

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

NOVEMBER 6, 2013 7:30 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on November 6, 2013 at 7:30 P.M. The meeting was called to order by Chairman Tim Ryan and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2013 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Applegate, Mr. Blair, Mr. Carugno, Mayor Chang, Ms. Coe, Mr. Freeman, Mr. Maybury, Mr. Borger, Chairman Ryan, Solicitor Jesse Debrosse, Planner Harry McVey, Secretary Marion Karp
Absent: Ms. Sampson, Engineer Jim Winckowski

The minutes of the October 2, 2013 meeting were approved as written. Chairman Tim Ryan had a comment regarding making the LOI a condition of approval. Tim had misread the statement and there would be no amendment of the minutes as this is often made a condition of approval. It was noted by Marion Karp that Board member Karen Sampson was absent because she had to recuse herself and could not sit for Mr. Dunlap's application since they are close friends.

Resolutions:

20-2013 Yvonne Small, Block 301.01, Lot 59 (72 North Hill Drive) – variance for garage conversion – was memorialized

21-2013 Terrance & Kimberly Brennan, Block 106, Lot 15 (220 Main Street) – major subdivision and bulk variances (adjournment until 116/13 meeting) – was memorialized.

Old Business:

Terrance & Kimberly Brennan, Block 106, Lot 15 (220 Main Street). The applicants and their Planner John Pagenkopf requested that the application be continued until the Board's December 4, 2013 meeting. Board Planner Harry McVey had conversation with Mr. Pagenkopf regarding the Historic Commission meeting; the ordinance says that the application shall be referred to the Historic Commission for a formal review and recommendation. They will be making

application to the Historic Commission themselves.

New Business:

Robert Dunlap, Block 803.05, Lot 11 (9 Pine Tree Drive). The applicant, Robert Dunlap, was sworn in before the Board by the Solicitor. Chairman Ryan had a question as to whether he needed to recuse himself because he is a neighbor of the applicant's contractor; the Solicitor answered that it wasn't necessary.

Mr. Dunlap started by stating that there seems to be a misconception regarding the panels; it is 56 panels that will be contained in one frame. He showed a color diagram of the proposed panels to the Board. His property is approximately 3.5 acres in size. He showed the Board a survey of his property which detailed where the panels would be placed. The property has frontage on both Pine Tree Drive and Oak Tree Drive and is in the Irick Woods subdivision.

The panels won't be that high due to the slope of the berm. Charles Bergen was sworn in by the Solicitor; he is employed by Trinity Solar. They are proposing to plant a group of arborvitae to screen the panels. They will be initially 4 to 6 feet in height and will be in two staggered rows.

Gene Blair and Jim Winckowski had a conversation regarding this; Jim had a concern about the finish elevation of the bottom of the panels as far as water infiltration. Chuck Bergen explained that the inverters are on the back of the array and will be above any water level that may occur in the basin; they would be mounted on the rack. Even after the wet summer we had, the water got no where near where the inverters would be according to Mr. Dunlap.

The survey indicates a deed restriction; there is nothing contained in the deed that explains the restriction. The Board Solicitor explained that the applicant has to comply with the deed restrictions although it isn't the Board's responsibility to make sure he does so. It is a neighborhood basin as the Solicitor understands. He suggested that the applicant provide a copy of the deed restriction to the Board. The Solicitor had completed a five transaction search and couldn't find a deed restriction. He suggested that the applicant pay for a title search to see if it could be located.

Harry McVey recommends that there be a formal planting plan submitted if the Board gets to the point of approval. Mr. Dunlap explained that the house isn't oriented correctly to place the panels on the roof. The panels are strictly for the use of the home itself; you are only allowed to produce what electricity you will use in your own home. It is not for profit.

Gene Blair pointed out that this lot is the largest in the entire Irick Woods

subdivision. Ron Applegate asked why 56 panels; Mr. Bergen stated that it is sized for the energy consumption needs of the home. Public Service and the State of NJ have given their approval for the installation of these panels. The panels have a life expectancy of 35 years. The panels have a 20 year warranty from Trinity Solar.

Tim Ryan was concerned regarding the placement of the panels on the ground versus on the roof and wondered what would happen down the road if they weren't maintained, became dysfunctional or weren't being used. Gene Blair suggested that a condition could be put into the resolution that if this happened, the owner would have to remove the panels. This condition would run with the land. The Solicitor recommended that the resolution be recorded in the Burlington County property records.

A ground mounted system is the most efficient according to Chuck Bergen because they can face the panels into the sun.

The meeting was opened to the public for comment. Jose Sosa of 18 Maple Tree Drive has lived there for 21 years; he had concerns that the basin has community value. He wants the Board to consider that in their deliberations. He asked if this would have future impact on other property owners. He thinks that an approval would set a precedent.

Kim Bradley of 5 Laurel Tree Drive was concerned with the safety of the panels; she was wondering if it needs to be fenced. All the electrical wiring is in conduit; there is nothing exposed so that a child could be electrocuted or shocked according to Mr. Bergen. She was concerned because she had observed teenagers drinking in the basin area. Mr. Dunlap agreed that this type of activity has occurred there.

Ruth Sosa, 18 Maple Tree Drive is concerned with the aesthetics of the proposed panels. She thinks that any attempt to hide it or camouflage it will not work and used the Burlington Township solar field as an example; she thinks it is an eyesore.

Larry Solow, 5 Pine Tree Drive asked if the panels would be visible from his bedroom window. He has done some internet research and has found there is relatively little data available on ground mounted solar panels and their effect on property values.

Mr. Bergen explained that roof mounted solar panels have actually increased selling prices and shortened selling times for homes. However, these are different than ground mounted panels.

Amy Stuck of 3 Oak Tree Court is concerned with aesthetics and maintenance. She asked who would be maintaining the new shrubs that would be planted.

There were issues of overgrown shrubs and trees for a period while Mr. Dunlap wasn't living at 9 Pine Tree Drive. She stated that the slope of the basin is only 2 to 3 feet and not as deep as Mr. Dunlap states.

There was some question as to where exactly the plantings and array were proposed to be located in relation to the road, sidewalk and right of way. Harry McVey recommends a better site plan so that the Board can determine all this.

Janet Curran, 123 Main Street spoke regarding the solar ground mounted panel application that a resident had submitted that was denied. She said that she remembered there being a safety issues which was a factor in its denial.

Ronald Kuriskin, 4 Oak Tree Court – echoes the comments that his neighbors have already made. He asked what the size of the panels were; they are 16 square feet in size; each 3 by 5 feet approximately. The array is about 65 feet by 10 feet in size. He has lived in the neighborhood for about 20 years; he passes this property every day. He has concerns about what he is going to see as he goes by. He has concerns with it being a neighborhood basin.

With no further comments from the public, the meeting was closed.

Mr. Dunlap agrees to get actual measurements of elevations. The Board wants to see a copy of the deed restrictions and spot elevations; the height of the berm; and a rendering of what would be seen from the street with the plantings installed. The Board told Mr. Dunlap that he needs to do a title search to find the deed restriction. The Board wants Mr. Dunlap to have the topo done by a professional.

The application would be continued until the Board's December 4th, 2013 meeting. There is a licensed surveyor on staff at Trinity Solar according to Mr. Bergen.

The Board voted to continue the application; Mr. Borger made a motion; the motion was seconded by Mr. Freeman. All Board members voted yes.

The Board decided to move the annual meetings to a 7:00 PM start time for 2014.

The meeting was opened to the public for comment. An un identified person from the audience asked if an application was denied if it could come back before the Board for another approval. There was also some discussion regarding if once an application was heard and closed if questions could be posed and the Board answered that they could not.

Harry McVey commented regarding the late submission of plans to the Board; he thought that the plans should be submitted no later than 10 days before the

Board meeting. The Board voted to uphold this – no plans would be able to be accepted less than 10 days before the meeting date. All Board members were in favor of this.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board