

**Borough of Watchung
Planning Board Meeting
July 17th, 2012**

Minutes

Salute to the Flag

Chairman Speeney called the meeting to order at 7:35pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were: Speeney (X) Schaefer (X) Haveson (X) Ellis (A) Pennett (X) Boyd (X) Beck-Clemens (X) Mobus (A) Pote (A) Desnoyers (X) Hartmann(X)

Chairman Speeney indicated there was a quorum to conduct business. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the open public meetings law and proper notification of this meeting has been made. Chairman Speeney said that Mr. Desnoyers and Mr. Hartmann would be eligible to vote at this meeting.

Chairman Speeney sought a motion to waive the reading of and accept the minutes of May 15th, 2012. Mr. Haveson made the motion, seconded by Mrs. Beck-Clemens. Hearing no discussion, the Chair called for a voice vote. All who were eligible to vote voted in the affirmative and the minutes of May 15th were passed.

Chairman Speeney sought a motion to waive the reading of and accept the minutes of June 19th, 2012. Mrs. Beck-Clemens made the motion and Mr. Haveson seconded the motion and hearing no discussion the Chair called for a voice vote. Everyone who was eligible to vote voted in the affirmative and the minutes of June 19th, 2012 were passed.

Beck-Clemens read: D-31 Hearing
113 Bayberry Lane
Block 6909 Lot 9
Board of Education
Somerset County Solar Project

Mr. Michael Beck came to the microphone. Mr. Beck was the Attorney representing the company Power Partners Mastek. Mr. Beck was from the firm Hering, Dubinex, Stanzione, Dunn and Beck. Mr. Beck explained that Power Partners Mastek is the construction company that the County has selected to design, install and build solar projects such as the one proposed at Bayberry

School. He said that Power Partners is building similar project in other counties such as Morris, Sussex and Mercer at the same time. Mr. Beck said that they were before this board with regard to the application of the Board of Education and the Somerset County Improvement Authority to locate solar projects as part of the energy renewable program. Somerset County in conjunction with different municipalities and school boards are looking at how they can bring green energy to these towns and schools and where there was interest. Then Somerset County aggregated all of these projects. Somerset County currently has 18 towns that are participating in this program. There are 35 separate solar projects, Bayberry School being one of them. The county aggregated these projects together and through Local Public Contracts Law, Local Public Schools Law and certain local finance laws they put out Requests for Proposals for companies to come in and bid for these projects. There was an evaluation report submitted as part of this application regarding the proposals which explains the county's process. Mr. Beck explained that one of the reasons that Power Partners was selected was because they, unlike some of the other proposals offered the schools electricity at a greatly reduced rate. There are also some built in securities if the schools decide that they no longer wish to be a part of the program. He explained that the County enters into an agreement with the school. The developer comes in and builds the solar system, the school doesn't have to pay anything for it or maintain it. Mr. Beck said that this project is not intended to be a solar farm and sell commercial energy back to the grid. It is solely intended to reduce the schools energy cost. It's purpose is for supplemental energy. The project is not allowed to exceed 100% of the energy that the schools use in a year.

Chairman Speeney explained that this hearing is a review by the Planning Board. Mr. Beck said that this project is 100% funded by County bonds. He said that the panels themselves are leased back to Sunlight General Capital. That is for solar renewable credits but the Somerset County Improvement Authority has total ownership of it. Mr. Beck explained that anytime you have an expenditure of county, municipal or state funds, under the Municipal Land Use Law (section 40:55D-31) it states that prior to the expenditure of those funds, the applicant should come before the Planning Board and explain the project, show concept plans and seek any recommendations that the Planning Board may have consistent with the Master Plan. Mr. Beck explained that this was a courtesy review seeking any recommendations that the board has with regard to this project. Mr. Beck said that the school board is not expending any funds, and they are represented at this meeting by some Board of Education members as well as the Superintendent. Mr. Haveson asked who was actually making money as a result of this project. Mr. Beck said that the private

developers who come in to do these projects do get solar renewable credits which are traded in New Jersey. He said there are also Federal and State credits which go to the developer, and the developers also sell the electricity which is generated by these panels. Mr. Beck said that the rate for the first year for the school is 5.9 cents per KW hour as compared to the normal rate of 15 cents per KW hour. Mr. Beck said that this project is slated to last for 15 years. He said that the life of the panels is typically 20-25 years. He said that at the end of the project 3 things could happen. One, the school could say remove it. Two, the project could be extended. Or three, the County Improvement Authority can purchase the panels at fair market value at that time and then go into another agreement with the school system to continue. Mrs. Beck-Clemens asked about the cost of removal. Mr. Beck said there is an excess reserve fund for removal. Mrs. Schaefer asked who maintains the panels. Mr. Beck said that Sunlight General Capital maintains the panels and the maintenance on the panels. They also stockpile panels should any need to be replaced. Mrs. Schaefer asked what happens if Sunlight goes out of business. Mr. Beck said that the County has backups in place to protect the projects.

Mr. Michael Richard Thomas with Innovative Engineering 1971 Route 34, Wall NJ came to the microphone. Mr. Thomas was a Professional Engineer and was sworn in and accepted as an expert in Civil Engineering. Mr. Thomas entered exhibit A-1 dated 7-17-12 which was a depiction of the canopy structure and roof structure proposed. Mr. Thomas said that they are proposing 3 installations on the roof and one on the ground. The ground system is located toward the Bayberry Lane side. He explained that the solar panels receive sunlight and converts that into energy. There are two proposed inverters to be installed which converts DC current into AC current which powers the school. The rooftop panels are proposed to be 3 separate systems, located to the far east by the gym. The roof system is comprised of a concrete block system. The panels would be raised to a little over 1 foot above the roof. The roof has been structurally certified that it can bear the weight of this system. This location was selected keeping in mind any shade impact from the area. The panels are warranted for 20 years. Mr. Eric Schwartz, Supervisor of Buildings and Grounds for the Board of Education came to the microphone. He was sworn in and stated that the roof was selected because it has a roof that has a 20 year warranty on it. Chairman Speeney asked if the roof was to leak, who fixes it. Mr. Schwartz said that if it is normal maintenance, Johns Manville would fix it, if it a leak cause by the equipment, the PV company would be responsible. Mrs. Schaefer asked if in a bad winter, what would happen if we get a few feet of snow to the panels. Mr. Beck said that the panels are warmer than the outside

temperature and the panels are installed with a tilt, and therefore the snow would eventually slide off of the panels. He said that if the panels are covered with snow, the school would not be receiving as much energy while the snow was still covering them. Mrs. Pennett asked if the weight of the snow could damage the panels and Mr. Beck said that they were designed with that in mind and the roof could bear this weight. Mr. Boyd asked about wind and if it could damage the equipment. Mr. Beck said that this system could handle the wind speed limits for this area. Mr. Beck asked Mr. Thomas where the inverter for the rooftop systems would go. Mr. Thomas explained that it would go at the southeastern end of the school building. The second inverter for the canopy system would be placed to the northeast of the ground canopy. Mrs. Beck-Clemens asked the size of the inverter pad. Mr. Thomas said the inverter for the canopy is approximately 8' x 14' and the inverter for the roof system is 10' x 29'. The inverter itself is gray and white and is 5'x 8'x8'. There will be a 6' vinyl fence with concrete bollards surrounding the inverter pad and the fence would be designed with anti-climb links. The choice in location for the canopy due to the lack of shade. The canopy is a steel structured support with columns of I-beams and a steel truss structure elevated at the top holding it up. The tilt on the canopy is 7.5 degrees. Mr. Hartmann asked if the local residents get a say regarding this project because he thinks it is quite ugly. Mr. Beck said that the neighbor across the street on Bayberry Lane has planted a double row of trees to obstruct his view. Other than this particular neighbor, this structure is not really visible from other homes. He said that the school has also planted some all season evergreens which are about 20-25 feet tall already which screen the property. Mrs. Schaefer asked about children being able to climb the canopy structure or vehicles parking under it. Mr. Thomas said that a school bus could park comfortably under the structure, and that a fire truck or emergency vehicle could get through, and that the lowest point of the slope of the canopy is over 14' so that a child could not climb it. Mr. Thomas said that the proposed finish of the canopy structure would be a white powder coated finish. Mr. Hartmann asked if there was any other area on the school property that the canopy structure could be placed. Mr. Thomas said that there was no other area that it could be placed due to shading impact. Chairman Speeney asked about safety. Mr Beck said that the State Department of Education has to approve the plans as well, especially with regards to safety. Mr. Thomas said that the fence is an anti-climb fence which means that the openings are half the size of the links in the fence. He said that children could not fit their toes into these links. He said the canopy structure is located high enough off the ground that a child could not climb it. He said that everything on the inside of the fence is locked. He said they are typical locked utility cabinets. He said that as

far as noise levels, they will meet all noise criteria levels of the Borough. Chairman Speeney asked if that would be verified and checked, once the system is up and running. Mrs. Jessica Vogel with Birdsall Services Group of 1101 Laurel Oak Drive, Vorhees, NJ came to the microphone and was sworn in. Mrs. Vogel said that Birdsall is the firm who are acting as consulting engineers for the County of Somerset. She explained that they developed the RFP's for this project. She said that the decibel levels on the spec sheets must be adhered to. Mr. Beck said that they would be happy to test the levels when the system is up and running. Mr. Hartmann asked what the savings of the school would be. Mrs. Vogel explained that the first year savings would be \$19,386.00 dollars. The overall savings would be approximately over \$345,000.00. Mr. Beck said that all of these estimates are in the report previously submitted. Mrs. Beck-Clemens asked about landscaping. Mr. Beck said that no trees would be removed and they are not proposing any new landscaping with this project. Mr. Hartmann asked what the percentage of savings would be per year. Mrs. Vogel said that the school would be getting 40% of their energy at a reduced rate per year. Mr. Beck said that these figures are in the report. Mr. Thomas said that this system will replace approximately 300,000 pounds of CO₂ that would have gone into the atmosphere. He said in terms of energy produced in single family homes for a year, this system would offset the energy produced in approximately 12 single family homes for one year. There were no further questions for Mr. Thomas.

Chairman Speeney asked if there was a representative of the school board who wished to make a statement. Mr. Jeff Bonner, of Ellisen Road, Watchung, President of the Board of Education came to the microphone. Mr. Bonner was sworn in. He said that this project has been underway for over 2 ½ years and the school board is very comfortable with it. He said that it has educational value as well for the students in town. He said that the School Board had their own engineer do a study on safety and other issues for this project. He thanked the board for their time. Mrs. Beck-Clemens asked if this area of the canopy system was sometimes used as a playground or for fairs. Mr. Bonner said that this is a parking area. Mrs. Beck-Clemens said that she thought the canopy structure is a very unattractive structure and it would deteriorate the look of the town. Mr. Bonner said that that was taken into account and that the benefits outweighed the detriments. He said that there is no other location on the site that this structure could be placed. Mrs. Pennett asked when the construction would take place and if it would it interfere with the running of school. Mr. Beck said that they would prefer to get it started in the summer months. He said that the intention was to have it up and running before school starts. Mr. Tom Castel of 13 Easy Street, Bound Brook NJ came to the

microphone and was sworn in. Mr. Castel was part of the construction team and said that the canopy structure would be about 3 weeks to erect and that in the last year they have installed approximately 30 systems during the school year and the construction would not interfere with the day to day operation of the school year.

Mr. Linnus, Planning Board attorney asked how Mr. Beck could apply for building permits immediately since there is a 45 day review period that this board has to make it's recommendations. Mr. Beck said that he was hoping that the board would make it's recommendations at this meeting and that Mr. Linnus could draft a letter stating what those recommendations are. Chairman Speeney said that he wanted to follow proper procedure and make a recommendation and formalize that recommendation and that formal recommendation would then be disbursed. Mr. Beck said that applications have been applied for with the State Department of Education. He said that the State would accept a letter, or minutes or a formal resolution. Chairman Speeney said that under 40:55D-31 what is required is for the Planning Board to indicate compliance with the Master Plan. He said that the board is not approving this project since it is not a site plan. Chairman Speeney explained that some points were made relative to testing for noise levels. He mentioned some concerns regarding safety issues and weight bearing issues and everything must comply with building codes. The Chair said that the only thing left to discuss was the report by the Planning Board Engineer Tom Herits and would appreciate any comments from him. Mr. Herits said that he doesn't see any inconsistencies. Mr. Herits said that one good thing is that the canopy is well beyond the sidewalk. He said that there are safety precautions in place for the fence as well as the bollards. He said that he thinks it is wise not to have landscaping around the canopy so that you can see any children who might be around. He said that there are no lights proposed so that at night you don't have any more lighting that interferes with other residential homes. He said that there is minimal increase in impervious surface coverage. Mr. Herits said this is also subject to Ed Bennett, Construction Official's review as well as the state's review. Mr. Herits felt that without the canopy structure, this project wouldn't be worth doing.

Mr. Haveson said while having heard all testimony, he wasn't clear on what the board was responsible for doing. Mr. Beck said that he was at this meeting seeking any recommendations from this board regarding this project. Mr. Haveson said that he had nothing substantive to add. Chairman Speeney said that this board has to make a determination whether or not this project is consistent with the Master Plan. He said that there may be some conditions that the board has, one being potential noise. Mr. Haveson said that there was already testimony that the noise levels comply with the Borough noise

ordinance. Mr. Beck agreed again to have noise levels tested. Chairman Speeney said that any and all Borough requirements must be complied with, such as land disturbance, building permits etc. Mrs. Schaefer agreed with the aesthetic tone, but commended the school system, the State and the County for what they are doing to move towards green energy. Mrs. Schaefer said that it is a great learning tool for the students. She said the world is moving toward a green society. She felt that the canopy could be make great shade for parking and as Watchung's residents, she thought we need to be more and more responsible for our footprint as a society. She thanked the school board for even hiring their own engineer to research and study this project indepently. Mr. Hartman said he agreed with Mrs. Schaefer but thought that it doesn't take away from the fact that the canopy is really ugly.

Chairman Speeney said that he would draft a letter indicating that the findings of the Planning Board are that this project is consistent with the Master Plan and that recommendations would be to measure the decibel levels and obtain any and all necessary permits moving forward. Chairman Speeney asked for a motion to be made by the board for him to draft this letter stating that this project is consistent with the Master Plan and that the two recommendations be added. Mrs. Schaefer made this motion, seconded by Mr. Haveson. Mr. Beck said that if Chairman Speeney sends this letter to him, he would forward it to all appropriate agencies. Hearing no more discussion, the Chair asked for a call of the roll.

The roll call vote was as follows:

Speeney (yes) Schaefer (yes) Haveson (yes) Pennett (yes) Boyd (yes)

Beck-Clemens (no) Desnoyers (yes) Hartmann(yes)

The motion carried.

Mr. Beck thanked the board for it's time and Chairman Speeney thanked everyone including the school board for their time and effort.

Chairman Speeney announced that there will be a Somerset County Planning Board meeting this Thursday at 6PM. It is a meeting regarding the access and mobility plan. Chairman Speeney said that as of now, the Borough of Watchung is a part of this plan. He explained that the Borough has sent a letter to the County in support of access and mobility work to occur in the Borough of Watchung. Chairman Speeney said that access and mobility is the third leg of the three initiatives to sustained economic development in Somerset County. Chairman Speeney said it is a combination of the Somerset County Business Partnership, Somerset County Planning Board and the State's planning initiatives

relative to creating sustained economic growth. Chairman Speeney said that the access and mobility study if they go through with it gives the Quarry area a significant external review, including infrastructure, traffic and types of development that could occur. Chairman Speeney said that this is the type of study that we did in 2001, 2002 and 2003 that was matched by the County. He said that we spent \$25,000.00 on that study then and what we came up with was what is now the zoning for the quarry and did a partial Master Plan update in 2003 concerning the quarry. The Chair said that he is expecting is the County to say that they will support the quarry for redevelopment and go ahead with this study. He thought we could learn a lot from this study. He said a lot has happened in the last 10 years. Chairman Speeney said that to his knowledge, no one has talked to Weldon, who is the owner of this property. Chairman Speeney said that going ahead with access and mobility is a very good idea. The Chair asked if anyone else on the board would like to attend this meeting, they were welcomed to.

Hearing no more discussion, the Chair adjourned the meeting until the next regularly scheduled meeting of August 21st, 2012.

Respectfully Submitted,

Carolyn Taylor
Planning Board Clerk