

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
MARCH 22, 2019

Chairman Lodato called the meeting to order at 7:30 P.M.

Mr. Collins read the following statement: "This is a regular meeting of the Tinton Falls Planning Board and is being held in compliance with the New Jersey Open Public Meetings Act. Adequate notice of this meeting has been given by posting on the Bulletin Board of the Municipal Building and by advertising in the Asbury Park Press and The Coaster."

ROLL CALL:

Present: Chairman Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Clayton, Mr. Natter, Mr. Markoff, Ms. Brown, Mr. Wallace

Absent: Mr. Collins

Others: Dennis Collins, Esq., *Board Attorney*
Deanna Keefer, *Board Secretary*
Tom Neff, *Board Engineer*

All present stood for a Salute to the Flag.

PLANNING BOARD BUSINESS-

CITIZENS SERVICE ACT COMPLIANCE- Chairman Lodato indicated that Mr. Collins is absent tonight, and gave advanced notice of said absence to the Board Secretary. No objection to his absence is made.

PROFESSIONAL REPORTS – None

APPROVAL OF MINUTES- Chairman Lodato indicated that the board had received the minutes of the March 13th meeting, and asked for a motion to approve the minutes as submitted.

Mr. Clayton offered a motion to approve the minutes of the March 13th meeting; seconded by Mr. Natter.

Roll Call:

AYES: Mr. Clayton, Mr. Natter, Councilman Baldwin, Mr. Romanov, Mr. Crowley, Mr. Markoff, Mr. Wallace

NAYS: None

ABSENT: Mr. Collins

INELIGIBLE: Chairman Lodato, Ms. Brown

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RESOLUTIONS- None

Chairman Lodato stated for the record that PB 2019-04 W&M Associates, will not be heard tonight. This matter will be heard at the next Planning Board meeting on June 12th.

NEW BUSINESS-

Capital Review- PB 2019-03 Tinton Falls Board of Education, Solar Project

Attorney Collins recognized Mr. Regan, counsel for the Board of Education. Attorney Collins gave the board an overview of a Capital Review and the Planning Board's role in same.

Attorney Collins swore in the following professionals present on behalf of the Board of Education:

Ryan Scerbo- Attorney with the DeCotiis law firm

Douglas Grysko, PE- Dynamic Engineering

Vanessa Sykes- Project Manager, Van Guard Energy partners

Vincent Daniels- Tinton Falls School District, Business Administrator

Scott Mihalick, AA- SSP Architects

The following exhibits were entered:

A1- Swimming River School Site Plan, prepared by Douglas Grysko, dated March 11, 2019

A2- Mahala F. Atchison School Site Plan, prepared by Douglas Grysko, dated March 11, 2019

A3- Swimming River School panel overlay plan, prepared by Van Guard Energy, dated June 13, 2018, last revised December 7, 2018

A4- Mahala F. Atchison School panel overlay plan, prepared by Van Guard Energy, dated June 19, 2018, last revised December 11, 2018

A5- Tinton Falls Middle School panel overlay plan, prepared by Van Guard Energy, dated June 13, 2018, last revised December 10, 2018

Mr. Scerbo gave a brief description of the solar project being constructed on Board of Education property, under a structure known as a Power Purchase Agreement. Said agreement allows a developer to come onto Board of Education property to construct a renewable energy project. All of the power from the project will be consumed by the schools, and the price that the schools will pay for the power is significantly less than what the school would pay for utility energy. The school will still be connected to the electric utility grid, and will share power as needed.

Mr. Grysko referred to exhibit A1 to describe the plan for Swimming River School, which includes both ground mounted and roof mounted units. He noted that there will be approximately 558

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ground mounted panels, ranging in a height of 3 feet to 7 feet, and angled toward the sunlight. Seven trees will be removed to accommodate these panels. Mr. Grysko referred to exhibit A3 to demonstrate the location of the additional roof mounted units. He stated that there will be an additional 642 panels mounted on top of the various buildings.

Mr. Grysko discussed, referring to exhibit A3, the Board Engineer's comment regarding landscaping around the fenced in ground mounted panels. He noted that the area currently has a good amount of vegetation. He also discussed maintenance of the area.

Chairman Lodato asked what said area is currently being utilized for. Mr. Daniels indicated that there are athletic fields in the area, however the portion of the property that will be housing the solar panels is not being used. Chairman Lodato questioned if that area is currently being used for overflow parking during meetings and events. Mr. Daniels advised that the school is currently undergoing construction, which includes additional parking. He further confirmed that the project would not interfere with the children having adequate play area.

Mr. Neff asked if the adjacent properties to the North have solid fencing that could act as a buffer. Mr. Grysko confirmed that there was fencing, mostly wooden, along said properties.

Mr. Clayton questioned the proximity to a neighboring roadway. Mr. Grysko answered that the road is only an access road, and as the area will be fenced in, he has no safety concerns.

Ms. Brown asked what type of mechanism is in place, to address any damage to the panels. Mr. Scerbo replied that under the purchase agreement, the solar developer is responsible for fully insuring, maintaining, and operating the system for fifteen years. Ms. Brown asked if any provisions are made for screening the maintenance personnel that will have access to the school grounds. Attorney Collins clarified that those outside contractors are not subject to the state background check requirements as they are independent contractors present on an intermittent basis.

Mr. Grysko referred to exhibit A2, to describe the proposed project at Mahala F. Atchison School. He indicated that this project involves 174 elevated solar panels that will be placed above a side walk adjacent to a playground area. The remainder 812 panels will be roof mounted. He stated that there are two lights that will be relocated under the solar panels.

Mr. Natter asked for clarification regarding the 14 feet minimum clearance for pedestrian access, Ms. Sykes clarified same.

Mr. Grysko referred to exhibit A5 to describe the work being proposed at Tinton Falls Middle School, noting that there will be 744 panels in total. Mr. Grysko stated that the height of the roof mounted panels will be ten inches.

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Mr. Natter asked about the age of the roofs at each of the schools. Mr. Mihalick stated that the ages of the roofs do vary, however in 2010 the schools took over a referendum that focused on replacing a good portion of the schools' roofs. He indicated that the oldest roof that they are proposing to put solar on would have been replaced in 2011-2012.

Ms. Brown asked how the solar panels will affect the structural integrity of the roofs. Ms. Sykes replied that a full structural analysis was completed on all of the roofs, to determine the pounds per square foot that can be added to the roofs. Ms. Brown asked if the panels degrade the performance of the roof, or void any existing warranties. Ms. Sykes assured that they comply with any guidelines that the roofing companies may require as to maintain any warranties. She further stated that the solar panels do not degrade the performance of the roof, and that it actually helps the performance as the panels are covering and protecting the roof.

Councilman Baldwin asked about the energy output of the panels, the applicant replied that it is about one megawatt of total power.

Mr. Clayton asked if any of these schools individually are producing enough power to be considered a power company. The applicant replied that they would not, as long as they remain net-metered, and do not produce more than 100% of the usage.

Chairman Lodato stated that he would like to request more adequate landscaping around the ground mounted panels at Swimming River School.

Councilman Baldwin offered a motion to acknowledge that the Tinton Falls Board of Education appeared before the Planning Board for a Capital Review; the motion was seconded by Mr. Clayton.

Roll Call:

AYES: Councilman Baldwin, Mr. Clayton, Chairman Lodato, Mr. Crowley, Mr. Romanov, Mr. Natter, Mr. Markoff, Ms. Brown, Mr. Wallace

NAYS: None

ABSENT: Mr. Collins

INELIGIBLE: None

PB 2019-02- James Lawson, 1407 Shafto Road, Block 117 Lot 10, Minor Subdivision:

Attorney Collins acknowledged that Mr. Troppoli is the counsel present on behalf of the applicant.

Attorney Collins stated that this is a fully conforming subdivision, thus it does not require notice. The applicant, however, did provide proper and legal notice and the Board has jurisdiction to hear this matter.

The following exhibit is entered:

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A1- Minor Subdivision Plat & Land Survey, prepared by John W. Lord, PE, PLS of KTP Consulting LLC, dated March 8, 2019, revised on May 6, 2019 consisting of 1 sheet.

Mr. Troppoli stated that exhibit A1 had been revised from the original submission, and addresses all of the comments in Mr. Neff's review letter.

Mr. Troppoli described the application, which is proposing to subdivide Block 117 Lot 10 into two lots. Proposed lot 10.01 has a proposed area of 31,816.26 square feet, and proposed lot 10.02 has a proposed area of 30,764.62 square feet.

The following witnesses are sworn in by Attorney Collins:

James Lawson- Applicant

John Lord, PE, PLS- KTP Consulting, LLC

Attorney Collins also swore in Tom Neff, Board Engineer.

Mr. Lawson described the current conditions of the property, he stated that all of the existing improvements on lot 10 would be kept on one lot, and he is not proposing any changes to the current structure. He further stated that he would propose to develop a single family home on the second lot, that would conform to all the zoning standards.

Mr. Neff asked Mr. Lawson if he plans to build the home or sell the lot. Mr. Lawson replied that he intends to build the home.

Mr. Troppoli referenced Mr. Neff's review letter, and Mr. Lawson agreed to comply with all comments.

Mr. Natter asked if any one currently resides in the existing home. Mr. Lawson replied that there is currently a resident in the home, however she is relocating in the next few weeks, at which time Mr. Lawson intends to renovate the home.

Mr. Lodato asked that Mr. Neff describe the zoning of the property. Mr. Neff stated that the property is in a R-2 zone, which has a minimum lot area of 30,000 square feet, and the use is permitted as R-2 is a residential zone.

Mr. Clayton asked if the Board has any right to suggest driveway placement. Mr. Neff replied that there are existing driveway setback requirements.

Mr. Neff and Mr. Lawson discussed sewer service to the lot, they agreed to further discuss and come to an agreement at a later time.

Mr. Lord is accepted as a witness by the Board.

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Mr. Lord confirmed that the comments in Mr. Neff's review letter have been addressed in the revised and submitted plan.

Mr. Lord discussed comment #6 on page #2 of Mr. Neff's review letter, which addressed the alignment of the proposed lot line.

Chairman Lodato opened the public hearing.

Steven Buckley, from Hope Presbyterian Church is sworn in by Attorney Collins. Mr. Buckley indicated that the church is in favor of this subdivision. Discussion ensued regarding the ownership of the manhole and piping that goes out to Hope Road. Mr. Neff indicated that he would look into the issue further, as it is not common to see Borough owned manholes and pipes through someone's private property.

Councilman Baldwin offered a motion to close the public hearing, the motion was seconded by Mr. Clayton. All present voted in favor.

Attorney Collins reiterated that the applicant has testified that they will comply with all comments made in Mr. Neff's review letter.

Councilman Baldwin offered a motion to grant Minor Subdivision approval to James Lawson; the motion was seconded by Mr. Clayton.

Roll Call:

AYES: Councilman Baldwin, Mr. Clayton, Chairman Lodato, Mr. Crowley, Mr. Romanov, Mr. Natter, Mr. Markoff, Ms. Brown, Mr. Wallace

NAYS: None

ABSENT: Mr. Collins

INELIGIBLE: None

EXECUTIVE SESSION- None

OPEN PUBLIC DISCUSSION- No public present

ADJOURNMENT:

Mr. Clayton offered a motion to adjourn at 8:28 PM, seconded by Mr. Crowley. All present voted in favor.

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Respectfully submitted,



Deanna Keefer
Board Secretary

APPROVED AT A MEETING HELD ON: June 12, 2019