

NOVEMBER 21, 2011

The regularly scheduled meeting of the Mansfield Township was called to order by Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Barton, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Mills, Hight, Spender, Smith.

Absent: Myers, Vaezi.

Also present: William Edleston, Esquire; Drew DiSessa, PE; Joseph Layton, PP.

The Pledge of Allegiance was recited.

Barton announced the meeting would be adjourned at 11:00 PM, and Case #11-10, Jeff Caputo C/O CHS would not be heard tonight.

MOTION was made by **MANNON** to approve the minutes from the October 17, 2011 meeting, as written.

SECONDED: HIGHT.

Those in favor: Watters, Mannon, Hazen, Creedon, Mills, Hight, Spender, Smith, Barton.

Opposed: None.

Abstained: Mayor Tomaszewski.

Regarding the minutes of the November 3, 2011 meeting, Edleston stated the (blank) on page three should read **Rashan**. On page four, DiSessa amended the second sentence in the fourth paragraph to read "DiSessa stated there are no conditions in **his** report, . . ."

MOTION was made by **HIGHT** to approve the minutes of the November 3, 2011 meeting, as amended.

SECONDED: CREEDON.

Those in favor: Mannon, Creedon, Hight, Spender, Smith, Barton.

Opposed: None.

Abstained: Watters, Hazen, Mills, Mayor Tomaszewski.

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Case #11-06, Meadows at Mansfield, LLC

Present for the applicant: Peter Wolfson, Esquire; Ray Rice

Creedon expressed concern over the expiration of outside agency permits. Wolfson stated this is the third or fourth appearances before the board, and this was the first time hearing of this concern. Creedon expressed his opinion regarding the application.

Rice related the history behind the ownership of the project.

Mills read a prepared statement relating her concerns and her opinion of the application. Wolfson stated this type of statement is generally heard during the deliberation phase of the application.

Wolfson gave his closing statement, and stated he understands the board's frustration. Wolfson stated the legislation allows for the age restricted conversion, provided certain criteria is met. Wolfson indicated the applicant has met the criteria as cited by the statute. Wolfson stated he agreed with the letter to the board written by Edleston, which states the board must approve as a matter of law. Wolfson summarized their belief that the statute dictates that the use is permitted, and case law says even if the use is contrary to the Master Plan it is still permitted.

MOTION was made by **CREEDON** to deny the conversion application for Case #11-06, Meadows at Mansfield, LLC.

SECONDED: HAZEN.

Mills indicated the unfunded mandate is reason enough to deny the application. Edleston stated, in other words, the applicant failed to satisfy the negative impacts.

Those in favor: Mannon, Hazen, Creedon, Mills, Hight, Watters.

Opposed: None.

Abstained: Smith, Barton.

Case #11-07, Garden Solar, LLC

Present for the applicant: Walter Wilson, Esquire; James Chmielak, PP, PE; Chris Nusser, PE; Timothy Ferguson, Principal

Mannon, Mayor Tomaszewski, and Watters all recused themselves from the hearing.

Wilson stated an article published in the Star Ledger had some inaccuracies. Wilson stated he understood the transcript from the last meeting didn't reach the secretary. Wilson stated it was his understanding that the three board members absent from the last meeting attempted to listen to the tapes, but couldn't complete that given the quality of the tape.

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Wilson indicated some changes were made to the plan after speaking with the neighbors. Wilson also indicated the letter received from the Heritage Conservancy should not be entertained without the ability to cross-examine the writer.

Entered as Exhibit A-8 – revised overall site plan dated 11/21/11

Chmielak explained the changes made as the result of speaking with the neighbors on Cheerio Lane, and the comments from the board. Chmielak stated the NJDOT access permit had been received. Chmielak explained the access drive and switching station have been relocated, and the elevation of the switching station has been lowered again. Chmielak also explained the further landscape changes that have been made.

Entered as Exhibit A-9 – cross-section rendering/alternate dated 11/21/2011

Chmielak explained further the changes made in the alternate plan.

Edleston asked the color of the panels. Chmielak indicated the panels are dark blue, and are typically a mat finish. Smith asked if the panels are cleaned in order to maintain efficiency. Chmielak explained the panels are angled, and the weather helps with cleaning.

Barton asked about the noise level at the switching station. Chmielak indicated any noise would be at the inverters, and there would be no noise at the property line.

Edleston asked if a geotechnical investigation had been performed. Chmielak replied an analysis has been performed, and the applicant is confident they can deal with the conditions found.

Layton asked how many construction workers would be present at any one time. Chmielak indicated there could be up to 75 workers present at a time, and explained there would be a parking lot available for the workers.

Smith asked what type of installation would be used for the panels. Chmielak indicated there are two types of installation that could be used: driven piers and screws.

Spender asked if the Asbury-Anderson access would be closed after construction. Chmielak indicated the three emergency access points. Chmielak indicated they would supply the fire department with two foam packs to assist with fire suppression. Wilson also indicated there would be training sessions with the fire department, and they would be provided with maps, ownership information, access information, etc.

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Smith asked if the site would be taxed higher than agricultural use, and Wilson replied the taxes would be higher. Wilson stated the average tax has been found to be \$10,000.00 per megawatt of power, or in this case \$100,000.00 with a two year roll back or \$300,000.00. Layton explained the racking system is taxable, but the panels are personal property.

Creedon asked further questions regarding any glare from the panels. Nusser again explained the glare and reflection calculations. Creedon mentioned his concern over glare interference with airplanes. Nusser indicated many airports, and even Air Force bases, have facilities near them. Wilson stated the FAA has issued a report that says there is no negative impact to air flights.

Karen Williamson, a staff member with the Heritage Conservancy, explained the concerns of the conservancy regarding this matter. Williamson explained the scenic byway, and encouraged the Township to mitigate any impact.

Entered as Exhibit O-1 – Heritage Conservancy letter written by Karen Williamson

Wilson asked questions regarding the information Williamson reviewed prior to her writing her letter. Wilson responded to the issues raised by Williamson.

The Chairman called for a brief recess at 9:45 PM.

Upon reconvening at 9:50 PM, Williamson indicated the byway is approved as a whole for the five municipalities. If one municipality loses the designation, all five municipalities do as well.

Edleston clarified the public portion of the hearing had been closed at the special meeting, and the Chairman replied that was correct.

Hight expressed concern over setting a precedent with this application. Wilson explained each application stands on its own merit.

Wilson summarized his case, and read a prepared summary of the facts.

DiSessa indicated the applicant has complied with the solar Ordinance even though it was adopted after they filed their application.

MOTION was made by **SMITH** to approve the application for Case #11-07, Garden Solar, LLC with the conditions as discussed during the hearings.

SECONDED: SPENDER.

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Smith stated the application was one of the most professional he had seen, and he thanked the applicant for taking into consideration the concerns of the neighbors.

Those in favor: Creedon, Spender, Smith, Barton.
Opposed: Hight.
Abstained: None.

Mayor Tomaszewski, Watters, and Mannon returned to the board.

Edleston indicated it was too late in the evening to begin the hearing for Case #11-09, Mansfield Commons II, LLC. Edleston indicated the application would be carried to the next regular meeting without further notice.

MOTION was made by **HAZEN** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: CREEDON.

Those in favor: Mills, Hight, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Barton.

Opposed: None.
Abstained: None.

Mannon and Barton had a discussion regarding the public's right to be heard.

MOTION was made by **MANNON** to adjourn the meeting at 11:00 PM.

SECONDED: HAZEN.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(as written)