

**QUINTON TOWNSHIP PLANNING BOARD**  
**MAY 10<sup>TH</sup>, 2011 MEETING**  
**MINUTES**

The regular meeting of the Planning Board was called to order at 7:04 p.m. at the Quinton Township Municipal Building by Chairwoman, Margaret Maxwell-Mood.

Flag salute was held and it was determined that the meeting was posted in a public place and advertised in the two official newspapers.

Mr. Riggs presented the check for the outstanding fees to the Quinton Township Planning Board from his prior application for N & K Ventures.

ROLL CALL: Edward Counsellor, Christopher Donelson, Robin Harmon, James Kates, Margaret Maxwell-Mood, Joanne Nacucchio, and Marjorie Sperry

Carl Schrier arrived at 7:10 p.m.

Absent: Amy Bradway, Zach Patterson, Doug Tjaden

Also present: Gary M. Salber, Esq., Lawrence M. DiVietro, Jr., PLS PP AICP, Andrew Hogg, P.E. and Bonita Bell.

APPROVAL OF APRIL 12<sup>TH</sup>, 2011 MEETING MINUTES: Motion was made by Edward Counsellor to approve the Minutes and Marjorie Sperry seconded the Motion. James Kates abstained from voting. Motion so carried. Minutes were approved.

Closed Session Meeting Minutes – Joanne Nacucchio made a motion to accept the Minutes and Marjorie Sperry seconded the motion. James Kates abstained. Motion so carried. Minutes were approved.

RESOLUTIONS:

RESOLUTION NO. 2011-09 – RESOLUTION GRANTING MINOR SUBDIVISION APPROVAL TO JAMES M. CONWAY FOR PROPERTY LOCATED AT 105 NORTH BURDEN HILL ROAD, BLOCK 32, LOT 27

QTPB: May 10<sup>th</sup>, 2011

Minutes

Motion to approve Resolution 2011-09 was made by Joanne Nacucchio and seconded by Marjorie Sperry. All in favor. Resolution 2011-09 was approved.

RESOLUTION NO. 2011-10 – RESOLUTION GRANTING BULK VARIANCE AND MINOR SUBDIVISION APPROVAL TO DOUGLAS HITCHNER FOR PROPERTY LOCATED AT 50 TELEGRAPH ROAD, BLOCK 61, LOT 8

Chairwoman Margaret Maxwell-Mood entered into record that Mr. Hitchner had secured the approval from the Quinton Volunteer Fire Company, through letter dated May 6<sup>th</sup>, 2011 signed by Patrick K. Foster, Fire Chief, that the property located at 50 Telegraph Road had been inspected and found to be adequate in width and height for access with emergency vehicles and the road/driveway surface was also adequate to handle the excessive weight of the emergency vehicles.

Motion was made by James Kates to approve Resolution 2011-10 and seconded by Edward Counsellor. All were in favor. Resolution 2011-10 was approved.

APPLICATIONS:

- a. QUINTON SOLAR POWER I, LLC  
TELEGRAPH ROAD, BLOCK 61, LOT 2  
OWNER: RIGGS HOLDINGS, LLC  
PRELIMINARY AND FINAL SITE PLAN APPROVAL AND USE VARIANCE APPROVAL  
ROBERT E. GEHRING, P.E., SENIOR PROJECT ENGINEER, PANDA POWER FUNDS  
FRANK J. HOERST, III, ESQ. ATTORNEY FOR APPLICANT  
RMT – ANDREW GRAHAM, P.E. ENGINEER FOR APPLICANT

James Kates and Carl Schrier were asked to abstain from comment and voting on the Solar Project as they were excused from the April 12<sup>th</sup>, 2011 meeting due to the D-Variance application made by Quinton Solar Power I, LLC.

Planner Larry DiVietro gave his findings on the project.

Frank J. Hoerst, III, Esq.  
*The Opera House*  
13 West Avenue  
Post Office Box 217  
Woodstown, NJ 08098

QTPB: May 10<sup>th</sup>, 2011  
Minutes

Panda Power Funds  
4100 Spring Valley, Suite 1001  
Dallas, TX 75244

*Robert E. Gehring, P.E., Senior Project Engineer*  
*Darol Lindloff, Executive Director, Project Development*  
*Mike Delcambre, Vice President, Construction*  
*Bill Pentak, Vice President, Investor Relations and Public Affairs*

RMT, Inc.  
744 Heartland Trail, Madison, WI 53717

*Andrew B. Graham, Engineering Manager*

Engineering Design Associates, P.A.  
Cambridge Professional Offices  
5 Cambridge Drive  
Ocean View, NJ 08230

*Christopher J. Carey, Certified Landscape Architect*

Frank Hoerst, Esq. spoke on behalf of Quinton Solar Power I, LLC and stated that he believes that the frontage fits within the language of the Ordinance. Lawrence M. DiVietro explained the language in the Ordinance for the members and the public.

Gary Salber, Esq. said that the Board could make a determination on the 300' frontage. The frontage is not continuous but horizontal distance between side lot lines.

Frank Hoerst, Esq. said that they did advertise just to be on the safe side for clarity.

Margaret Maxwell-Mood and Lawrence DiVietro discussed the language of the Ordinance wherein the Ordinance does not say continuous.

Frank Hoerst, Esq. confirmed that there is 300' horizontal distance between the side lot lines. They have 300'. If the Ordinance is not clear Mr. Hoerst stated that maybe we should change the wording in the Ordinance.

QTPB: May 10<sup>th</sup>, 2011

## Minutes

Marjorie Sperry offered that most of the land in this area has been grandfathered due to the passing of land from generation to generation. The Board will recommend changing the Ordinance so that the Board has future control of what happens to the property.

Frank Hoerst, III, Esq. feels that his clients have fixed everything and complied with all the requests that were asked for or required.

The issue of lighting was brought up by Chairwoman, Margaret Maxwell-Mood. Chairwoman, Margaret Maxwell-Mood stated that this area has a lot of deer and wanted to make sure that the lights were not going to come on every time a deer walked past. Mr. Gehring stated that the lights are not motion sensor lights and they would not be on unless needed to work.

Discussion was held regarding the procedure for starting the project and how it will be handled. It is a short project and can be put together rather quickly. There will be a little vibration of the hammer driving in the posts then the racks go in then the panels are put together.

Christopher Carey provided the information on the landscaping. There will be a general sloping with the berming. Revisions have been made to Mary Kate DePriest's side to appease her. The landscaping will be maintained in a manner that keeps it looking nice. They generally mow 3 times a year but if the Ordinance requires more often they will adhere to that.

The fencing has been placed closer and panels were moved further from the property line and they have added additional trees and shrubs, the set back is over 150' now.

They will plant in early spring, they try to get the trees and shrubs at their best time for planting.

Chairwoman, Margaret Maxwell-Mood has requested that the Fire Chief sign off on the project entryway and road access for emergency response vehicles.

The fence is going to be a 7' chain length fence with a 1' top of barbed wire which will reach a total of 8'. They use 10' to 12' trees, using a mixture of plants and sizes. Chairwoman, Margaret Maxwell Mood has requested that the fence be more appealing than the standard silver chain length fence – maybe black vinyl.

There were no more questions from the Board members.

QTPB: May 10<sup>th</sup>, 2011  
Minutes

Frank Hoerst, III, Esq. gave a short speech on what they have done so far with their project and the revisions they made to enhance the visual aspect of the layout. They have revised it so that now there is 100' more additional space that is landscaped on the side of Mary Kate DePriest, which is 100' of space that they cannot put panels now.

The tax situation was discussed. The firm of Archer & Griener have been hired to assist in the evaluation of tax structure for the property.

Solicitor, Gary Salber discussed having the applicants post performance and maintenance bonds.

Larry DiVietro, P.E. gave an overall view of his findings and recommendations on the project.

At 8:35 pm the meeting was opened to the public.

Chris (Mary Kate DePriest's brother) of 770 Alison Court, Moorestown, NJ was sworn in by Gary Salber, Esq. It was determined that Chris would not be able to speak on his sister's behalf as he is not a licensed attorney.

Mary Kate DePriest was sworn in by Gary Salber, Esq.

Mary Kate explained that she is not against the solar project but that there was a lot of things going on in her life right now and that she would really like to have some more time to check out the project and how it is going to affect her life. Mary Kate said that she is beyond appreciative of what they have done so far, she doesn't want a vote to take place tonight. She believes the project will devalue her home, she needs more time, she runs a daylily farm and also pays a business license. There are deer that migrate on the property where the solar farm is going to be located. She wanted to know the stop and start times, if the project goes on past the time frame, will there be repercussions? She would like to know how long the project will be. Who are the people that are going to actually do the project? Just natural concerns.

The public portion of the meeting was closed at 8:54 pm.

Lawrence DiVietro, PE stated that the issue here is on the minor subdivision and the lot frontage. Measuring along the street Applicant does have 300' frontage. The footage is there it is just not continuous.

QTPB: May 10<sup>th</sup>, 2011

Minutes

The Minor Subdivision is non-conforming today and they are asking for a waiver from the minimum driveway of 15' for one way, subject to approval by the Fire Chief.

The Board is asking for a black vinyl fence to make it more appealing to the residents.

Mr. Hoerst stated that the timing is critical as the fence goes up first, then the plantings and it is time now to plant.

A motion to grant the hardship variance of the lack of 300' continuous frontage was called for by Chairwoman, Margaret Maxwell-Mood.

Joanne Nacucchio made a motion and it was seconded by Edward Counsellor. All were in favor. Motion carried.

OLD BUSINESS:

Addition of Churches to the Ordinance – It has been requested to add Churches to the Ordinance so that variances are not needed. The Board is recommending that the Solicitor formulate and submit to the Committee for consideration.

The meeting was opened to the public.

Jason Brandt was sworn in along with his attorney, Amanda Nobel, Esq.

Mr. Brandt wanted to discuss existing non-conforming lots, which is what he owns and wanted to build on. He questioned the denial by the Zoning Officer under Section 170-53A.

The Board determined that Mr. Brandt would have to come before the Planning Board for approval.

Mr. Brandt said that he had previously come before the Board in the early part of 2010 and that Resolution 10-4 was approved determining a bulk variance was not required due to the grandfather clause for his property located at 133 Cool Run Road.

The matter would be looked into and discussed at the next meeting.

The public portion was closed.

It was brought up by Chairwoman, Margaret Maxwell-Mood that the Secretary has requested to stop providing copies of the latest approved minutes at the meetings.

QTPB: May 10<sup>th</sup>, 2011


Minutes

These documents are posted on the website now and available for anyone to look at or print. The Board members were in agreement.

Chairwoman, Margaret Maxwell-Mood requested a motion to adjourn the meeting. Christopher Donelson made a motion, Marjorie Sperry seconded the motion. All were in favor. Motion carried.

Meeting adjourned at 9:25 p.m.

Respectfully submitted by:

A handwritten signature in cursive script that reads "Bonita K. Bell". The signature is written in black ink and is positioned above a horizontal line.

Bonita K. Bell

Approved: June 14<sup>th</sup>, 2011