

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, November 9, 2017

CALL TO ORDER: The November 9, 2017 regular meeting of the Land Use Board was called to order, by Mr. Scott Holzhauser, Chairman, at 7:04pm. He then led everyone in the PLEDGE OF ALLIGIANCE, followed by the recitation of the OPEN PUBLIC MEETING STATEMENT.

ROLL CALL: Present: Mrs. Marie Bilik, Mr. Joseph Cercone, Mr. Mike Muller, Mr. Watson Perigo, Mr. Dennis Walker (arrived at 7:09pm), and Mr. Scott Holzhauser.

Members Absent: Mr. Jim Chirip, Mr. Dan Conkling, Mr. Jim DeYoung, Mrs. Sharon Mullen, Mr. Mike Viersma, Mr. Jeff Wilson and Mr. Rick Wilson.

Motion was made to excuse the absent members by Mr. Perigo and seconded by Mr. Muller.
No Discussion. All in Favor. Motion Carried.

Also present: Mr. Darin Phil, Board Engineer, Ms. Jessica Caldwell, Board Planner and Mr. David Brady, Board Attorney

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of September 14, 2017.

A motion was made by Mr. Cercone to approve the minutes and was seconded by Mr. Perigo.

No Discussion. All in Favor. Motion Carried

RESOLUTIONS: None

OLD BUSINESS: None

NEW BUSINESS:

Application: LU#1714

Owner/Applicant: Tranquility Farms/ Larry Freeborn

Block 113 Lot 3 – Decker Pond Road

Action: Informational Review

Tranquility Farms application began at 7:07pm

Mr. Matt Fox, Engineer for the applicant, began to present information on the new farm stand that is being constructed on Decker Pond Road.

Mr. Brady gave a brief description of the Right to Farm Act. He stated the County Agricultural Board approved this site plan but Green Township should still have a chance to see the plan and that it complies with our ordinances. This is not a typical site plan and the Board doesn't have any jurisdiction over the details of this plan.

Mr. Fox began by explaining everything in the packets the Board members received from Tranquility Farms, Block 113 Lot 3.

- 74.66 acres and approximately 2,433 feet of frontage along Route 517/Decker Pond Road.

- Farm stand will be 80'x40' which is 3,200 square feet.

- Set back from the street 166 feet from the right of way line. They provided a schedule of zoning requirements that show all the setbacks and zoning requirements.

- Sale of at least 51% goods will be produced on the farm itself.
- Height of building is 30 feet.
- Minimum lot area is 2 acres and he has 74.7 acres. Density is 0.2
- Maximum Depth measurement is 600 feet applicant is providing 1,686 feet.
- Width street line requirement is 130 feet and 2,400 feet in provided. Width setback line requirement is 210 feet and 2,300 feet is provided.
- Side yard 35 feet is required and 653 feet is provided.
- Maximum building coverage 15% is required and .3% is provided.
- Parking for 36 cars and there will be no lighting in the parking area.
- Green house will service the farm stand and there is a plan for individual sewage disposal. The size of the system is adequate for the intended use.
- No changes in drainage patterns and no increase in run off. There will be a series of seepage pits.
- A cross section of the pavement was provided. Soil erosion sediment control plan was provided.
- Tranquility Farms has established a stabilized construction entrance off of Route 517.
- A detail of the 1,000 gallon septic tank was provided.
- A detailed driveway access plan which consists of 800+ feet of sight distance in each direction was provided.
- A copy of all necessary permits was also provided including a Green Township Soil Erosion Sediment Control certification.

Mr. Phil presented the information listed in his report dated November 3, 2017 which has been attached to and made part of these minutes:

- He stated there should be no issue with the reserve septic tank area because there is so much land to pull from.
- He reiterated all of the requirements that we have as a township and how Tranquility Farms has complied with all of them except the requirement for the driveway. Green requires the driveway and parking lot to be paved. In trying to keep with the rural, farm feel of the facility, Tranquility Farms has requested to not pave the driveway. However, there will be pavement from the edge of pavement along Decker Pond Road to the curb return which is essentially 25 feet to help stabilize the apron at the edge of the existing right of way.
- He questioned the use of the Greenhouse. Mr. Fox explained it was originally planned as retail space but due to the costs it will only be used to extend the growing season.
- Mr. Phil stated if the greenhouse was used for retail then the parking will be a bit shy, something to think about in the future.

Mr. Fox stated the operation is currently located in Allamuchy will be moving up to Green. There is an apple orchard on the property with high yield apples which will be ready in 3 years instead of 7 or 8 years.

A motion was made to endorse the Tranquility Farms Plan (Mr. Brady: we find it is in keeping with our master plan and the health and safety of the citizens) by Mr. Perigo and seconded by Mr. Muller.

Roll call vote:

Aye: Mrs. Bilik, Mr. Muller, Mr. Perigo, Mr. Walker, Mr. Holzhauser

Abstain: Mr. Cercone

No discussion. Motion Approved.

Tranquility Farms application ended at 7:33pm

Application: LU#1709

Owner/Applicant: NJ Conference/7th Day Adventist

Block 34 Lot 18 – Decker Pond Road

Action: Completeness Review/Public Hearing

NJ Conference/7th Day application started at 7:34pm

Mr. Michael Selvaggi, attorney for the applicant, explained that NJ Conference/7th Day Adventist (7th Day) would like to implement a small solar facility. All the energy would be dedicated for the Conferences own needs. It is a conditional use in the AR 5/2 zone and all of those conditions have been met.

For Completeness:

- Mr. Selvaggi gave a description of the history of the resolutions for this property beginning in 1972 and continuing through October of 2016.
- Mr. Golden explained item no. 33 from Mr. Phil's report dated November 2, 2017 which has been attached to and made part of these minutes. There is no effect on existing easements on this property.
- Mr. Phil stated in his report that the soil erosion sediment control plan can be waived for completeness only.

Mr. Phil stated there was no objection to granting the waivers for item numbers 12, 14, 23, 25, 27, 28, 29, 48 and 51.

A motion to deem the application complete was made by Mrs. Bilik and seconded by Mr. Muller.

Roll call vote:

Aye: Mrs. Bilik, Mr. Cercone, Mr. Muller, Mr. Perigo, Mr. Walker, Mr. Holzhauser

No discussion. Motion Approved.

Mr. Brady explained proof of service and publication that was provided had a glitch but Mr. Selvaggi fixed that issue.

Mr. Joe Golden, Engineer and Professional Planner, (and Certified Flood Plain Manager) for the applicant, was sworn in.

Mr. Golden began by referring to sheet PV-02 in the packet dated 8/28/17 which is exhibit A-1 due to the green line that is not in the member's packets.

- He pointed out Arrays 1, 2 and 3, the new construction and the green line which is an extension of the parking to get to the grass overflow parking area.
- The extension does go through a stormwater facility.
- He explained the opposition of the power lines and how the photo of the grounds is accurate and to scale.

He then began to reference Ms. Caldwell's report dated November 2, 2017 which has been attached to and made part of these minutes:

- This is a 357 acre property which is over 15,000,000 square feet.
 - Maximum lot coverage of ground mounted solar panels: required - 80%, provided – less than .1%
 - Maximum height ground mounted solar modules above existing grade: required – 8 feet, provided – 7 feet. 6 inches
 - Maximum megawatts generated: required 10 MW, provided – 196 kW
 - Maximum amount of energy allowed for ground mounted solar energy production: required – 110%, provided – less than 110%
- Mr. Holzhauser asked for a breakdown of why it won't go over 110%. Mr. Golden said he could provide that to the Board.
- Minimum setback from all property lines: required – 75 feet, provided – around 610 feet
 - Overall height of building with rooftop panels: required 35 feet, provided – approx. 30 feet
 - Maximum amount of ground allowed to be cleared for solar production systems: required – 20%, provided: not clearing any existing vegetation. No trees or vegetation will be removed, arrays will only be on grassed areas which have been there for at least five years.

Ms. Caldwell asked about the seed mix for the grass under the arrays. Mr. Golden provided a breakdown of what the grass seed would consist of which became exhibit A-2. He went on to explain the current grass will stay in place and the seed mix will be purchased and kept on site to use as needed. This mix will not grow too tall and interfere with the panels.

- Minimum lot size: required – 6 acres per every megawatt generated, provided – well below a megawatt

- Mr. Golden confirmed all conduit will be underground. There are no overhead lines.
- If there is an overflow of energy that goes back into the grid they will not get paid for it.
- Ground mounted array should not contribute to impervious surface calculations unless installed above impervious surface and this requirement is met.

Mr. Golden began to go over Mr. Phil's report:

- Mr. Golden submitted Exhibit A-3 which is a photographic description of what the construction process looks like for a ground mounted solar array.
- As for the soil erosion permit there will be a few spots where the machine will turn and only minor excavation the of 400 feet of trenching but that will be immediately filled and treated. Mr. Golden said he would leave the determination up to the engineer.
- Since there is no impervious surface there is no drainage plan.

Mr. Golden then proceeded to go through page 3 of Mr. Phil's report to reiterate certain items and provide information for others:

- Item no. 5 was clarified and this issue will be resolved when they submit the final plan for signatures. The discrepancy was because of the added green line to show the extension of the parking.
- Item no. 6 has no conflicts with the grass overflow parking. The pans(?) are 30 feet away from the building and the fence is 20 feet away.
- Item no. 7 – Mr. Golden said he would be happy to have the fire official take a look to make sure everything. He believes it is plenty of space, but if the array needed slide 5 or so feet in either direction it would not be an issue. He specified there would be a KNOX Box on the site just in case of an emergency.
- Item no. 8 – Mr. Golden explained the different of levels of obtaining permits from the DEP and after a brief explanation of the Requirements. He stated there is no need to go to the DEP for permits.
- Item no. 9 – Mr. Golden submitted an aerial representation of where the wetlands lie. These wetlands are 450 feet from the closest solar array. 7th Day had a full report done by Cramer Ecological Services, LLC. who concluded there is no need for a DEP Permit as well.

Mr. Phil stated that since Suburban is already inspecting the site due to the current construction he does not feel a Soil Erosion Sediment Control plan is necessary providing any issues they may find will be addressed. This could be a condition of approval. Mr. Phil believes another condition should be that the access road is maintained and should not affect the detention basin. Mr. Phil stated that if they accept the report from Cramer Ecological Services then item no. 8 is a non-issue.

Mr. Selvaggi asked Mr. Golden to answer a few questions in regards to our ordinances:

- Mr. Golden stated there will be no advertising displayed on the site.
- Mr. Golden confirmed the arrays would not impair any vistas/views within the town because they are so far back on the property.
- The arrays are located all near access roads. There will be no extensions of those access roads.
- All cables, wires and line will be located underground.
- The proposed safety measures include: fencing, pole mounted and locked inverters.
- The arrays will conform to all the electric code standards.
- This doesn't qualify for a commercial as it is a private facility so therefore the ordinance stating it should be shielded from view does not apply.

Mrs. Bilik requested that since array no.1 was visible from the road that some type of vegetation be planted to try and hide the structure. Mr. Golden explained he had a standard he uses from Frelinghuysen and he will use that in this situation and submit it to

Mr. Phil and to Ms. Caldwell. Mr. Golden figured it would be about 200 feet. Mr. Muller requested native vegetation and Mr. Golden agreed.

Mr. Joseph Saphire, architect for the applicant, was sworn in.

Mr. Selvaggi continued his questions relating to our ordinances:

- Mr. Saphire confirmed the ridge height of the cafeteria is at about 28 feet and the roof top array will reach about 6 inches above the roof line.
- The height of the ground mounted arrays will be at the lowest edge about 24 inches above grade and at the highest edge about 7 feet 6 inches.
- These are stationary panels and will not move.
- Mr. Saphire stated the fence would be a regular chain link fence with a possible vinyl coating. Mr. Brady requested, and the Board agreed, the fence should be vinyl coated in dark green to stay as hidden as possible. The applicant agreed. The fence will have a locked gate with a KNOX box for emergencies.
- Each array will have inverter boxes mounted on poles within the fence that are locked.
- JCP & L has already reviewed this plan and all has been approved by them. The solar company is responsible for gaining this approval and it is submitted as part of the construction package.
- The only soil disturbance will be a 1 foot wide by 400 foot long trench for all the conduit.

Ms. Caldwell asked if there was a way to cut off the power in case of a fire.

Mr. Saphire explained that there is a “hot button” that cuts off any of the power from the panels to the buildings.

Mr. Holzhauser opened the Public Comment portion of the meeting.

Mr. Kevin Christie of 67 Decker Pond Road was sworn in by Mr. Brady.

Mr. Christie stated that 7th Day has been building over the last 5 years since he has moved here and he believes that main building need to be updated because it is unattractive. He is concerned about adding this solar array it is going to be unattractive as well. He agrees with the Board that there should be trees put in place to hide the array.

Mr. Selvaggi explained the maintenance bond in that the trees need to be maintained and they are obligated to replace them if they die.

Mr. Brady suggested a condition of approval should be a full landscape plan (which is more in depth than the conversation tonight) submitted to the Board to be reviewed by our professionals.

Mr. Holzhauser requested expanding the line of trees to cover the sides as well. Mr. Golden came up with 220 feet total. Ms. Caldwell requested a more natural array instead of a straight line. The applicant agreed.

A motion to close the public portion of the meeting was made by Mr. Perigo and seconded by Mr. Muller. All ayes. No discussion. Motion Approved.

A motion to approve the 7th Day Adventist site plan was made by Mr. Perigo and seconded by Mr. Muller
Subject to the following conditions:

1. To revise the plans so there aren't any discrepancies as per Mr. Phil's comment.
2. Fire Department will look at the plans and make any recommendations if necessary. Mr. Perigo explained that two members of this Board, Mr. Walker and himself are firemen with the Green Township Fire Department and....inaudible
3. Soil Erosion Sediment control plan only concerns fencing and trenching.

4. Access Drive will be adjusted so it will not run through the detention basin.
5. A Landscaping plan will be submitted for review and will be made part of the permanent plan set.
6. All vegetation will be replaced if it dies.

Roll call vote:

Aye: Mrs. Bilik, Mr. Cercone, Mr. Muller, Mr. Perigo, Mr. Walker, Mr. Holzhauser

No discussion. Motion Approved.

The 7th Day application ended at 8:48pm.

Application: #293/378

Owner/Applicant: Forest Knoll

Block 79 Lot 1– Decker Pond Road

Forest Knoll application started at 8:48 pm

Mr. Brady began by explaining there are conditions that are not met on the performance bond. Suburban had received a letter from Mr. Stuart Salvigsen, applicant, requesting certain items be deleted as requirements of development.

Those issues are:

Double yellow road lines

Stop Bar

Street Trees (on both sides)

Mr. Phil stated he needed to look into the stop bar and what the requirements are.

The double yellow lines in the last phase were waived by John Miller

The street trees were also waived in the last phase because Mr. Salvigsen explained when they first started the construction they left as many trees as possible. New ones were also planted throughout the development to enhance the “forest” atmosphere.

After a brief discussion about the issues it was decided Mr. Salvigsen would draft a letter to send to Mr. Brady to review.

Forest Knoll application ended at 9:20pm

- **CHAIRMAN'S REPORT** - None
- **ATTORNEY'S REPORT** – None
- **CORRESPONDENCE** - None
- **SECRETARY'S REPORT** – Kim stated some of the terms were up in December and those member's need to let her know if they plan to remain on the Board next year. Mr. Viersma will be moving to Florida and will not be on the Board so Mr. Walker will now become a member instead of an alternate.

Ms. Bilik spoke of a piece of municipal land at the top of Scenic Road. NJ Conference owns a strip in front of it. She was hoping there could be a conversation with them after the applications are finished asking if they are able to do a land swap or if they are willing to sell it to the township.

Mr. Brady stated he was working on an ordinance that requires any Ag Board approval to come before the Board for review. He will bring it to the Board in the New Year.

A Motion was made by Mr. Walker to adjourn the meeting at 9:26pm and seconded by Mrs. Bilik.
All Ayes. No Discussion. Motion Carried.

Respectfully Submitted:
Kim Mantz, Land Use Board Secretary



Date Approved: 12.14.17