing before the Board is Mr. Guido Babore, Esq.

Mr. Babore informed the Board that he is withdrawing any plans that have been submitted. He believes that the plans submitted to the engineer and planners are not going to be accepted. Mr. Babore advised that his client will provide money to the sum of \$5,000 in lieu of constructing the tot lot.

Chairman Kricun's understanding of the last meeting is that the applicant must provide some sort of recreational offering that would be acceptable to Mr. Lechner and Ms Commins. It seems that there was not a consensus reached and the board was not acting in good faith. Ms. Commins advised Mr. Babore that the decisions were that of the Board and any legal representation would be referred to Mr. McKenna. Ms. Commins never said that anything other than the \$50,000 contribution was acceptable or that it was in the hands of Mr. McKenna.

Mr. Babore would agree that it comes down to what would be reasonable. He submitted plans the next day and he did not get a response for several weeks. Mr. Babore began talking about a conversation he had with Mr. Lechner. Mr. McKenna interjected that the planner is not present to give his side of the conversation regarding what was and was not said. There is no reason to believe what has just been attributed to him. Mr. Lechner writes reports for a living and might have not have had a chance to respond to the applicant as soon as they would have liked.

Mr. Babore wants to know if he is going to have to come to a formal meeting every 2 weeks to resolve this, which could be six or seven weeks from now. Chairman Kricum replied that he only wanted clarification that the professionals were not acting in an unprofessional way. Furthermore, that a consensus just was not reached. The bottom line is that Mr. Babore feels that there will not be a consensus reached and he withdrew the plans, so that isn't an issue. What is present before the Board is a \$5,000 offer. Chairman Kricun continued that the Board is willing to work out, with professional assistance, something for recreational possibilities.

If Mr. Babore is not satisfied with the progress from the last meeting, and is choosing to take the proposal off the table, that would be fine. The Board will vote on that. Mr. Babore agrees that is the point they are at.

Mr. Palmer made a motion to go into closed session, seconded by Mr. Gerace. All were in favor.

Mrs. Musser made a motion to go back into open session, seconded by Mr. Gerace. All were in favor.

Chairman Kricum stated that nothing has changed from the Board's prospective. The Board would have review the proposed plans and with the planners help to come to some sort of agreement. Mr. McKenna clarifies for the Board that the only thing on the table now is the applicant requesting release of the \$50,000, without providing the recreation. The applicant is proposing to pay \$5,000.

Mr. Palmer, who is a licensed professional engineer, stated that the proposed material is not the quality that is wanted for a playground. The proposal is not acceptable and does not meet the standard. There is certainly concern for the protection of the children.

Mr. Moffa stated that there is a state mandate prohibiting construction of a wooden play set in a public park. Also, wood mulch cannot be used. The base material would have to be a rubber bi-product. Mr. McKenna questioned Mr. Moffa's current employment. Mr. Moffa replied that he is the director of Public Works for Gloucester Township.

Mr. DelDuke refers to the engineer's report which states that what is proposed does not meet state standards.

Mr. Dunn also agrees with the comments of the reports. The proposed plans are geared more towards private homeowners. The plans should reflect a play set for all ages, however that is not what they appear to be.

Mrs. Musser agrees with Mr. Dunn. The report from the engineer which it states that no specifications were provided, only photos. It appears that the play set would only serve six to ten children at a time. If more wanted to play, it could become a safety issue.

Mrs. Washington stated that all the Board asked for was a tot lot not \$5,000.

Mr. Palmer expanded on his previous comment, stating that what needs to be done is to put the right material on the proper place on the lot. Mr. Pillo added that is what is reflected in the engineers report. There is an open space lot instead of the basin lot.

Mr. Gerace personally feels the \$5,000 and the equipment is insulting to the people of the Township of Gloucester.

Chairman Kricun states that the Board feels that the proposal is not reasonable. The Board is not criticizing the good faith on the applicants end. From the prospective of the Board, the proposal did fall short of what the Board is looking for. The issue before the Board is to accept the \$5,000 without a recreational facility.

Mr. Babore apologizes if anyone was offended. Further, he explained that he was not given a guideline of what the Board wanted. He only had a copy of the ordinance, which he believes is vague. He understands that the wooden play ground set and mulch cannot be used. Mr. Palmer stated that the Board is looking for commercial grade equipment that would not be placed on the basin lot. Mr. Babore wants to know the procedure to find out what would be acceptable. Ms. Commins replies that if he were to submit something that meets code, it would get a similar review letter with planner and engineer

comments. Mr. Babore stated he is going to propose a commercial grade play set that costs \$20,000 or \$500. Ms. Commins states that it should not be a monetary issue. It should meet the anticipated number of children for the development and meet all standards.

Chairman Kricun advised Mr. Babore that the Board needed to know his position. Chairman Kricun stated that Mr. Babore came to the Board advising that the recreational area is being taken off of the table due to the fact that the Board was not working with him. The Board reviewed the proposal and advised you precisely, all of the Board's concerns. The Board needs to know if the recreation is on or off the table. Mr. Babore replied that the recreational area is on the table. Chairman Kricun advised Mr. Babore that the position of the Board is the same as it was last meeting. They are willing to give consideration to anything that is provided which is reasonable to the professionals. The proposal must also meet all codes and satisfy the number of children expected in the development.

Mr. Moffa offered the name of two companies that supply playground equipment that meets code.

Chairman Kricun stated that if the recreation area is on the table, that the Board has given guidance as requested by the applicant. Chairman Kricun asked Mr. Babore if he intended to propose something that the board can consider. Mr. Babore replied that he will send something tomorrow and asked when he would get a response. Ms. Commins suggested that he meet with her and Mr. Lechner to go over the proposal. Mr. Babore is willing to meet with the professionals and asked to be put on the agenda for the next meeting. Ms. Commins stated that it will depend on what is already on the agenda for the next meeting. Mr. Babore then stated that he again is pulling the recreation off the table. Chairman Kricun asked Mr. Babore if his decision is final. Mr. Babore replied "yes, it's off the table." He is again offering the \$5,000.

Mr. Gerace makes a motion is to reject the proposal, seconded by Mr. Musser.

Roll Call:

Mr. Dunn	Yes
Mr. Gerace	Yes
Mr. Moffa	Yes
Mrs. Musser	Yes
Mrs. Washington	Yes
Chairman Kricun	Yes

Meeting Adjourned

Respectfully Submitted,

Courtney Mosiondz
Recording Secretary