

Offered Solomeno
Second: Tyler
date: 9/19/13

AGENDA

Regular Meeting of the Hazlet Township Planning Board of Adjustment scheduled for July 11, 2013 was called to order at 7:30PM with a Salute to the Flag followed by a moment of Silent Prayer and a Reading of the Letter of Compliance.

ROLL CALL:

Present: Mr. Glackin, Mr. Vignola, Mr. Bace, Mayor Belasco, Mr. Lavan, Mr. Solomeno, Chairman Mr. Tyler (8:47pm)

Professionals: Mr. Kittner, Mr. Vella

Absent: Mr. Pobega, Mr. DeMatteo, Mr. Mann, Deputy Mayor DiNardo, Mrs. Keegan

Approval of Minutes of the Regular Meeting of May 16, 2013

Offered By: Mr. Vignola

Seconded By: Mr. Glackin

ROLL CALL

	<u>YES</u>	<u>NO</u>
Mr. Glackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. DeMatteo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mann (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (8:47pm arrival)	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Memorialize Resolution of Approval - 13-08P Elegant Properties, LLC/Madison Park- 780 Poole Avenue Block 66 Lot 1.02 BRZ Zone. Applicant obtained Amended Preliminary and Final Site Plan approval to construct a residential housing development.

Motion to approve the previously provided resolution:

Offered By: Mr. Vignola

Seconded By: Mr. Bace

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Glackin (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. DeMatteo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mann (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (8:47pm arrival)	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno	<input type="checkbox"/>	<input type="checkbox"/>

Memorialize Resolution of Approval – 13-05P CVS Pharmacy/Minute Clinic, 3391 Highway 35 Block 165 lot(s) 1, 2, 3, & 4; BH Zone. Applicant obtained permission to add a minute clinic to the existing CVS structure.

Offered By:

Seconded By:

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Glackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. DeMatteo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mann (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (8:47pm arrival)	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno	<input type="checkbox"/>	<input type="checkbox"/>

**Carry Over Case – 13-02P – Capital Telecom Acquisition, LLC
2873 Highway 35, Block 183 Lot 1.01. Applicant seeking Preliminary and Final Site Plan
Approval to construct a 90 foot high “monopine” telecommunications tower within a 50
foot x 50 foot equipment compound in the rear of the Red Oak diner.**

Mr. Stanzione- Richard Stanzione representing the applicant. I'd like to recall Mr. Pete Tardy our site engineer to clarify a few questions that were raised to him at the last hearing.

Mr. Vella- Before you start, council and members of the public we have two applications going on tonight we have this application and the IFF application, both applications will be heard tonight but we are going to be able to hear the IFF with sufficient amount of time so hopefully they can complete their case tonight. Mr. Tardy you've previously been sworn please be advised your still under oath.

Mr. Stanzione- Mr. Tardy the last hearing a question was asked about the existing tree heights in the area as a result of the question were you able to do a site visit?

Mr. Tardy- Yes we did a site visit on the subject property and preformed an evaluation regarding the heights. We used an inclinometer to assess the existing tree heights in the area of the proposed facility and my original testimony was that the tree heights were approximately thirty feet in height after studying the data that we received, the tree heights are 55-60 feet in the area of the monopole.

Mr. Stanzione- In regard to the proposed facility have you also prepared an exhibit to the show the 500 yard setback line from the residential area.

Mr. Vella- We'll mark that A-7 Mounted colored rendering of setback line.

Mr. Stanzione- Is that exhibit prepared under your direction?

Mr. Tardy- Yes it is.

Mr. Stanzione- Can you explain to the board what the exhibit is meant to show?

Mr. Tardy- A-7 is meant to show an aerial view of the subject property as well as the surrounding area and depicts the municipal boundary line and provides a pink cross action that shows the area of the 500 ft. residential zone buffer line. Within this pink patched area is the 500 ft. set back from the residential zone line.

Mr. Stanzione- The site acquisition person Mr. VonRien is going to explain the patch areas and the sites here. The yellow lines on the map represent what?

Mr. Tardy- They are the zone boundary lines.

Mr. Stanzione- Questions were asked about the fueling of the generator and we submitted some information is that correct?

Mr. Tardy- Yes

Mr. Stanzione- What was submitted?

Mr. Tardy- We submitted a letter dated May 15, 2013 which explains items associated with the post fueling methods. One concern the board had was regarding spillage of the diesel fuel. The generator would be filled externally. There is an external filling compartment with a recessed nosel which is where the line from the truck is going to be inserted and allowed to fill the generator. The box area acts as a 5 gallon spill containment area in the event that there was minor spillage.

Mr. Vella- We will mark that as A-8 May 15, 2013 latter from Richard Stanzione ESQ. regarding the emergency generator fuel.

Mr. Stanzione- I have no more questions for Mr. Tardy.

Mr. Kittner- Mr. Tardy just real quick in terms of the tank, it's a double oil tank correct?

Mr. Tardy- Correct

Mr. Kittner- Is there also an interstitial monitor so that if there was a spillage there's an alarm that sounds?

Mr. Tardy- Again that's a silent alarm that goes to the switching station that notifies the switch and sends out a technician to evaluate the situation.

Mr. Vella- Regarding the site plan, where is the 500 set back line on this particular site plan? It's not really clear.

Mr. Tardy- (pointing to mounted site plan) this area is the existing diner the 500 ft. line along the northern end.

Mr. Vella- That's the parking area to the back of the diner.

Mr. Glackin- So the front of the building is outside the 500 ft. buffer?

Mr. Tardi- There are portions of the property that are outside of the 500 ft. buffer.

Mr. Glackin- Would you say the sign for the Red Oak is inside outside or on the line?

Mr. Tardi- I would say it's on the line.

Mr. Bace- From the back of the towers to the back of Cromin Ct. is about how many feet?

Mr. Tardi- To the street to the residential line is 386 ft., to the roadway itself it an additional 100 ft.

Mr. Bace- I'm just worried about where the tower is to Cromin Ct.

Mr. Tardi- From the tower itself to the rear of the property line is 386 ft.

Mr. Bace- Thank you.

Mr. Stanzione- I'd like to call Mr. Stern

Mr. Vella- Mr. Stern you have previously been sworn in and are still under oath.

Mr. Stanzione- Mr. Stern your appearance in the last hearing and again this evening is to discuss the radio frequency needs of the Verizon wireless site is needed. Correct?

Mr. Stern- Correct.

Mr. Stanzione- In preparation of that you've prepared a written report which is dated February 22, 2013 which was presented with the application. Is that correct?

Mr. Stern- Yes

Mr. Stanzione- In regard to that report did you identify the actual streets that are the subject of the gap that is expected to be filled?

Mr. Stern- Yes I did

Mr. Stanzione- Can you detail for the board the streets and the length of the roadways that are areas of gap that are expected to be filled?

Mr. Stern- I am working off of pages 7-14 from February 22, 2013 it's the (inaudible) analysis report. The roads that we included in our gap and coverage are Route 35 1.5 miles, Middle Road .75 miles, Bethany Road .75 mile, Hazlet Ave 1.25 miles, Telegraph Hill Road .75 mile, Poole Ave .75 mile, Fleetwood Dr. .75 mile, Windswept Rd .50 mile, Lynn Blvd .50 mile.

Mr. Stanzione- I have no more further questions for Mr. Stern.

Mr. Glackin- Looking at the map the beige area is the uncovered (inaudible) and this intersection of Poole, Bethany and 35 is sort of to the right of the open space. Is that an accurate description?

Mr. Stern- The map info data that we used on the map doesn't have as many roads as we have on Google Map. That area was the center of the search area.

Mr. Glackin-Were you the person who researched all of the available properties?

Mr. Stanzione- No that's our next witness.

Mr. Vella- The next witness giving us the circle, Mr. Stern's map he says it's the center of the circle-

Mr. Stanzione- Mr. Stern, are these search areas circle or how are the derived?

Mr. Stern- They are usually a circle or a similar ameba shaped that covers the area that we like the site to be in.

Mr. Stanzione- What was your understanding of the search area was for this site?

Mr. Stern- It was a one half mile radius circle centered at the intersection of Poole Ave and 35.

Mr. Vella- Can you show an exhibit of this or do we not have something that's shows exactly anywhere within this half mile of Poole and 35. The reason why I ask is because the last meeting everyone got confused.

Mr. Bace- If there is a place available across the street on the other side of the highway would that be acceptable?

Mr. Stern- It would.

Mr. Bace- Has anyone approached Village Green directly across the street?

Mr. Stanzione- That would be the next witness. If there are no more questions for Mr. Stern I'll call up Mr. Scott VonRien.

Mr. Vella- Sir please raise your right hand, do you swear from the following testimony your about to give is the whole truth nothing but the truth?

Mr. VonRien- I do.

Mr. Vella- Please state your name for the record and spell your last name.

Mr. VonRien- Scott VonRein.

Mr. Stanzione- Mr. VonRein can you please state your position at Capital Telecom?

Mr. VonRein- I am the senior director of Site Development.

Mr. Stanzione- And what does that mean?

Mr. VonRein- I oversee the development of the cell site from the acquisition thru construction.

Mr. Stanzione- And did you have anything to do with the selection of the site that's here before the board this evening?

Mr. VonRein- Yes

Mr. Stanzione- How did you choose this site?

Mr. VonRein- We looked through the town ordinance and the priority list and tried to find the most appropriate place to adhere to the ordinance and move from there.

Mr. Stanzione- Do you approach property owners to see if they are interested locating a site upon their property?

Mr. VonRein- We did.

Mr. Stanzione- Did you approach property owners other than the diner?

Mr. VonRein- Yes.

Mr. Stanzione- Do you have an exhibit that shows those properties you approached and please advise the boards why you did not use those sites.

Mr. VonRein- Yes we will mark this as A-9.

Mr. Vella- A-9 Mounted aerial with site locations.

Mr. Stanzione- If we can please start with the map and explain what all the colors mean and as you identify each property please address it with who you approached.

Mr. VonRein- I did a rather thorough review of the area and I'll explain why we approached one property or not. On A-9 the blue/purple are highlighted as residential properties. The yellow areas are properties that we approached and this yellow circle is .6 mile radius circle. The priority locations the township has set forth are first either township property or existing structures, we've located nine properties of the current locations. There are two properties that are township owned and they are located around Cromin Court. We decided they are not good locations for towers. There are no existing structures that would meet the 80ft. requirement. The second priority locations are the industrial properties. The closest industrial property is along Clark St. which wouldn't be applicable. The third priority site is existing towers and water tanks. There are no exiting towers or water tanks of sufficient height. The fourth is the properties excluding residential:

- 3601 Route 35- Cerlione's has wetland issues.
- 72 Hazlet Ave- Pep Boys property owner was not interested.
- Home Depot would not be appropriate location.
- 3013 Route 35- Hazlet Plaza property owners not interested.
- 310 Route 35- K-Mart Plaza property owner not interested.

Mr. Glackin- Is the T.G.I.F Friday's the same owner?

Mr. VonRein- Yes

Mr. Glackin- Is the Verizon the same owner?

Mr. VonRein- They are all owned by the same owner.

Mr. Glackin- Do you know who the Verizon store rents from?

Mr. VonRein- No I don't

Mr. Glackin- Ok. So you're not sure if it is the same plaza owner as K-Mart.

Mr. VonRein- If it's in the same shopping center as K-Mart-

Mr. Vignola- It's not in there its outside

Mr. Vella- I'm not sure if it's individual lots or one common owner.

Mr. VonRein- If it is within that property it certainly is not a viable location for the tower.

Mr. VonRein- 3140 Highway 35 McDonalds and Staples. Again the property owner of Bayshore Shopping Plaza do not permit towers. 2835 Route 35 is the Costco and does not allow towers on their properties and also the 500ft. residential setback would not meet that setback. Onto 2821 Route 35, Cinemark Theatres, this property meets the 500ft. setback and they have a reciprocal agreement with Costco and we need their consent to put a tower on their property in that parking area in the parking spots therefore they would not make that consent and it is not a viable location.

Mr. Vella- You are saying there are no areas around the buildings that are not in a parking spot that a cell tower could be located on that property?

Mr. VonRein- Correct.

Mr. Glackin- Just because what you're saying is directly opposed to what Costco is saying that they had no control of what happens in that parking?

Mr. Vella- What he is saying is his feelings are the only place he could put it is in a parking space. Costco and the adjoining site have reciprocal agreements because they all need parking. Costco only has control over the parking spaces doesn't have control over behind the movie theatre, in front where there is grass so with respect to the parking spaces he's accurate. Since we have not seen the exhibit and neither has our engineer is that the only place on the property you can put it?

Mr. VonRein- It wouldn't just be a parking space issue it's building on either property. Costco would have the consent rights to something that the Cinemark was proposing on their property and vice versa.

Mr. Vella- I know there is a cross acts for parking that we talked about, whether Costco has any voidable rights for anything on the property I'm a little hesitant to say I believe. If they wanted to build something that would increase parking I don't know how Costco would say no.

Mr. VonRein- In addition to some of those issues on this property there is a rapid significant wetland issue to the rear of the Cinemark that runs right behind it that a lot of it would be unbuildable due to that issue alone.

Mr. Vella- Did you talk to the owners of that property?

Mr. VonRein- Yes we did.

Mr. Vella-And they gave it a no because of Costco?

Mr. Lavan- Is that the last piece of property you looked at over there?

Mr. VonRein- No. We also looked at Village Court.

Mr. Glackin- The lot in the back if they want to build something there so if there is a wetland issue they can't build anything back there? They have a lot they are trying to sell.

Mr. Vella- There is approval for a pad site in the back.

Mr. VonRein- The entire rear part of the property is not wetland there is a Florida shaped peninsula that comes out that jets into the parking lot.

Mr. Glackin- There are lots back there and you're discounting it because of wet lands.

Mr. Solomeno- Mr. Vella, do we know if the soccer fields are township property right behind the movie theatre?

Mr. Bace- That's Green Acres.

Mr. Vella- They cannot build on Green Acres.

Mr. Vignola- Greg when the diner came in they were going to build all those buildings wasn't there wetlands there also?

Mr. Vella-I don't remember. I don't think that wetlands area effects where they are proposing this location.

Mr. Kittner- I have a print out of the local wetlands and you can see and I don't think wetlands effected wetlands at all.

Mr. Vella- We'll make this PB1 DEP wetland I-map for site.

Mr. Lavan- My question is that everything is in Hazlet but you got two pieces of property you got Dearborn and (inaudible) behind them why is it always Hazlet.

Mr. Vella- The applicants will hopefully testify for all those properties within their search area.

Mr. Lavan- If you look at the search area it's only a quarter mile down the road from Red Oak.

Mr. VonRein- Village Court office park there's only really one viable location on this property northwest corner of the property that we meet the 500ft. setback however this wooded area to the west is wetlands and the area outside the 500ft. area is the tension area. We did not feel it was an appropriate location. We also looked at 2931 Route 35 formally Frank's Nursery this property as you can see on A-7 would fall outside the 500ft. and it's for sale which would prohibit us at this point. Finally we looked at the DOT jug handles at Route 35 and Poole. We sent an email to the representative Rich Thier who is in charge of wireless installs with the state. We received an email from him marked A-10.

Mr. Stanzione- If you would read your email from Mr. Thier and then read the response.

Mr. VonRein- Capital Telecom specializes in developing telecommunication facilities at properties nationwide. We are possibly interested in an area in Hazlet New Jersey. The land seems to be owned by the state. Are there any restrictions or requirements that the DOT has to build on a jug handle? Would the state permit a cell tower on these parcels?

Mr. Vignola- What date was that and what was the date of Mr. Thier's response?

Mr. VonRein- That was May 3, 2013 and the response was June 28, 2013. He said the NJ dot Wireless has completed the review for the referenced cell site location and has been determined that this site will not be feasible for a cell tower.

Mr. Vella- Mark A-10 as email to DOT as A-10 dated May 3, 2013 and response dated June 28, 2013.

Mr. Stanzione- And just for clarification that email has (inaudible) Linda Barry.

Mr. VonRein- Linda Barry is our in house administrator.

Mr. Stanzione- So she works for Capital Telecom?

Mr. VonRein- She works for Capital Telecom.

Mr. VonRein- That was the end of my list. The reason why we used this locations is with the wooded buffer and the set back from the main street with the proposition of a tree pole it would be the best location even though it didn't meet the 500ft. set back. Tucking it up against the 55-60ft. trees it would litigate the visual issues that may occur from Cromin Ct.

Mr. Stanzione- Were you present at the meeting before this board on May 2, 2013?

Mr. VonRein- I was.

Mr. Stanzione- Did you hear discussion or comments from the board about potential location of the facility further towards Route 35?

Mr. VonRein- Yes.

Mr. Stanzione- Did you approach the land lord concerning the location?

Mr. VonRein- Yes we did. Front area was not chosen for two reasons one of which the property owner did not think it was an appropriate location. Secondly, with the tower in the front we would need a significant sized compound to do so. The front property does not have the distribution to do so.

Mr. Stanzione- Did you hear comments concerning the board about other cell structures that could be used?

Mr. VonRein- Yes

Mr. Stanzione- What other structures did you consider?

Mr. VonRein- We explored the idea of a flag pole for this property. In its current location of 135ft. which would accommodate the current tenant plus 3-4 additional tenants depending. Additional height is required because of antennae's.

Mr. Stanzione- Besides the flag pole, are there other options to consider?

Mr. VonRein- We did consider a flush mounted pole which is a standard monopole, a large steel structure with no shrouding the antennae's would be mounted on the outside three at a level and all the co-axil and distribution lines would be in the interior of the pole.

Mr. Stanzione- Have you instructed preparation of photo simulations which reflect those designs at the current locations?

Mr. VonRein- We did prepare photos of the flag pole.

Mr. Solomeno- You did just tell us that the flag pole was ruled out.

Mr. VonRein- No we looked into a flag pole it would be a viable solution however it would require a taller structure in order to accommodate more carriers.

Mr. Glackin- We don't have any other besides Verizon so what do we care about these other consumers that you want to put on that pole?

Mr. VonRein-You care because if additional carriers coming along-

Mr. Glackin- We have Verizon this covers them that's it.

Mr. Solomeno- You're correct. The application is solely for Verizon. Based upon Verizon wireleses needs, how high would the flag pole have to be?

Mr. Stern- We have our antennas at either 80ft the top is at 85ft. and then the branches to make up to 90ft. We could need another canister on top of that so it would be about 10-12 feet above the 85ft. level so a 95 ft. flag pole for Verizon.

Mr. Glackin- How tall is the proposed tree?

Mr. Stern- It's 90 because-

Mr. Glackin- No you just gave us the height of the pole, now give us what was proposed in the back for the tree.

Mr. Stern- The pole would be 7 ft. taller than where we are right now.

Mr. Glackin- So we are talking a difference of 10 ft. to get it outside the buffer?

Mr. Vella- No. What he is talking about it different styles of poles.

Mr. Glackin- It has nothing to with the buffer. The one that they have proposed right now in the back he said is 90 ft. to make it a flag pole and move it to the front he would have to make it 10 ft. to 12 ft. taller.

Mr. VonRein- We are proposing it in the exact same location as the proposed tree it would just be a different structure.

Mr. Vella- Did you discuss with the owner putting it in the front and eliminating parking to put this in there and building new parking in the back so new parking in the back rather than a cell tower in the back put parking in the back and eliminate their parking in the front right.

Mr. VonRein- The concept of putting the tower outside the buffer on his property was discussed and he against it.

Mr. Vella- When you go to these other properties owners do they say no because it's not enough money or because they don't want a cell tower on their property no matter how much money you give them?

Mr. VonRein- I understand your question, Capital Telecom came from Capital Realty which is a commercial developer in New Jersey and tri state area. We used those relationships to request putting cell towers on the properties. When we approach them and they say they do not want a cell tower on their property there are multiple properties that are a large corporation, there may be a restriction (inaudible) allow for towers.

Mr. Vella- With a small property like Cefelli's on a small lot on 3206 Route 35 which is the first one your attest to-

Mr. VonRein- I testified that it had wetland issues.

Mr. Vella- What did you do to determine it has wetland issues?

Mr. VonRein- We used an I-map from NJDOP where you can find a location plug in criteria and they show you wetlands. In addition there are a lot of issues we look over when looking at a site.

Mr. Vella- The amount of questions we have tonight are because you come in with two exhibits the boards never seen and no report the boards ever seen so that's kind of like a step back.

Mr. VonRein- You had plenty of opportunities to submit these plans months ago.

Mr. Solomeno- Did you give any thought to the Dearborn Farms property in Holmdel Township?

Mr. VonRein- That's outside of the search area.

Mr. Solomeno- In terms of the factor you did not go to every business. Was it you yourself who did the approach?

Mr. VonRein- It was a group of people.

Mr. Solomeno- In your decision making process, did you use the ordinances of Hazlet and Holmdel to weight whether or not you approached businesses?

Mr. VonRein- No just Hazlet.

Mr. Solomeno- Did you examine Holmdel's ordinances?

Mr. VonRein- No

Mr. Solomeno- So you knew you going into this that you wanted to build in Hazlet Township.

Mr. Vella- Our engineer was whispering in my ear where all the sites were and I think it would be an appropriate time when your close to finishing him off for testimony today since the board just got this information and there is new technical information regarding the 500 square foot

that was provided. When this is done or almost done it might be an appropriate time to cut it off and have our board engineer prior to the next meeting review the two exhibits that we've provided the 500 ft. list, site areas so he can then at least take this information into comparing the two.

Mr. Stanzione- I'm basically done with VonRein, if they board thinks it's appropriate to cut off our application at this time and carry it we could email to you these exhibits.

Mr. Vella- If you could email it to the board's secretary she will then forward it to all the board members and then she can have a copy of it for the file that's the easiest way.

Mr. Vella- We will mark that as A-11 photo simulation of flag pole. I will be unavailable the 25th so they next board meeting would be August 1, 2013.

Ms. Cullen- August 8th.

Offered By:

Seconded By:

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Glackin	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input type="checkbox"/>	<input type="checkbox"/>
Mr. DeMatteo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mann (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler	<input type="checkbox"/>	<input type="checkbox"/>
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Mayor Belasco	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno	<input type="checkbox"/>	<input type="checkbox"/>

Carry over to August 8, 2013

**New Case- 13-09P- IFF Solar Panel Project
600 Highway; Block 120 Lot(s) 2, 3, 5 & 6. Applicant seeking Preliminary and Final site plan approval to construct ground-mounted solar panels for power generation.**

--8:47 Chairman Tyler comes in

Mr. Vella- For the record this is the IFF application. For the record I've viewed (inaudible) and affidavit of publication and they are in order and the board has jurisdiction to hear this matter. As a matter of preliminary matters I'm going to mark as A-1 plans entitled preliminary and final site plan for proposed solar panels at IFF facility A.K.A block 120 lots 2, 3, 5 and 6 in Hazlet Township Monmouth County prepared by Shrinath Kotdawala dated July 20, 2012 revised thru March 25, 2013. My understanding Mr. Steib is due to the engineers report you would like all of your witnesses sworn in at one time right?

Mr. Steib- That's right actually two witnesses that I would be asked to be sworn and I do have additional witnesses from Geo Peak Energy and IFF in the event a question comes up from the board that they are better equipped to respond to. I would ask that Shrinath Kotdawala and Robert Duva.

Mr. Vella- Gentlemen please raise your right hand. Do you swear in front of the following testimony your about to give is the whole truth and nothing but the truth?
Mr. Kotdawala and Mr. Duva- I do

Mr. Vella - State your names for the record and spell your last names.

Mr. Kotdawala – Shrinath J. Kotdawala. I reside at 54 Oakland Road Manalapan NJ.

Mr. Duva- Robert Duva.

Mr. Steib- This is an application for preliminary and final major site plan approval for the installation of an approximately 3900 plus kilowatt photo voltaic solar energy facility at the IFF site. It's anticipated that the facility will provide about 30% of the energy needs of IFF. There are no variances required in connection with this application requesting preliminary site plan approval only. There are some design waivers being requested that were outlined in your engineer's review. The property is currently developed with the IFF facility included a manufacturing building, corporate office building, utility and equipment facility with associated driveways and parking areas. We had the opportunity to meet with Paul Kittner to go over the review and resolve as many issues as possible. If you have that letter I'd like to address what we have resolved. Paragraphs 1 & 2: Informational, paragraphs 3 & 4: address waivers and I believe they fall into three categories the first was waivers which the engineer felt we needed to have satisfied before you could hear the application located in paragraph 3(e, f, g) and 4(v & w) was recommended that we have this information before proceeding with this application. The second category of items are either the engineer have no objections to if with conditional of approval we provide supplemental information or permits that would be necessary to move forward located in paragraph A, C, D and I. Paragraph 4 (a-e, g-k, m, o-r, and t) applicant is prepared in each case to providing those additional information or permits as a condition of approval. Paragraph 5 shows that this is a variance free application. Paragraph 6 requests various information that we will be able to comply with. Paragraph 7 items a-d we will comply with fully. I will ask Mr. Kotdawala to present first.

Mr. Kotdawala - My name is Shrinath J. Kotdawala. I graduated with a civil engineer degree from Kansas State. Licensed engineer in NJ since 1998.

Mr. Tyler- An application such like this is this a specialty for you?

Mr. Kotdawala- I have 50 plus applications I have done the work dealing with DEP.

Mr. Steib- Give the board a basic description of what we are proposing to do at that site.

Mr. Kotdawala- IFF consists of 58 acres on Route 36. Forty eight percent of the site is wooded.

Mr. Solomeno- Do you have an aerial exhibit that shows what exists on site?

Mr. Kotdawala- Yes I'll label this A-2 mounted aerial view of subjected property.

Mr. Kotdawala- (inaudible) the southeast corner is forest area and as we come up to the northeast corner that's going to be parking lot entrances and retention points.

Mr. Steib- The large building showed there is that the manufacturing center?

Mr. Kotdawala- That's the manufacturing center measuring roughly around 275,000 square feet.

Mr. Steib- What is being proposed for this site in terms of creating a solar energy facility?

Mr. Kotdawala- The applicant has tried to utilize the area (inaudible).

Mr. Vella- A-3 aerial view of proposed solar panels. If the board deems the application favorable are you are now to do one of two things are you asking us to make a condition to remove these from the plans or consider them as a potential phase two so you don't have to come back to the board.

Mr. Steib- I'm told we are removing it.

Mr. Tyler- Shiree, if you don't mind for the board how many panels roughly are being removed from that area?

Mr. Kotdawala- Here are 16 acres of coverage and now we have 13.

Mr. Bace- This is the one we first received with the proposal; this appears larger so it's going to be larger from what you originally did?

Mr. Kotdawala- Yes.

Mr. Bace- So you're going to take the trees down from 36 and clean back past Union Avenue School is that correct?

Mr. Kotdawala- Yes.

Mr. Vella- Marker A-4 mounted revised solar panel locations. As a condition of approval we would make the applicant revised plans to be consistent with A-4.

Mr. Kotdawala- We haven't changed the limit of disturbance by doing this plan it's reduced.

Mr. Tyler- The limit of disturbance is reduced?

Mr. Kotdawala- Yes every place.

Mr. Tyler- What was the reason for the change?

Mr. Kotdawala- (Inaudible) detail shading analysis so they see what amount of panel will not get enough sun light.

Mr. Tyler-so they were inefficient?

Mr. Kotdawala- They don't want half in shade half outside. The shading was a key issue.

Mr. Steib- Exhibit A-4 shows that the eastern and southern portions of the property would basically stay in their existing conditions. Moving west and north is where the panels would be.

Mr. Kotdawala- The panels will be two feet from floor elevation.

Mr. Solomenu- What is the total height of the panel?

Mr. Duva- We are going to mount the modules consistent with the 100 year flood plain two feet above it so they will appear to be varying with height to the ground but in fact be fixed to sea level.

Mr. Glackin- How far above average will it be off the ground?

Mr. Duva- The elevation varies over the course of the main tract of land somewhere between 7 and 4 feet to the bottom.

Mr. Steib- Mr. Kotdawala can you describe what landscaping is being used?

Mr. Kotdawala- As said earlier we had 16 acres and now it has been reduced to 13 acres. Out of the 13 acres 11 was forested area and now we are 8 acre of forested area. 256 trees are the proposed trees in exchange for 8 acres.

Mr. Steib-In the North West part of this site, is there going to be a line of trees and buffered in?

Mr. Kotdawala- Yes at the driveway

Mr. Steib- Are there going to be a line of trees entering the driveway as well?

Mr. Kotdawala- Yes that's landscaped as well.

Mr. Steib- As you start at the driveway and go further east there is an area that is not going to have trees because IFF would like to keep the image of the building and not have it blocked.

Mr. Kotdawala- That's correct.

Mr. Bace- Are the trees going to be on top of a berm?

Mr. Kotdawala- We will not cut the existing trees we will add more trees. There will not be a berm or else we would have to move the existing trees.

Mr. Bace- And from the highway you won't be able to see these things?

Mr. Kotdawala- It is a pretty thick forested area.

Mr. Tyler- What are the back height of the panels along the highway?

Mr. Kotdawala- 7 and half feet.

Mr. Tyler- Are the panels adjustable in terms of the angle?

Mr. Kotdawala- The panels are fixed.

Mr. Vella- A-5 is mounted pictures of proposed landscaping with berm.
A-6 is mounted pictures without the berm.

Mr. Steib- Mr. Kotdawala please describe the difference between A-5 and A-6.

Mr. Kotdawala- A-5 is with berm and A-6 is without.

Mr. Steib- What have you done in terms of plantings in A-6 to enhance the plantings so that the berm would not be necessary?

Mr. Kotdawala- It does not show the forested area it shows planter trees, in reality it tries to put evergreens and pre-existing trees there.

Mr. Solomeno- So you will not use a flowering tree your saying that the rendering is fancier than it will be?

Mr. Kotdawala- Yes. (inaudible) We are trying to have evergreens so that in the winter you can have a buffer.

Mr. Solomeno- But you going to put evergreens in addition to flowering tree?
(inaudible)

(Adanan Javan steps up and it sworn in)

Mr. Javan- My name is Adanan Javan I am one of the manager partners of Geopeak Energy.

Mr. Steib- Can you explain to the board what these things are going to show?

Mr. Javan- Exhibit A-3 shows the area representation of the site. There's already forested areas up to this point that's the northwestern corner of the property. This property will remain forested with a 25ft. buffer zone. This piece of property that has already been deforested will receive what you have in A-6 a row of evergreen trees plus some dogwood flowering trees in front a fully landscaped that's going to be part of IFF's site plan. We want to preserve what's in A-3 the forested area and reduce the impact of the forested area.

Mr. Steib- You've indicated in front of the office area we'd like to leave that open so that's there visual track and to the other driveway in the easterly portion of the site we're going to be landscaping that area. In terms of the CME comments, the first one that requires to be addressed is 3B tree replacement and drainage control and cost.

Mr. Kotdawala- As the forested areas that have been changed we anticipate more storm water going to the stream to slow it down we designed two storm water points to store the volume on site to comply with storm water regulations. We have taken measures for the soil conservation district and made an application for them that's under review.

Mr. Steib- Have you considered any detonation of water resources that result from this development?

Mr. Kotdawala- No we considered it but we don't see any impact.

Mr. Bace- There will be a retention basin that will flow in the East Creek?

Mr. Kotdawala- There is a manmade ditch so (inaudible)

Mr. Bace- In a severe storm will that impact the creek as it flows under the highway?

Mr. Kotdawala- Yes the land use will have grass. The panels have a gap so the water drips down then they are planting rye grass to maintain it and slow down the water going out of the site.

Mr. Steib- Will there be any increase in dust or air pollution as result in (inaudible)

Mr. Kotdawala- Temporary during construction time but the solar panels operations do not have any air pollution.

Mr. Steib- I would ask Mr. Duva if there is any buildup of atmospheric carbon or the heat island effect.

Mr. Duva- The solar panels are made to absorb heat not to reflect. This system is off loading the utility by 42 percent but the energy that's replaced by the solar panels roughly calculates by 95 thousand trees that would be able to absorb the same amount of carbon over a 10 year period. Whatever the system is producing that's the amount the utility does not have to produce.

Mr. Javan- 8 Million pounds of Co2 needs to be released into the atmosphere for the utility to produce that much power at 42 percent. The website it http://oaspub.epa.gov/powpro/ept_pac.

Mr. Steib- Let's move into letter H. A question was raised on whether a performance guarantee should be posted for removal of the solar panels after their lives.

Mr. Vella-A performance guarantee is not required after 10 years.

Mr. Kittner- Are there adequate parking?

(Swearing in Mr. Dobson)

Mr. Steib- Are you familiar with the areas of the facility that are utilized for parking and loading?

Mr. Dobson- Yes

Mr. Steib- Have you ever had a deficiency in parking or issues of traffic going in and out of the site?

Mr. Dobson- No

Mr. Steib- Moving into section F that the ordinance requires tree replacement or contribution. How many trees are going to be replaced and why are we requesting a waiver?

Mr. Kotdawala-We asked for 723 trees to be removed. We took out about 0.6 acre of an area and relocated the trees and projected that they be around the 11 acres of forested area. Now we have 514 removed and 256 trees we are proposing for new plantings. The rest of the trees the applicant is asking for a waiver because they think the cost is too much and they believe the solar panels have an ecological benefit.

Mr. Vella- What is the revised cost?

Mr. Kotdawala- Basically one third will be less and about 40 percent of the number instead of 720 we're at 514. \$130,000 cost amount.

Mr. Tyler- And that's the reduced amount?

Mr. Kotdawala- Yes.

Mr. Vella- We have a tree plan that says anything over 6 inches if you take it down you replace it or if you don't replace it you have to pay to the township towards a replacement fund for the town to plant trees. It's a permit requirement required on all applications. Are you asking for a complete waiver for that or a partial waiver where there's a potential cap on the fees? We can do one of three things: no pay the trees, set a reasonable cap the fees, or give a complete waiver with no fees.

Mr. Tyler- Or they may have something for the town that we can exchange for that. It's now down to \$130,000 the engineers letter was \$230,000 they reduced the amount of acreage there cutting back on that reduced the amount of trees.

Mr. Steib- The next item would be 4L which is requesting a description of what kind of impacts noise, glares and so forth the facility would have.

Mr. Duva- No impact on air and water pollution. The modules would be facing south so away route 36 and they absorb light not reflect light so there will be no impact on glare. There is no noise issue. Fire and safety everything has been reviewed by JCP&L from an impact stand point and everything we use is UL certified for safety.

Mr. Solomeno- Is there an automatic shut off?

Mr. Duva- Yes JCP&L are requiring an automatic shut off that will be tested.

Mr. Kittner- For the record you're electric generation is going to stay onsite, it's going to be completely utilized by IFF correct?

Mr. Duva- That is correct.

Mr. Steib- Let's move to N that's installation and payment (inaudible) improvements if there are any we are prepared to pay them but there is a suggestion that there be some sidewalk extension.

Mr. Kotdawala- Increasing the sidewalk would require reforestation, IFF does not own the property half is IFF and the other half is township property and it has no use.

Mr. Steib- That's our answer to the sidewalk part. Moving to sub S parking, landscaping, and lighting. No new signs or lighting.

Mr. Vella- Mr. Steib you're asking for a waiver for everything but the landscape plan?

Mr. Steib- Yes. The next item is a property survey. We will provide that. Moving to section 6; In sub D briefly tell the board about the permits we have.

Mr. Kotdawala- The last of the permits are under review with DEP.

Mr. Steib- Sub E asks about the footing and stability with the panels.

Mr. Duva- The footings are a galvanized steel beam. The type of module, the angle as well as the wind zone, snow loading all those considerations will be taking into account. A final design will be submitted with CO prints.

Mr. Steib- In letter G it talks of the life expectancy of the panels. Please tell the board how long they last.

Mr. Duva- The panels typically last for 25 years and beyond. In this particular instance the (inaudible) is 20 years and at that point recycling would take place with the manufacturer.

Mr. Glackin- Have you picked out a panel model?

Mr. Duva- We haven't finalized on one.

Mr. Steib- Sub H asks about the distance between panels, how much distance do we need?

Mr. Duva- Right now the distance is 4ft.

Mr. Steib- Sub H has no demolition or building. Sub J Storm water management we've discussed. Sub K the amount of earth work.

Mr. Kotdawala- We're anticipating 2800 yards of dirt to be removed from site.

Mr. Steib- Sub letters M, N, O, Q, R, S, T, V, W, X, Y has been discussed and will comply. Sub U traffic generation, how much traffic is generated (inaudible)?

Mr. Duva- We anticipate maybe 10 trips over the course of a month, once every couple days and when the system is operating possibly once a month.

Mr. Tyler- Your proposing to not put the berm in the west side?

Mr. Steib- That comment was talking about the west side of the drive way. There is a question in BB about the facility being closed in with fencing, will it be closed in?

Mr. Kotdawala- Yes

Mr. Steib- Double C talks of equipment shelters, Rob will there be any equipment shelters?

Mr. Duva- No

Mr. Steib- Double E talks about visibility from the Hazlet Elementary school. What is in between that and our site?

Mr. Kotdawala- 400 feet plus buffer as well as forested area.

Mr. Tyler- Will you be able to see the panels at the school from your facility during the winter?

Mr. Kotdawala-You might see a portion of it.

Mr. Steib- Double F asks why are you not using the roof.

Mr. Duva- The current roof is incapable of supporting the modules.

Mr. Vella- The two issues that are left for discussion are the tree issue and sidewalk area any other issues regarding costs.

Mr. Tyler- Yes, the sidewalk may not be heavily used but we can start connecting the sidewalks by having them on every application. Once you do that ten years from now we'll have connectivity. Right next to IFF is Natco Park and we have a long stretch along there between the park and the highway so there's an opportunity to contribute to the townships attempts to improve the access for bicycle riders. Perhaps there's something that we can agree on that we will put it to the use that helps both IFF and the town because the idea of the tree ordinance the intention was to keep trees. One other thing is we don't have a good access point at Natco Park over here and perhaps if there was a way to provide access there and moving forward as we look at a circulation plan in town for bicycles and we start having our engineer do some analysis we can determine some options and together come up with what works for everybody. We will use the funds that everyone agrees on that we've set aside that either we'd put them towards the trees but we would have the option to do some improvements in terms of creating better bicycle circulation. There's enough room along traffic on the highway so that bicycles can fit along there but it's better to have them off.

Mr. Glackin- Let's talk about the sidewalk, what's the distance?

Mr. Kotdawala- 400 feet from the front of the property.

Mr. Solomono- I would point out that IFF is a transnational corporation and 130,000 is certainly not going to break IFF's bank to do what the ordinance intended so that we can replace these trees within our community.

Mr. Javan- IFF is not allowed to spend its (inaudible) this project it's being funded by a finance entity to build the project ad IFF saves money through the reduction of power. This project is a crucial project where it comes to time constraints. For us to get the permits for that stretch of

land is going to be a DEP approval, a joint approval, a DOT approval and a township approval as well. Time is a big deal with us.

Mr. Vella- If the board asked you to put 400 ft. of sidewalk in you have to remove trees and get building permits for all of this, the time you start removing trees, installing panels, doing all the electrical is not even close to amount of time to hire a contractor to do 400 ft. of sidewalk. Mr. Kittner does a bike path or sidewalk require additional DEP approval?

Mr. Kittner- What Mr. Kotdawala is saying if it's in a flood hazard area and it's not tidally influenced it would require a permit but I believe your testimony was that this is tidally influenced so if that was the case then I would not believe the permit would be required you would have to go to DOT to put the sidewalk in but I don't anticipate they would have an issue with it.

Mr. Kotdawala- (inaudible) Already the project we are applying for 9000 square feet of surface and now going beyond a quarter acre by adding 400 ft. of sidewalk. My worry is more with the timing. Township would be the owner and GEO Peak would be the applicant.

Mr. Solomeno- Did you review the township ordinances before you filed your permit with the DEP?

Mr. Kotdawala- Yes

Mr. Solomeno- And you came in for a conceptual where the chairman pointed out that the ordinance required sidewalk?

Mr. Kotdawala- Yes

Mr. Kittner- Prior to the issuance of a follow acceptance of the system, I'm sure you're going to have it inspected so prior to the final issuance of the system the sidewalk shall be installed.

Mr. Steib- Would the board consider if we post performance guarantees so that the sidewalk would be guaranteed but wouldn't be held up.

Mr. Vella- I think that's what the engineer suggested that there be a type of phasing, that the project can proceed and you are required to install the sidewalks. You can install the sidewalks and by the time you close out your permits it has to be done. You can get your resolution of compliance but still have a separate application for the sidewalks. The issue is the resolution of compliance of building permits you can always put a provision that permits for the sidewalk are not required for resolution of compliance but the applicant is required to install the sidewalks before the project is completed.

Mr. Steib- Our concern is stepping into quick sand with trying to get this permit.

Mr. Vella- The performance guarantees cannot be released until the sidewalks are in.

Mr. Javan- I think we would like to talk about the tree piece because this is an absolute cost factor, we would like to know what the total impact will be so given the movement from the board on providing this waiver this would make it a lot easier to pour into that fund. We want to see our three options and get the board to give us-

Mr. Solomeno- So you want us to waive our one ordinance so you will comply with another?

Mr. Javan- We're asking for the three options: waive it completely, a portion of it or stick to your guns. We are saying we believe it's an environmentally positive project we're trying to do the right thing here.

Mr. Tyler- What's the annual cost for the plant?

Mr. Dobson- IFF spends about 1 million dollars a year on electricity.

Mr. Tyler- So we're looking at saving 30-40% of the million dollars.

Mr. Kotdawala – It's about 10%.

Mr. Glackin- Are we all in agreement that you will post a bond for the sidewalk and it won't hold up your timing on the-

Mr. Kittner- As long as they have a bond that's posted it's fine.

Mayor Belasco- Because of time, I'm suggesting the sidewalks and \$50,000 as a cap.

Mr. Tyler- That's the number I was thinking. Are you aware that there is a fund in town that is currently utilized and Mayor are you aware of any spending of the funds? If we have a sidewalk and a bridge needs to be built over there maybe that's a better use of the funds.

Mayor Belasco- Right now I don't know of any.

Mr. Vella- It can only be used for tree replacement within the town. If the township wants to use that money for another reason they have to change the ordinance. All the conditions that the applicant has agreed on with regarding to CME's letter we have the applicant revising plans to remove the southeast corner solar panels and southwest consistent with A-4, applicant revise plans to put sidewalk from edge of property to the beginning of sidewalk. Sidewalk permits are not required for resolution compliance and applicant can get building permit without approval for sidewalks. Applicant must install sidewalks prior to release of performance bonds. Applicant granted waiver from section 181: 80A.5 to the extent there will be a cap of \$50,000 into the tree replacement fund.

Mr. Tyler- I'll make a motion that we approve the application under those conditions and understanding that the sidewalk will be put in and that we reduced the amount of the tree replacement to \$60,000. Closer to half.

Mr. Glackin- I will second that motion.

Offered By: Chairman Tyler

Seconded By: Mr. Glackin

ROLL CALL

	<u>YES</u>	<u>NO</u>
Mr. Glackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. DeMatteo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mann (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other Items for Discussion:

Citizen Hearing:

Offered: Chairman Tyler

Second: Mr. Glackin

Voice Vote: Yes

Motion to Adjourn:

Offered: Mr. Tyler

2nd: Mr. Glackin

Voice Vote: Yes

Next Meeting: July 25, 2013

Respectfully submitted,

**Patricia Cullen
Board Secretary**