

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
Monday, November 26, 2012
Work Session**

The regular work session meeting of the Mansfield Township Planning Board held on the above shown date was called to order at 7:05 p.m. with the following in attendance: Douglas Borgstrom, LaVerne Cholewa, Dalpat Patel, Scott Preidel, Robert Semptimphelter, Douglas Walker and Michelle L. Gable, Secretary. Also present were Charles Petrone, Solicitor; Harry McVey, Planner; and Robert Stout, Engineer. Robert Higgins, Gary Lippincott and Arthur Puglia were absent.

The following was discussed:

Application Number PB12-03PFSP&V: Manheim Remarketing, Inc., Block 2, Lots 1.01, 2.01 & 3 and Block 1, Lot 5.03:

Harry McVey commented on the variances needed and recommended a Deed of Consolidation and then they would not need the variances. He also said they do not need a buffer because they are not going to be seen from the street.

Robert Stout commented that a height variance is needed, some testimony is needed on how they work and noted there are no technical issues.

There being no further discussion, the work session was closed at 7:20 p.m.

Regular Meeting

The regular meeting of the Mansfield Township Planning Board was called to order by Chairman Preidel at 7:30 P.M. on the above shown date followed by the Flag Salute and the following opening statement:

The notice requirements provided for in the 'Open Public Meetings Act' have been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Planning Board on January 23, 2012. Said resolution was published in the Burlington County Times on February 1, 2012, e-mailed to the Burlington County Times, Trenton Times, and Register News, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on January 30, 2012.

ROLL CALL:

Board Members: Douglas Borgstrom, LaVerne Cholewa, Dalpat Patel, Scott Preidel and Robert Semptimphelter. Robert Higgins, Gary Lippincott, Arthur Puglia and Douglas Walker were absent.

Professional Staff: Charles Petrone, Solicitor; Harry McVey, Planner; and Robert Stout, Engineer.

Public Comments:

Chairman Preidel opened the public comments portion of the meeting on non-agenda items.

Hearing no public comments **Chairman Preidel** closed the public comments portion of the meeting.

MATTERS TO BE CONSIDER BY THE BOARD:

PUBLIC HEARING:

Application Number PB12-03PFSP&V: Manheim Remarketing, Inc., Block 2, Lots 1.01, 2.01 & 3 and Block 1, Lot 5.03:

Chairman Preidel introduced this Application for Preliminary & Final Site Plan and Variance to install solar energy ground mount system on three (3) sites on the property located at

730 Route 68 in the C-2 Highway Commercial Zoning District.

TESTIMONY:

Michelle Lamar an Attorney with the **Law Firm of Sterns & Weinroth** in Trenton, New Jersey was present representing the applicant **Manheim Remarketing, Inc.** This application concerns a property that is located in the C-2 Zoning District at 730 Route 68 in the Township of Mansfield. It is designated on the Township tax map as Block 1, Lot 5.03 and Block 2, Lots 1.01, 2.02 and 3. The applicant currently operates an automobile auction on the property in addition to other related automobile uses. The applicant seeks preliminary and final site plan approval to install a ground mounted solar panel arrays, which is a permitted use under the Mansfield Township ordinance on three sites on the property to generate electricity for on-site use. In conjunction with this application the applicant is also seeking approval for any and all required variances, submission waivers and/or design exceptions or waivers from the applicable zoning and/or site plan standards that are necessary to construct the solar panel arrays including but not limited to a variance to permit one pursuant to section 65-7 of the Township Land Use Ordinance for two of the solar panel arrays to be located within ten feet of a side/rear yard property line whereas a variable setback of zero to three feet is proposed. Testifying on behalf of the applicant will be **Bill Nicholson** of **William H. Nicholson Engineering Associates**, **Brad Devereaux** for the applicant and **Andrew Doesic** from **Gridpoint** who is the manufacturer and installer of the solar panel arrays.

Solicitor Petrone swore in **William Nicholson** to give testimony on this application. **William Nicholson** is a consultant civil engineer retained to prepare the site plans in this matter. He is employed by **William H. Nicholson Associates** with offices in Mt. Laurel. He has been accepted as an expert to give engineering testimony before this Board and many other Boards in the County many times. He is a professional engineer in the State of New Jersey, he has a Bachelors Degree in Civil Engineering and he has been practicing in the land development field for about 30 years. Mr. Nicholson was then accepted as an expert by the Board.

Exhibit A-1 Mr. Nicholson prepared this overall plan of the entire **Manheim** holdings and described same noting that the three darker grey areas are the locations of the solar arrays, which they are seeking approval for tonight. The first is an existing detention basin behind 735 Route 68. He noted that all the proposed arrays are overtop an existing detention basin. The second is identified on the plans as **gridpoint job 5** and **basin #3**. The last location is all the way in the northeast corner of the auction abutting **White Pine Road**.

Mr. Nicholson said the solar ordinance requires certain setbacks. The first two require variances because there are internal lot lines in that area and both of those locations violates side and rear yard setbacks. **Chairman Preidel** asked that Mr. Nicholson point them out. **Mr. Nicholson** said the first is the basin area behind 735 Route 68, which has a side yard and a rear yard violation. The ordinance requires ten feet and in both cases, it was less than that. The second would be a rear yard variance required in **basin #3**, as it is closer than ten feet to the rear yard of that lot. He points out that the adjoining lots in all cases are the applicants own lots. The third located in the northeast corner is all compliant. In support of their request for a variance for those facilities, he pointed out for the positive criteria they promote the purposes of the land use act of promoting conservation of energy resources and promoting the utilization of renewable energy resources as located in items J and N of 40:55D-2 of the Land Use Ordinance. Therefore, it has a positive affect where they are basing those items within the Land Use Act. On the negative criteria, he does not see any negative impact of these facilities to the Township Zoning and Master Plan, as they are interior lots on their own property. **Ms. Lamar** asked if Mr. Nicholson was a license professional planner in the State of New Jersey. **Mr. Nicholson** responded yes. **Chairman Preidel** asked if there were any other variances. **Ms. Lamar** said their understanding those are the only variances they are required. **Mr. Stout** asked the second

variance that they put out was the height variance. He asked is the height variance based on ground level to the top of the panels if they are 12 feet these exceed that because the basin is recessed. Therefore, his interpretation was that would be a proposed variance for this as well. **Mr. Nicholson** said it is their position that in all three locations the solar panels are less than 12 feet high relative to the ground that surrounds the basins. Admittedly, if you compare the panels to the bottom of the basins they are taller than 12 feet in all case, but if you look at it, which they thought was going to be the proper way to look at it relative to the perimeters of the basins in all three locations they are less than 12 feet relative to the perimeter. On lot 1.01, which is the first basin he described behind 735 Route 68 the highest elevation of the panels relative to the ground around the basin is 9 ½ feet; lot 2.02, which is the second basin he described behind the jug handle the worst case scenario that is 11 ½ feet around the perimeter of that basin; and then back in the northeast corner of the existing auction the worst case scenario there is 7 ½ feet. **Ms. Lamar** said the Municipal Land Use Law has no definition as to height. In the Township ordinance, there are only two definitions of height. There is one for building height and one for the height of a sign, which neither apply. In the ordinance section 65-7 the definitions section where it talks about solar energy systems it states the height of ground mounted solar energy systems and in systems included on accessory buildings shall not exceed 12 feet in height. They took a common sense approach if they are putting a solar array right here at ground level it is 12 feet because it is going down into a detention basin if you look across the level it is not higher than 12 feet. Yes it might be higher than 12 feet from the base of the detention basin but that is the interpretation they are taking because it makes common sense. She assumes there is a visual reason why they do not want it higher than 12 feet in height but theirs would not be. She then asked **Mr. Nicholson** from a planning viewpoint once again the positive criteria and the negative criteria that you raised if indeed the Board were to feel that this was a variance that was required would he feel the testimony he provided with respect to the ten foot buffer would apply to the height of these solar arrays as well. **Mr. Nicholson** said in both cases of the positive criteria it has to deal with promoting energy resources. They have no adverse impacts on wetland or buffers and/or stream encroachment issues. The only part of the project that is near wetlands is the northeast corner of the existing auction. Luckily the auction had sought out a letter of interpretation from the State of New Jersey for wetlands on that site for other reasons, that letter of interpretation on the wetlands locations is still valid and on their detailed site plans they have those wetlands locations in the vicinity of that basin and they are greater than the statutory distance away from those wetlands. There is also a floodplain associated to the stream. Bacons Run on the northeast edge of that the property is where they are well out of the floodplain thirty feet up above the adjoining stream. Therefore, they have no adverse impacts on the floodplains, wetlands or wetlands buffer. He would be happy to add a note to the plan to that affect. There was a question about the amount of disturbance. Due to the construction technique used, which is driven piles to support the solar arrays and the conduits require it largely be done by directional drilling underneath existing parking lots and so on. The total land disturbance will be less than 5,000 square feet thus not requiring any approval from Soil Conservation District. It is his opinion also that although these facilities are all located within the detention basins they will have no adverse impact on stormwater management. He is the engineer on record on two of the three basins mainly the second and third he described and given the cross sectional area the columns that are supporting the arrays he believes it will not have an adverse impact on stormwater management intent of those basins. The next section has to do with outside agency approvals required. It is his opinion other than building permits associated with the facilities through Mansfield Township there are no other outside agency approval required. It is also his opinion that the solar panels due to their proximity to other properties and there are one or two cases are interior and number three is somewhat close to White Pine Road and it is about 75 feet off of that with an existing tree line. It is his opinion that these facilities will not have an adverse

impact on the adjoining properties and will largely be out of view. He also testified to the height of the facilities relative to the perimeters of the basins. There was a question about the basin maintenance. All three of the basins are grass bottoms with side slopes and are maintained accordingly by mowing and that would still be the case with the solar panels. On the first set of panels that he described when he initially submitted plans the panels were across the property line so as they initially submitted these panels were over the property line thus they sought a variance for a zero foot setback. At Mr. Stout's request, he had detail topographies done of the basin and as it turns out they relocated the panels within that basin and they are now approximately eight feet off the property line not zero. He elected to change it from zero to eight. Also #11 on page 3 of Mr. Stout's memo asks about the existing solar panels on the building at 735 Route 68. He did not know about those. They were not done by site plan approval so he did not get involved in that but they are there and he will do the recalculation of the total panel requirements on that lot 1.01. It is clear even when you add the existing plus the new panels on that lot they will be well below the 20% required and he will quantify that and get them on the revised plans.

Ms. Lamar pointed out to the Board that under the planners' memo it was his determination that the application met all the requirements in the ordinance section including the issue as to the height.

Mr. Nicholson said the only open item in the planners he would like to address is #4 on page 2 of his letter, which relates to the issue of coverage and open space. State law says the panels are invisible, they are not impervious surfaces for the sake of zoning however, planners just ask about the coverage relative to open space and perhaps the thought process that was involved at the original approval of each of these various site plans and the three basins involved with these arrays were initially on three different site plans before this Board throughout the years. In 2007 when the ordinances were amended there was no regulation as to total impervious cover on the lots. The zoning requirement was a matter of building area that was on the lots and it did not regulate total impervious mainly roofs, parking, sidewalks, etc. The ordinance was changed at some point he thinks in 2007 where total lot coverage is not an issue and he thinks the number of 20% so back during the original approval process there was not a requirement for the amount of open space or green area versus paved and he further pointed out that the current ordinance also has impervious coverage that is allowed or required for the arrays on the lot not to exceed 20% and they are well below those numbers. 1.3% on lot 1.01, 2.9% on lot 2.02 and 2.2% on the large lot. The one number has to be revised to account for the existing panels on the building at 735 Route 68 but the number will still be well below 20%. The rest of the issues in Mr. Stout's letter they agreed to comply with.

Ms. Lamar said they have Mr. Devereaux and Mr. Doesic who could testify but at this point that is the application and they will bring them up to respond to any questions that the Board or professionals might have.

Dalpat Patel asked why three different locations and why could they not combine and put in one location.

William Doesic employed by Gridpoint General Contractors, 2801 Claritan Blvd., Arlington, Virginia. They are a solar contractor and he is Vice President of operations for that division. **Ms. Lamar** said the question that was raised why the three locations why not in just one location. **Mr. Doesic** said there are multiple meters that serve different buildings so three different locations actually provide power to certain locations so the idea is to put the solar arrays closest to those locations.

Harry McVey said he thinks Mr. Nicholson addressed the issue of the storm basins and how they are going to function. It is a little unique, he does not think he has seen it and he is sure the Board has not seen solar panels within detention basins. He asked Mr. Doesic to go over quickly safety issues/factors because water and electricity generally do not mix. **Mr. Doesic** said

for a solar system in general they are all built outside they require the sun to generate them. It is standard practice and the way they are installed all the wiring is inside a conduit that is completely sealed. Therefore, it is outside of the elements that would possibly do that. It is very similar to a power line also that you would see running on the street. If there is ever an issue there is an automatic shut off system at the solar system itself that will shut down the power of the system if it faults. **Mr. McVey** said it has been his understanding a solar panel when the sun is out is always active. He then asked whether there is a shut off panel or not and is there potential of electrocution because of being in water. **Mr. Doesic** said under his experience no. While the solar panels are taking in energy when the shut off system happens it actually shuts off the power line that runs down to the facilities so technically if you broke into the solar panel itself and go into those wires, which are all associated with the system would not have an issue.

Chairman Preidel asked if the shut off is going to be above the water line on the solar panel or down at the facility.

Harry McVey agrees with the height analysis, he thinks the intent of the ordinance is satisfied with what is being proposed, he thinks the intent was from the Township Committee that if you are standing on the ground level you are not going to see anything more than twelve (12) feet. He thinks that is what they are going to see. Therefore, from a common sense perspective and all the intent of the ordinance he thinks they have satisfied that. It is probably safer to grant the variance so that if issues come up in the future it has been addressed. However, in this particular case they have addressed them. In terms of the setback variance, he understands what is happening and what is going on the only question he has is the whole issue of the variance could be eliminated by doing a deed consolidation for those three lots on what he will call the south side of Route 68. He then asked if there is a reason why that cannot be done. **Chairman Preidel** said he noticed that the electric was going from one lot to another lot, it seems like it is two different locations. Is that a problem? **Mr. McVey** said no you can deal with a utility easement if we need to have one but we will put a utility easement on it. To a certain extent, what is happening is not much different then large shopping centers, you often get after the shopping center is built buildings separated or sections of parking lots separated out primarily for financial issues. Generally that is not a problem there is also a slew of variances to go along with that because now you do not meet your setbacks and so forth. They are more technical variances but the way around that is there is common maintenance organization to take care of common maintenance but in this particular case you also have common cross easements and a shopping center you would be dealing with access parking and so forth but here you are just dealing with a utility and it is very common and it can be addressed that way.

Brad Devereaux, owner of State Environmental Services, Inc., provides consulting services to Manheim of New Jersey and represents the applicant was sworn in by Solicitor Petrone to give testimony on this application. **Ms. Lamar** asked if there is reason why the applicant does not want to consolidate the lots. **Mr. Devereaux** said his understanding on that is number one the auction purchased these parcels all at different points and time as the auction expanded its operations and purchased local farms to include what is now the entire facility. He believes that Mr. Nicholson could speak to a little bit better that the expense of surveying that entire facility, there is a cost consideration to that previously and they looked at that when the auction built the new facility twelve or thirteen years ago and he knows there was some detriment to doing that. **Ms. Lamar** said so in other words the lots have not been consolidated. **Mr. Devereaux** said that is correct. **Ms. Lamar** then asked from his understanding is there any potential tax issue as well. **Mr. Devereaux** said he has heard that but he could not speak to that. **Ms. Lamar** asked at this point and time the applicant owns all the lots. **Mr. Devereaux** said that is correct. **Ms. Lamar** asked if there is any intent to sell off any of the lots. **Mr. Devereaux** said no.

Mr. McVey said he still makes the recommendation unless there is some overriding

reason financially that they be consolidated. He does not think the entire auction has to be consolidated because they are not talking about variances for instance on the north side of Route 68. They are only talking about these three lots. The cost is going to be substantially less to do the survey work. **Mr. Stout** said the survey should have already been done; it is paperwork at this point. **Mr. Nicholson** said in a normal lot consolidation there would have to be a survey done of the entire perimeter of the consolidated lots. He knows from his experience working for the auction through the years lot 2.02 where the second basin is located, he did that site plan and he is familiar with that survey that he retained a surveyor to do, he compared that survey for instance and the surveyor of lot 3, which is just 120 Aaronson Road, they do not agree as to the interior lot lines. Same with lot 1.01 he did not get involved with the surveyor of either of those two properties just this one and he knows with just comparing the surveys of what he worked on to the old site plans there is not any correlation between the interior lots lines. Therefore, it is sort of a nightmare to come up with how the consolidated lots would look. As a practical matter it does not matter to Mansfield because they are all internal. Unless a lawyer can go off a deed that says we are going to consolidate lots A, B and C and it is just that easy that is really not a problem he does not think unless there is a practical matter to the auction but as a functional problem surveying and engineering it is somewhat of a nightmare. **Chairman Preidel** said what you just explained to us is that the interior lot lines there are problems with them so if they are rectified now by either making it all one lot it would straighten it out. **Solicitor Petrone** said the testimony you just gave us is the reason we need a consolidation because he is now more concerned with you saying you are not sure where the lot lines are as to whether or not we need a variance to permit a setback of zero feet. You are saying that I do not know where the lot lines are. **Mr. Nicholson** said okay I agree with you and he understands what he is saying. Looking at it another way what it amounts to is they have to retain a surveyor to survey this entire parcel and it is a tens of thousands of dollars number. It is not send a surveyor out to do a survey of your house it is a big thing. He does not mean to think light of it but it is. **Mr. Stout** said he is not saying it is not a big deal the plus is it is fronted by two roads. They own everything between the two roads. The whole point of consolidating this he was on the fence either way on this but hearing this it is actually better to consolidate it now for that reason. The reason is you have your frontages, the surveys have already been done, the others have site plans so if there is errors in that you only need one line, which is your neighbor line everything else is theirs, write the deed and make it one deed and it really clears up a lot of the tax issues. He is not saying they have to do it he is suggesting it makes it cleaner. **Mr. Nicholson** said he knows Mr. Stout is a surveyor as well as an engineer maybe he can relate to what he is saying maybe he is wrong because he is not a surveyor but he deals with it daily. He believes they are going to have to send a surveyor out in the field to hit the perimeter of all these things to tie them all together and your right the interior lot lines could be ignored at that point but it is still a huge effort of field work and then ultimately there needs to be a legal description of the consolidated exterior line. **Mr. Stout** said that is correct it would need to be an outbound consolidation to put this together. **Ms. Lamar** asked if it was her understanding that they are asking this as a recommendation but not as a condition of approval. **Mr. McVey** said it is his recommendation but it could be their condition. **Mr. Stout** said he would second that recommendation. **Ms. Lamar** asked at the end of the day where you have one applicant, one property owner that owns the entire site for a single use to go through, she realizes it is cleaning up and making things neater but it is not without time, effort and cost to the applicant, significant time, effort and cost. **Mr. Nicholson** said time maybe a factor too, he addressed cost but time maybe an issue to the applicant as well as he is trying to proceed with this project. **Ms. Lamar** said she does not see what the negative impacts are at the moment other than transfer of property at some point and time. **Chairman Preidel** asked from a time standpoint it can be done as a condition. **Mr. McVey** said it can be done as a condition of approval. He thinks they have a right to do it as a conditioned approval,

they would have the right to come back at some later point and ask you to modify the condition based on information that we do not have in front of us tonight. Either there is different corporate entities that own the different lots he does not know he is just throwing that out as a possibility. There could be different financial groups that own the different lots. We are not hearing any of that testimony tonight. Therefore, he thinks you could do a conditional approval; they can always come back if there is a real problem and talk to you about it at the next meeting if that is the issue but he thinks it is important. This is not a small operation, this is a major operation and he thinks it needs to be done right and he thinks the right way to do it is a deed of consolidation. Therefore, his recommendation still stands. **Ms. Lamar** said she can represent to the Board not knowing the cost that is involved we don't know what the impact on the project is and she would respectively repeat that this is not like the Town cannot collect taxes, it is not like you don't know what the ownership of the property is and she realizes at some point, future date and time they want to sell the property or transfer the property but while the property is sitting there she would phrase it as a recommendation, she would respectfully request that.

PROFESSIONAL COMMENTS:

Robert Stout, Engineer referred to his report dated October 16, 2012 noting that they have addressed all of his comments, he has spoken with Mr. Nicholson today and he has agreed to accommodate most of the other stuff. This is his second iteration of plans to him so most of the comments he had in the original letter were addressed so there were not a lot of open items just some general notes and some clean up items so he is comfortable where they stand today.

Harry McVey, Planner said the only other item he would agree with Mr. Nicholson whether these arrays are located within the site distance from property lines, exterior property lines that is and some of the surrounding wetlands. He does not believe any additional landscaping or buffering is needed for these. Therefore, his recommendation is not to add any at this point.

BOARD COMMENTS:

Douglas Borgstrom asked if they have any idea of any expansion or additional buildings on the three lots on the south side of Route 68. **Brad Devereaux** said he does not believe there are any plans for expansion or any additional buildings on site. The way the auto auction industry is moving today is focusing more on on-line activities. **Mr. Borgstrom** asked it would just be the storage aspect of it not physical buildings. **Mr. Devereaux** said yes.

LaVerne Cholewa said it is a wonderful idea that they are putting them in the basins. She would like to see it a condition to joining the lots because they do not know what is going to happen ten years from now and she thinks rather than make it a recommendation make it a condition. That is her opinion.

Robert Semptimphelter said he agrees with the professional making that recommendation to make that a condition of approval.

Chairman Preidel said he was leaning either way and then when he heard the lot lines were mixed up that sent a flag to him that maybe they should be straightened out.

Mr. Stout said another positive for this is they will not need cross easements and the utility easements would disappear.

PUBLIC HEARING:

Chairman Preidel opened the public hearing on this application.

Judy Harrison, Mansfield Road West, Columbus why were basins chosen and not other land as it is known that some basins do not function properly within the township and feels that it will damage the integrity of the basin after the solar arrays are installed. **Mr. Nicholson** said as he stated before the supports for the solar arrays are driven into the ground, there are no

excavations or footings constructed underneath. Therefore, there is no disturbance to the basin that way. As a Board member had mentioned it is an efficient use of ground to put these over the basins, which is the only ground that they have that is not used.

Chairman Preidel asked if the basins function properly now. **Mr. Devereaux** said they do. All the basins are maintained on the weekly basin so all basins do function properly. **Chairman Preidel** asked if they are also designed to the old standards and asked that they explain how they function. **Mr. Nicholson** said he could describe the design for the second and third basins. They are designed to the standard at the time to provide stormwater detention and meet the standards of the day, which is to hold back stormwater, store in those basins and let the water out slowly into the downstream system to not have an adverse impact because of the improvements associated with the basins upstream of the basins.

Hearing no further public comments **Chairman Preidel** closed the public hearing on this application.

SOLICITOR'S COMMENTS:

Solicitor Petrone noted this will be a motion for Preliminary and Final Site Plan approval for the installation of the three solar arrays in the locations specified to by Mr. Nicholson, with variances to permit setbacks. He said with the lot consolidation they will be eliminating the variances so the variances for the setbacks will not be required because they will now comply with the lot consolidation and the third solar array did not require a setback variance. We will administratively grant a height variance for the height of the panels over the basin areas knowing that the height from ground level is less than 12 feet. This way if anyone ever questions it the Board you can say the Board did consider it, they heard the testimony regarding the positives and negatives and this way it is not an issue after the fact. Conditioned upon a deed of lot consolidation for the three lots of Block 2, a note being added to the plan regarding the wetlands that Mr. Nicholson had testified to earlier and subject to the review letters of the Board Planner and Board Engineer except as may otherwise have been modified by the testimony in consideration of the Board this evening. **Ms. Lamar** said this issue of lot consolidation is a difficult one for the applicant and Mr. Devereaux has raised a point that the applicant has appeared before this Board on different applications, which did involve cross lot issues, most notably the sewage. **Mr. Devereaux** said they have a sewage treatment plant that services the whole facility, which includes going across Route 68. **Ms. Lamar** said she would raise that again, respectfully requesting.

MOTION FOR APPROVAL:

A motion was offered by **Robert Semptimpfelter** and duly second by **LaVerne Cholewa** to grant Application Number PB12-03PFSP&V: Manheim Remarketing, Inc., Block 2, Lots 1.01, 2.01 & 3 and Block 1, Lot 5.03 Preliminary and Final Site Plan approval to install solar energy ground mount system on three (3) sites on the property located at 730 Route 68 in the C-2 Highway Commercial Zoning District with conditions as mentioned by Solicitor Petrone under Solicitor's Comments. The motion carried on a roll call vote taken as follows:

AYE: Borgstrom, Cholewa, Patel, Semptimpfelter, Preidel

NAYE: None

ABSENT: Higgins, Lippincott, Puglia, Walker

Resolution Number 2012-11-13

(A copy of the foregoing Resolution is spread on the following pages.)

RECESS:

Chairman Preidel called for a five minute recess at 8:20 p.m.

MEETING RESUMED:

The meeting resumed at 8:25 p.m.

EXECUTIVE SESSION:

REQUEST FOR PROPOSALS:

RESOLUTION NUMBER 2012-11-14

Resolved that pursuant to Section 8 of the Open Public Meetings Act, the public shall be excluded from that portion of the meeting involving discussion of Personnel.

Further Resolved that discussion of such subject matter in executive session can be disclosed to the public when the matter has been resolved.

A motion was offered by **LaVerne Cholewa** and duly second by **Robert Semptimphelter** to adopt the foregoing resolution and to go into closed executive session at 8:25 p.m. Motion carried.

The regular meeting resumed at 8:27 p.m.

APPROVAL OF MINUTES:

A motion was offered by **Douglas Borgstrom** and duly second by **Dalpat Patel** to approve the minutes of October 22, 2012 regular and October 22, 2012 Executive minutes. LaVerne Cholewa abstained. Motion carried.

NEXT MEETING DATE:

It was noted that the next regular meeting will be held on Monday, December 17, 2012.

MOTION FOR ADJOURNMENT:

There being no further business a motion was offered by **LaVerne Cholewa** and duly second by **Dalpat Patel** to adjourn the meeting at 8:28 p.m. Motion carried.

Respectfully submitted,

Michelle L. Gable, Secretary

January 28, 2013
Approval