

## **SEPTEMBER 19, 2011**

The regularly scheduled meeting of the Mansfield Township Planning Board 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, Mannon, Hazen, Vaezi (arrived at 7:40 PM), Mills, Hight, Spender, Smith.

Absent: Myers, Watters, Creedon.

Also present: Drew DiSessa, P.E.; William Edleston, Esquire; Joseph Layton, P.P.

The Pledge of Allegiance was recited.

### **Case #11-06, Meadows at Mansfield, LLC**

Edleston announced the matter would be carried, at the applicant's request, to the next regular meeting, without further notice.

**MOTION** was made by **HAZEN** to approve the minutes of the August 15, 2011 meeting, as written.

**SECONDED: HIGHT.**

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

Opposed: None.

Abstained: Spender.

### **Case #11-07, Garden Solar, LLC**

Present for the applicant: Walter Wilson, Esquire; James Chmielak, P.P., P.E.; Chris Musser, P.E. Timothy Ferguson, Principal.

Mannon recused himself from the matter.

Edleston indicated the use variance portion of the application for Lot 8 should be dealt with first.

Wilson gave some background regarding the company, and their other locations.

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Chmielak gave his qualifications, was sworn in and accepted as a qualified witness.

Entered as Exhibit A-1 – color rendering of overall site plan

Chmielak briefly explained the existing conditions, the boundary lines between lots 8 and 7.01, the criteria for the location of a facility, and the difference between a distribution and transmission facility. Chmielak explained the facility would generate power which would be introduced into the distribution grid for use locally.

Chmielak explained the acreage will be used for the solar garden, and a portion will remain agricultural use. The topography is particularly well suited to the use because of the moderate slopes. Chmielak explained that Lot 7.01 is in the I Zone, and Lot 8 is in the R-2 Zone, and related the other allowed uses in the zones.

Chmielak explained the details that would comprise the physical and operating characteristics of the solar garden. Chmielak explained there would be limited traffic to the site, periodic inspections, operation hours, no site lighting, and access drives. Chmielak stated a 6' locked chain link fence was proposed, and would consider the additional 1' height as proposed by the Township Engineer. Chmielak explained the system is monitored by JCP&L, and if a malfunction is found the system is shut down until a service person can access the site.

Chmielak explained the extensive landscaping plan. Chmielak explained the panels absorb light, and the reflectivity is extremely low. Chmielak related the noise levels, lack of electrical interference with surrounding properties, the cell phone monitoring technology, and the storm water management measures.

Chmielak explained the use has been deemed inherently beneficial, and he related the positive vs. negative criteria.

The Chairman called for a brief recess at 8:50 PM.

Upon reconvening at 9:00 PM, Edleston announced the hearing for this application would have to end at approximately 10:00 PM, because the board has another application for consideration.

Chmielak explained the environmental benefits of the project: seeded to foster wildlife, renewable energy, decrease the need for fossil fuels, provide energy to 1,500 homes, etc.

Edleston asked for clarification of the number of panels proposed in the project. Chmielak stated there were 48,000 panels proposed in the project. Edleston asked if the project is tax assessable. Wilson explained the State has indicated there may be some assessment of the racking system.

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Layton indicated the State has declared renewable energy as an inherently beneficial use, and agricultural preservation is definitely a positive. Layton stated they must prove the positive outweighs the negative.

DiSessa asked that a **15'** maximum grade be retained **on the access drive**. DiSessa mentioned there have been some issues with vandalism in the Township, and asked if there were to be any security measures put in place. Wilson stated there was some vandalism at the Lebanon facility, but the equipment won't be put in place at this facility until the fencing is in place.

Smith asked questions regarding glare, strobe effect, and other locations in operation.

Hazen asked questions regarding fire protection of the area. Barton asked if there were any toxic materials to burn. Chmielak stated any fire would in all probability be a brush fire, but all the wires are protected, insulated, and underground.

Mills asked if Garden Solar would provide maintenance for the life of the facility. Wilson stated the facility would be sold to an operator, and they would be responsible for the facility and landscape maintenance. Mills asked about snow impact on the arrays, and Chmielak replied the snow would just slough off.

Vaezi stated the applicant should buffer the area as much as possible to protect the residents that live near by. Vaezi stated there is a change in use being proposed, and he would like to see an additional physical buffer. Vaezi asked how soon the project would commence construction. Wilson replied the project would go to bid shortly if approved by the board. Vaezi asked that the safe material panels be installed, and no toxic material be used. Vaezi asked the resolution reflect the use of safe materials.

The hearing was opened to the public for comments and questions.

Carol Borden of Cheerio Lane was sworn in, and asked questions regarding the details of the project. Borden stated she would like to have additional time to review the application prior to any decision by the board. Borden read a prepared statement expressed her opinion of the project.

Thomas Timlin of Cheerio Lane was sworn in, and agreed with Borden. Timlin expressed his opinion of the proposed project.

Lynn Timlin of Cheerio Lane was sworn in, and stated it was a big assumption that the operating company would maintain the property.

William Mannon of River Road was sworn in, and expressed concern over possible decrease in property values should the project be installed.

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John Thompson of Route 57 was sworn in, asked who would service the new access road. Thompson also expressed concern over decreased property values.

Borden asked if the access road would be paved or gravel. Borden stated that Cheerio Lane was just recently paved, and expressed displeasure about once again having a gravel road, and the dust associated with it, next to her house.

There being no further questions or comments from the audience, the Chairman closed public portion of the hearing.

Edleston indicated the neighbors would like time to seek representation, and stated the board has 120 days within which to act on the application. Edleston suggested the application be carried to the next regular meeting.

**MOTION** was made by **VAEZI** to carry the application for Case #11-07, Garden Solar, LLC to the next regular meeting without further notice.

**SECONDED: SMITH.**

Those in favor: Hazen, Vaezi, Mills, Hight, Spender, Smith, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

Mannon returned to the board.

**Case #11-08, Julia Sudylo**

Present for the applicant: Julia Sudylo; Richard Keiling, Esquire

Keiling explained the applicant is the contract purchaser of a property on Rockport Road, and is before the board for an interpretation of a home occupation use. Keiling explained the applicant would like to use a 300 square foot sunroom to operate a hyperbaric center.

Sudylo was sworn in by Edleston, and explained the function of the hyperbaric center would be to offer the use of pressurized oxygen. Sudylo explained that pressurized oxygen is used for different medical conditions such as ulcer/wound care, burn victims, stroke patients, and to treat autism. Sudylo explained she would offer two chambers, but would probably only operate one at a time, with each treatment takes approximately 60 to 90 minutes. Sudylo explained she is a licensed registered nurse, and is a certified hyperbaric technologist.

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Entered as Exhibit A-1 – copy of RN license

Entered as Exhibit A-2 – copy of certificate for National Board of Diving and Hyperbaric Technologist

Entered as Exhibit A-3 – photograph showing three parking spaces

Entered as Exhibit A-4 – survey showing JCP&L power line easement

Sudylo explained the details of the proposed operation.

Keiling indicated they would have a small sign, and would be in accordance with the sign Ordinance.

**MOTION** was made by **MANNON** to interpret that the proposed use as explained in Case #11-08, Julia Sudylo to be allowed, and to be subject to a corrected map reflecting Lot 11.01, and subject to any outside agency approvals deemed necessary given the nature of the business.

**SECONDED: HAZEN.**

Those in favor: Vaezi, Mills, Hight, Spender, Smith, Mayor Tomaszewski, Mannon, Hazen, Barton.

Opposed: None.

Abstained: None.

**Case #11-09, Mansfield Commons, II, LLC**

**MOTION** was made by **BARTON** to deem the application for Case #11-09, Mansfield Commons, II, LLC incomplete.

**SECONDED: MANNON.**

Those in favor: Mills, Hight, Spender, Smith, Mayor Tomaszewski, Mannon, Hazen, Vaezi, Barton.

Opposed: None.

Abstained: None.

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

**SECONDED: HIGHT.**

Those in favor: Hight, Spender, Smith, Mayor Tomaszewski, Mannon, Hazen, Vaezi, Mills, Barton.

Opposed: None.

Abstained: None.

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**MOTION** was made by **BARTON** to adjourn the meeting at 10:45 PM.  
**SECONDED: HAZEN.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary  
(as amended)