

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**November 9, 2011 - Meeting**

**Call to Order, Attendance and Pledge of Allegiance**

This meeting of the East Amwell Planning Board was opened on November 9, 2011 at 7:30 PM. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting pursuant to the annual meeting notice as published in the January 20, 2011 issue of the Hunterdon County Democrat, a copy of the agenda for this meeting was forwarded to the Hunterdon County Democrat, filed in the Township Clerk's Office and posted on the bulletin board on November 2, 2011."

**Present:** Fred Gardner  
Gail Glashoff  
Peter Kneski  
Linda Lenox  
Don Reilly, Chairman  
Dart Sageser  
Michael Weis  
Roger DeLay – Alt. #1  
Edward Feinberg – Alt. #2  
Attorney Norman  
Engineer O'Neal  
Planner Slagle

**Excused:** Rob Gilbert  
Joe Wolfgang

**Citizens' Privilege to Speak on Items not on the Agenda**

A motion by Pete Kneski, seconded by Linda Lenox to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Fred Gardner, seconded by Gail Glashoff to close to the public was unanimously approved.

**Review of Minutes**

A motion by Roger DeLay, seconded by Gail Glashoff to approve the Board's minutes from 10/12/11 as revised was approved with Linda Lenox, Fred Gardner and Edward Feinberg abstaining.

**New Business – Other**

**Public Hearing: NVT Licenses, LLC. – B:5 L:1.06 & 2 (Stahl Property – 117 John Ringo Road) – Minor Subdivision and Preliminary & Final Major Site Plan Approval**

Present for the application was Attorney Mark Peck on behalf of the applicant NVT Licenses, LLC., Engineer Jennifer Schwenker of Innovative Engineering, Project Manager Skip West of SunEdison (an affiliate of NVT Licenses, LLC.) and Project Managers Luis Sanchez and Emily Struck of SunEdison.

It was noted for the record that the public noticing was done in accordance with the MLUL and the Board had jurisdiction to move forward with the public hearing.

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Engineer O’Neal explained that the latest submission of the application has been revised to develop a smaller footprint of solar and eliminated the extensive grading that was previously proposed. He reviewed the checklist noting the following submission waivers:

- #23: Traffic Impact Statement
- #28(f): Location of existing natural features...
- #28(s): Location of found and proposed concrete monuments...
- #32: Evidence that a duplicate copy(ies) of the application for major development has been filed with other agencies having jurisdiction...

The following waiver was noted:

- #21: Municipal Services and Utilities Impact Statement

A motion by Fred Gardner, seconded by Michael Weis to deem the application complete was unanimously approved by roll call vote.

**Roll Call Vote:** Fred Gardner: Yes, Michael Weis: Yes, Gail Glashoff: Yes, Pete Kneski: Yes, Linda Lenox: Yes, Don Reilly: Yes, Dart Sageser: Yes, Roger DeLay: Yes, Edward Feinberg: Yes

Attorney Peck came forward and explained they are seeking preliminary and final major site plan approval along with the consolidation of the two lots in order to construct a 10 megawatt solar facility. He noted the site is located at 117 John Ringo Road known as Block 5 Lots 1.06 and 2 in the Amwell Valley Agricultural District. Attorney Peck indicated the subject parcel is 147 acres and they are proposing to develop 72 acres for the solar facility. He commented that they are proposing to demolish all of the existing structures and indicated the application is fully conforming with the Township’s Ordinances and does not require and variances. Attorney Peck also noted that they have reviewed the memos provided by Planner Slagle and Engineer O’Neal and stated they have no issues with any of their comments.

Engineer Jennifer Schwenker came forward and was sworn in. She provided her background credentials for the Board and was accepted as an expert to provide testimony on this application.

**Exhibit A-1** was presented. The site plans originally submitted with the application consisting of 22 sheets last revised 10/28/11.

Engineer Schwenker explained that solar facilities are a conditional use in the Amwell Valley Agricultural District and she believes the application meets all of the required conditions. She provided additional site details noting Lot 1.06 has frontage along Boss Road, Lot 2 has frontage along Rosemont Ringoes Road and to the south the parcels are bound by the Black River and Western Railroad. She noted there is an existing access driveway off of John Ringo Road that is a common driveway with the property owner of Block 5 Lot 3. She noted there are two streams on the property: A tributary to the third Neshanic River and a tributary to the Back Brook as well as a manmade pond.

She referred to the overall site improvement plan and explained that they are proposing a fixed tilt solar system that will face south toward the Black River and Western Railroad and noted they have obtained a feasibility study from PJM (Pennsylvania Jersey Maryland Interconnection) indicating the utility company can accept the proposed 10 megawatts of power. The site will contain an 8’ black vinyl chain link security fence around the entire array with a 50’ wide landscape buffer. Engineer Schwenker noted they are proposing a 20’ wide access driveway off of Rosemont Ringoes Road that will also branch off toward the pond per the request of Fire Official Marty Alexander. It was noted that this access will be

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used for construction and remain as the permanent access to the site. Engineer Schwenker remarked that both driveway accesses (Rosemont Ringoes Road and John Ringo Road) will be gated with a single solar powered motion light and a Knox box which will contain a key to the site for emergency purposes. Mr. Weis asked about the other gated access points shown on the site plans without driveways. Engineer Schwenker explained that the Fire Official requested multiple access points in the event of an emergency but no driveways are needed because these accesses will not be used on a regular basis. Engineer O'Neal suggested that the access driveway off of Rosemont Ringoes Road be utilized as a temporary access for construction purposes only and that the access off of John Ringo Road be used as the primary access to the site. Engineer Schwenker explained that they are proposing to keep the Rosemont Ringoes Road access as a permanent driveway that will be stabilized with gravel.

Additional details were provided regarding the solar panels. Engineer Schwenker explained they are designed to be 3 stacked panels in landscape orientation at a fixed 20 degree angle approximately 5' – 7' high based on the topography of the site. **Exhibit A-2** was presented: A corrected detailed sheet showing the correct height of the proposed panels (5' – 7' not 10'). Engineer Schwenker noted that the wiring between the panels will be "daisy chained" behind the panels to combiner boxes and then will be underground to the inverter pads. It was determined that there will be 9 inverter pads on the site. The DC power will then be converted to AC power and tied into the utility poles along John Ringo Road. The ground beneath the panels will be tilled and seeded with an orchard grass mixture.

Engineer Schwenker indicated that they are proposing to utilize the following three methods for installing the posts: Driven piers, helical screws and concrete footings. When asked for the breakdown of how many concrete footings would need to be installed, Engineer Schwenker remarked that she did not have those details. Mr. Sageser commented on the noise associated with blowing up rock in order to install driven piers.

There was some discussion on the elevations and the ridge along the roadway in relation to where the proposed panels will be. Engineer Schwenker noted the ridge runs along the existing home and farm structures toward the west to Boss Road. Mr. Sageser asked what the elevation of the ridge is. Engineer Schwenker indicated it is 270' along Boss Road and 266' in the area of the existing farm structures.

Engineer O'Neal asked about the proposed employee parking and delivery area. Engineer Schwenker explained the designated area will be in the northeast corner of the site and will be used to house temporary construction trailers as well as a topsoil stock pile. Engineer O'Neal expressed concern with the soil being compacted. Engineer Schwenker noted that all temporary gravel areas will be removed and the ground will be tilled and seeded after construction of the site is completed. Engineer O'Neal asked how the size of the parking area (100' x 600') was determined. Engineer Schwenker commented that they accounted for approximately 30 vehicles parked side-by-side with room for additional vehicles to park behind one another if necessary. She stated they believe this size parking area is adequate and noted no parking would take place outside the site.

Mr. Feinberg asked about sequencing of the project. Engineer Schwenker explained they would install the soil erosion fencing and the gravel parking area and access driveway. She indicated that simultaneously they would be installing the fencing and the buffering along the residential areas prior to construction of the solar facility.

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Planner Slagle asked for additional details on the delivery of components to the site and the staging area. Engineer Schwenker noted that materials will be off loaded and immediately brought into the site by forklifts.

The landscape buffering was discussed. Planner Slagle suggested that deciduous trees be incorporated into the outer row of the buffering with evergreens on the inner 2 rows to keep the buffer impenetrable. Mr. Sageser suggested landscaping be enhanced along Boss Road because of the high visibility to the property owners. He remarked that the natural topography/ridge along Rosemont Ringoes Road limits the visibility in this area. Mr. Weis asked if additional buffering could be planted at the corner of Lot 16 due to the proposed access driveway and high visibility in this area. The applicant was amenable to enhancing the buffering as requested. **Exhibit A-3** was presented: 13 pages of landscape photo simulations for the proposed site. It was noted that the trees will be 7' to 8' tall at planting with a growth rate of approximately 6" per year. Planner Slagle asked what the distance was between Rosemont Ringoes Road and the beginning of the proposed landscape buffer. Engineer Schwenker indicated approximately 950'.

With regard to the landscaping along Boss Road, Planner Slagle asked if the applicant's would be willing to plant 9' to 10' foot trees in the rear row of the proposed buffer. Engineer Schwenker said yes.

There was some discussion on the buffering along the railroad. Mr. Gardner commented that he understood there have been some negotiations on the possibility of converting the railroad into a trail which would make buffering even more important. He asked how long the applicant anticipates construction of the site to take. Engineer Schwenker indicated if they receive approval, they would like to begin planting in March, construction in April and hopefully complete the site by the end of the summer.

There was some discussion on the amount of traffic to the site. Mr. Kneski asked how many trucks per day the applicant anticipates making deliveries to the site. Engineer Schwenker remarked she believed about 4 trucks per day during the initial month(s) of construction would be making deliveries. Engineer O'Neal asked for specific details on the amount of truck and employee traffic that would be coming to the site. It was noted that approximately 4 trucks per day and about 50 employees on site during the initial month(s) of construction then the amount of traffic would decrease. Ms. Glashoff remarked that the bridge on Route 579 may not be able to handle the weight of tractor trailer traffic. Chairman Reilly commented that Route 579 is a County Road and the bridge was just recently re-built he remarked that tractor trailer traffic should not be an issue.

Skip West, Project Development Manager for SunEdison came forward and was sworn in. He provided his background credentials and the Board accepted him as an expert to provide testimony on this application. He indicated the traffic will likely travel down Route 202 and come through Toad Lane to the site. The hours of construction activity will typically be 7:30 AM to 3:00 PM, 5 days a week. Mr. West indicated he did not anticipate anyone working on the weekends.

Mr. Sageser asked about the installation of the solar posts. Mr. West explained that depending on what type of system the developer decides to install will determine the depth of the posts to be installed. He noted that helical screws typically go 9' into the ground, driven piers go 6' into the ground and concrete footings are generally 4' deep.

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Chairman Reilly asked what the useful lifespan of this type of facility is. Mr. West indicated about 25 years. Mr. Sageser remarked that there are reports indicating the efficiency of solar panels is almost doubling every two to three years and he asked if the site was limited to 10 megawatts. Emily Struck of SunEdison came forward and was sworn in. She explained that if a site exceeds 10 megawatts the interconnection costs rise significantly and indicated they are only proposing 10 megawatts on the Stahl property per their agreement with PJM.

Chairman Reilly asked about the decommissioning plan commenting that the site is currently prime agricultural soils and wondered how the concrete footings will be removed. Mr. West indicated the concrete is excavated and lifted out of the ground with a backhoe. Mr. Weis asked if a form is used when pouring the concrete. Mr. West indicated that a sonotube could be used which may make decommissioning easier. It was noted that this could be a condition of approval.

Chairman Reilly asked Engineer O'Neal to explain whether or not the proposed new access driveway will trigger stormwater regulations. He commented that the Ordinance states that gravel/stone are considered impervious and if there is more than a quarter acre of gravel/stone it will trigger compliance with stormwater regulations. Engineer O'Neal indicated that if the access is temporary then the driveway should be exempted from compliance but since the applicant stated it will be a permanent driveway, they will need to comply with the ordinance/regulations.

Chairman Reilly asked about the typical traffic generated to the site over the course of a year. Mr. West indicated once the site is constructed, traffic is very limited. He stated the site will be monitored remotely and indicated there may be a pickup truck driving through once every 6 months for general maintenance issues. He stated there will be no regular maintenance schedule and no regular cleaning of the panels is required at this site.

A motion by Gail Glashoff, seconded by Pete Kneski to open to the public was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and was sworn in. She expressed concern over drainage patterns and potential flooding due to the new proposed access driveway off of Rosemont Ringoes Road, screening along Rosemont Ringoes Road, screening from historic properties in the vicinity and the proposed demolition of the existing structures on the parcel commenting that the Stahl home is historic and noted demolition to this extent will create significant land disturbance. Planner Slagle remarked that the Stahl home is not listed on either the State or County registry of Historic Structures.

Toni Robbi of 144 Lambertville-Hopewell Road came forward and was sworn in. He questioned whether or not there will still only be one principal use on the property if the remaining 70 acres may be used for farming. Engineer Schwenker indicated the applicant is not proposing any farming on the site, but rather only the solar facility. Mr. Robbi asked if the property will remain under farmland assessment. Attorney Norman explained that the Tax Assessor will make that determination and assess the property accordingly.

John Seramba of 111 John Ringo Road came forward and was sworn in. He expressed concern over Engineer O'Neal's suggestion to utilize the proposed access driveway off of Rosemont Ringoes Road for construction purposes only and the existing driveway off of John Ringo Road as the permanent access because he stated he is part owner of that common easement and is entitled to peaceful use of his driveway. Mr. Seramba also suggested additional buffering along the Rosemont Ringoes Road access to shield him from the parking area or delivery trailers and he requested that the existing driveway easement

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be temporarily blocked during construction ensuring that he won't be inconvenienced by all of the construction traffic at the site.

Diane Harrington of 110 Boss Road came forward and was sworn in. She requested the applicant present recent studies demonstrating what the financial impact will be to the home values in the area if the solar facility is approved and remarked that the Township will need to be prepared to adjust the taxes to homeowners accordingly. She also suggested that photo simulations be done from the perspective of the Boss Road homes since they will be greatly impacted. Ms. Harrington remarked that an 8' high landscape buffer will not help her at all since she has a two story bi-level home which features living space on the second floor and questioned how long the trees will survive if they are not watered regularly. She also suggested an "earth-tone" colored fence be used since she believes black vinyl coated fencing is ugly.

Ted Harrington of 110 Boss Road came forward and was sworn in. He commented on the acres of trees that were previously removed from the parcel and commented on whether or not a silt fence is required for all of the necessary stump removal. Mr. Harrington indicated that there was a lot of soil disturbance last summer and hundreds of truck loads of dirt was moved for what he believes was preparation for the solar application. Chairman Reilly commented that these issues are enforcement issues which are out of the Planning Board's purview. Attorney Norman agreed. Engineer O'Neal added that the applicant's have filed a plan with the Hunterdon County Soil Conservation District who will also review the matter.

Charlie Sosino came forward and identified himself as Diane Harrington's Brother. He was sworn in and provided the Board with his background credentials which include work in mechanical engineering, construction of power plants and fabrication of related components. He noted he has spent time in several environmental affairs as well. Mr. Sosino expressed concerned with the testimony provided by the applicant stating it was "vague" and "shallow" and in some cases "not factually based." He asked SunEdison when the first time they visited the site was. Ms. Struck indicated they visited the property in April or May of 2010.

Attorney Peck objected to Mr. Sosino's insinuations that SunEdison who doesn't have an approval and has not done any work on the site is somehow behind a "conspiracy theory" resulting in recent work taking place on the parcel.

Mr. Sosino suggested the Board members take a look at the SunEdison website and review what their developed sites look like. He also commented on the inherently beneficial use determined by the State for solar facilities and remarked that even though they are inherently beneficial, the developer is still liable for mitigating any negative aspects of the facility. Attorney Norman commented that what Mr. Sosino said presumes that the applicant has asked for a use variance which is not the case because East Amwell permits solar facilities as a conditional use which requires a different legal standard.

Mr. Sosino commented on home values and the noise associated with driven piers being installed. He also remarked that the amount of concrete pilings the applicant may be proposing would require 9000 cubic yards of concrete which would require nearly 450 dump trucks to remove upon decommissioning. Mr. Sosino questioned the amount of testimony provided on transformers, potential leakage and water runoff.

Toni Robbi of Lambertville-Hopewell Road came forward again and expressed concern over the potential expansion of the wetlands with regard to their proximity to the proposed solar panels. Engineer O'Neal explained that the applicant has delineated the wetlands and the NJDEP has verified that delineation and assigned a buffer which is all the applicant is required to abide by.

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Frances Gavigan of 123 Wertsville Road came forward again and supported Mr. Sosino's comments regarding a lack of testimony on specific aspects of the application. She commented that she would like to see additional information provided on the soil testing that was done and additional documentation demonstrating that the existing electrical grid/infrastructure can in fact handle the 10 megawatts of power that is being proposed.

Charlie Sosino came forward again and stated he believes additional testimony needs to be provided on the wetlands on the site.

A motion by Roger DeLay, seconded by Gail Glashoff to close to the public was unanimously approved.

Chairman Reilly commented that while the Stahl home is not listed on any historic registry, even if it were, the Township has no Ordinance preventing demolition of historic structures. He also noted stormwater runoff, soil disturbance and tree removal are enforcement issues not within the Board's jurisdiction.

Mr. Kneski asked about the existing swale that may be disturbed by the proposed new driveway access off of Rosemont Ringoes Road. Engineer Schwenker explained that the swale is shown on sheet S-10 of the site plan and remarked that the proposed driveway is above the swale and will not cross it. She also indicated that they will review mitigating any potential drainage issues. Engineer O'Neal agreed to work with Engineer Schwenker on this matter. Mr. Feinberg commented on the potential runoff from the proposed panels and noted that he believes this may be an issue because runoff will be in a concentrated pattern due to the solar installation. Engineer Schwenker remarked that they are working closely with NJDEP on this matter and stated the panels are not considered impervious and they intend to follow all NJDEP guidelines. Engineer O'Neal explained that runoff is not the issue, but rather potential erosion and he indicated he will work with the applicant on mitigating this as well. Mr. Kneski also noted he would like to see additional information on the demolition as it relates to potential contamination to ground water.

Mr. Sageser suggested the applicant provide additional documentation regarding a ground cover maintenance plan as well as a landscape maintenance plan.

Chairman Reilly asked Attorney Norman to address the potential impact on home values as a result of solar installations. Attorney Norman indicated home values are not an issue the Board can make a burden on the applicant. He stated that if someone wants to raise an issue of property value, they must bring their own expert to present testimony on the matter. He noted he is not aware of any legal decisions regarding home values relative to solar facilities.

Chairman Reilly brought up the black vinyl fencing. Mr. Gardner remarked that it's his understanding that the fencing is behind the buffering and will not be highly visible. The Board also noted that landscapers would agree black vinyl blends best with landscaping.

Chairman Reilly addressed the concerns with transformers, leaks and old farm equipment on the property asking the applicant if there will be any soil testing done after the structures are demolished. Ms. Struck noted that pursuant to the issuance of any demolition permits, all contaminants must be removed accordingly and they intend to comply with such guidelines. Mr. Feinberg asked if there is oil in the transformers.

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SunEdison Project Manager Luis Sanchez came forward and was sworn in. He commented that the manufacturer of the transformers would be responsible for any leaks or spills. He indicated he did not know any of the details on the oils used in the transformers and offered to provide spec sheets on the equipment for the Board to review. Ms. Struck remarked that they will provide additional details on containment options as well. It was noted there may be up to 8 transformers on the proposed site.

Chairman Reilly asked about stump removal on the site. Ms. Struck commented that she believes they will need to be grinded.

Mr. DeLay expressed concern with the potential noise from installing driven piers and with the potential amount of concrete footings to be installed. He suggested the Board establish a cap on the amount of concrete footings that can be used. Engineer Schwenker noted that they will have their geotechnical and structural engineers review the soil samples so they can provide additional details to the Board.

A motion by Gail Glashoff, seconded by Michael Weis to carry the NVT Licenses application to the Board's 12/14/11 meeting with no further public noticing required, was unanimously approved.

**Oral Reports**

FOSPC – No report given.

Agricultural Advisory Committee – Ms. Glashoff commented that the next Ag meeting is 11/21/11.

Environmental Commission – No report given.

Wastewater Management – No report given.

PB Secretary – No report given.

Chairman – No report given.

**Correspondence**

It was noted that there were no comments made on any of the correspondence listed on the agenda.

**Open to the Public**

A motion by Linda Lenox, seconded by Roger DeLay to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Michael Weis, seconded by Roger DeLay to close to the public was unanimously approved.

**Presentation of Vouchers**

A motion by Gail Glashoff, seconded by Fred Gardner to pay the vouchers as listed on the agenda was unanimously approved.

**Adjournment**

Chairman Reilly adjourned the meeting at 11:30 PM.

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Maria Andrews, Administrative officer