

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**July 16, 2012**

The meeting was called to order at 7:30 PM by the Chairman, Mr. John Cholminski, who then led the assembly in the flag salute.

Mr. Cholminski read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mr. Lermond, Mr. Oleksy, Mr. Suckey,  
Mayor Crowley, Mr. Zydon, Mr. Cholminski

ABSENT: Mr. Christiano, Mr. Kulsar, Mr. Foulds,

ALSO PRESENT: Mr. David Brady, Esq.  
Mr. Thomas G. Knutelsky, P.E.  
Mr. James Kilduff, Director

**APPROVAL OF MINUTES:**

There are no minutes to approve

**APPROVAL OF RESOLUTIONS:**

There are no resolutions to approve

**APPLICATIONS FOR COMPLETENESS:**

There are no applications for completeness

**ADJOURNED CASES:**

There are no adjourned cases

**APPLICATIONS TO BE HEARD:**

**PB-07-12-1 Franklin Elementary School, Informal Review, Solar Project,  
Block 1010 Lot 1 and Block 1401 Lot 3**

Mr. Brady explained the informal review process. He said governmental agencies zoning proposals are treated separately and differently. They are subject to a Courtesy Review comparing the applicant's proposal to Zoning Ordinances and the Master Plan. Should a negative impact be determined by the proposal, the Board adopts a resolution stating its findings and if the Board has a mitigation suggestion. Case Law says in these instances, the applicant takes the findings into consideration. Franklin School falls under this proposal. The resolution is forwarded to the Department of Education who then reviews our commentary.

Frank Dupignac, Esq. representing Power Partners Mas Tec LLC explained the application. He said Sussex County adopted a renewable energy program and entered into service agreement with Morris County Improvement Authority (MCIA) for its implementation. With Sussex County's consent, they (MCIA) selected Sunlight General Capital & Power Partners to design, construct, install, operate & maintain solar projects for participating communities. The Board received the submitted Solar

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Proposal Evaluation Report of the MCIA as part of their application. In agreement with MCIA, Power Partners is responsible for design, construction and installation of the solar systems. Sunlight General is responsible for operation and maintenance. Franklin School purchases electricity at a fixed rate resulting in substantial savings.

Mr. Dupignac stated he's here under NJ statute 40:55D-31 to present for the Board's review and recommendations relating to the Master Plan, the proposed design and installation of the solar facility at Franklin Elementary School. This project will provide 228 Kilowatts or approximately 33% of the school's annual electric requirement to supplement their electricity needs.

Joseph Hanrahan was sworn in and provided his credentials at this time. He is familiar with the application under courtesy review and prepared the submitted plans.

Mr. Hanrahan described the two site lots at Franklin Elementary School to the Board, located north and south of Washington Avenue. He said this project proposes two different solar system types: 1) A car port canopy system located above southerly parking lot on the south lot and; 2) A roof top solar system located in the school rear on top of the roof deck.

Mr. Hanrahan described the systems construction, measurement, protection, placement and the systems' function and conversion. He said this project portion does not propose any parking changes, any gain or loss of parking stalls, nor change to the circulation patterns.

Mr. Dupignac asked Mr. Hanrahan to describe how the solar panels are affixed to the roof of the carport and school building. He explained the systems' mounting and installation. Mr. Hanrahan described the three light poles issues and said they will be to code.

Mr. Hanrahan said with regard to icing of the carport system, the carports are at a 10° slope and are designed with a 2" gap between each panel. Each is about 3.3' x 6' wide, preventing icing or dripping onto the pavement below. Mr. Hanrahan explained the system's method of melting and said the carport system is designed with a 6" ice guard at the low end in response to Board questions. Mr. Hanrahan explained the system's function mechanisms regarding rain, snow and ice accumulation. He said the system has been designed with all the snow and wind loads according to all required design codes.

Mr. Suckey asked about snow removal maintenance with the assumption of proper snow removal, there wouldn't be a loss of parking spaces. Mr. Hanrahan said it would be plowed as usual with the addition of the columns and, presuming the spaces are plowed, there will be no loss of those spaces.

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Mr. Cholminski asked about the columns' protection against impact and the ballast size around them. He also questioned the non-loss of possibly 12 parking spaces.

Mr. Hanrahan said there were two available options for the Board of Education to consider and presented them. He then provided information regarding their design and safety factors.

Mr. Cholminski said although this is a courtesy hearing, he could not judge what is being done in the parking lot without a visual and posed questions regarding the possible extensions. Mr. Hanrahan explained they will be placed perpendicular to the cars along the common line, not parallel.

At this time, the structures, their size, placement and parking stall issues were discussed.

Mr. Suckey asked if a previously built project picture is available for reference. Mr. Hanrahan said the photos are of a similar system project by Pro Tec Park, the supplier.

Mr. Cholminski expressed his thought and questioned their placement regarding the other parking lot and the canopy's position being detrimental to the public and their concern of the natural environment.

Mr. Cholminski expressed his preference of the canopy's placement being closer to Route 23. Mr. Hanrahan said for maximum energy use, the system has to be tilted to the south.

There was a discussion regarding the ballast system, natural obstruction and possibly eliminating parking lot placement and its potential assignment onto the school roof. Mr. Hanrahan said the rooftop system is the easiest system for optimum solar energy, but it being an old roof, it can't structurally hold the system.

Further discussion was had regarding the systems' configuration, placement, its aesthetics and cost.

The Board inquired of a buffering plan and expressed their concern regarding the field view with the structures, the neighbors, the field activity, the dissimilarity and recreation.

Mr. Hanrahan said although there is no buffering plan, they could propose evergreens or boxwood shrubs to break up the view. He's not opposed to adding buffering along the parking lot edges.

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Mayor Crowley asked why the structure couldn't be moved further into the field to be lower to the ground. Mr. Hanrahan said to his understanding, the field is for community recreation and would take away from the field's recreation aspect.

Mr. Knutelsky spoke of the pole-mounted system and if the field's utilization was an option close to the parking lot, the structures would be lower about 6' to 8' high and also spoke of the buffering along the roadway. Mr. Hanrahan said it would be about a 9' high maximum and would be a steel-mounted structure, and described its assembly. He also agreed with the buffering.

A Board member said for the same amount of investment you could get more electrical power because you could put more panels up. It was responded, we were directed by the BOE that that's not available.

Mr. Dupignac said as indicated in his opening remarks, power Partners does the design, construction and installation; Sunlight does the operation and maintenance.

Mr. Goodbody was sworn in at this time.

Mr. Goodbody said this project was put out by the Sussex County Program as an RFP. Franklin Elementary School was one of the selection sites which had clearly defined areas of use. He said from a solar perspective, the field would be better, lower cost, more productive and probably a bigger system but are constrained by RFP terms. Mr. Goodbody also said it is an abandoned septic leach field with environmental considerations.

Mr. Cholminski asked if he was a licensed engineer to make this statement. Mr. Goodbody said no, it's based on a conversation he had with the school. He's aware of the field's usage which would constrain them.

Mr. Cholminski asked if it's common to do field change orders on RFP's because you hit, see or do something differently in everyday construction.

Mr. Goodbody said yes. He said from a solar perspective, they want the panels facing as close to south for maximum energy yield. This is a county funded project.

Mr. Cholminski commented the Board is not debating the system's designation, they as planners discuss site, setbacks and location. He said the plan does not look good, it was an economical and cost measure based decision.

Mr. Goodbody spoke of the cost and the system he wants to build but is restricted by the program's constraints. Mr. Cholminski advised Mr. Goodbody to return to Sussex County and offer his recommendation preference for a ground mounting system is better for this site especially since it's on record. The decision is up to the voters.

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Mr. Goodbody said it's our property and can only talk of the solar panels and the program having the facts.

Mr. Lermond said you went out there and said ground-mounted is on the top of the list and car port is on the bottom of the list, is the roof mount as the only other choice directly in the middle?

Mr. Goodbody said it depended on the roofs age, other equipment on the roof, its usability and shading. He discussed the types of solar mounting on the roof, obstructions mounted on roofs and its usability.

Mr. Lermond inquired of the Dunnage System to which Mr. Goodbody explained its involvement and its expense.

Mr. Zydon asked how it is going to be inherently beneficial to the town.

Mr. Goodbody said they are not the owner of the system, the county is. They are on the development and operation realm. As a private company, they receive tax cuts where a governmental entity cannot. As a private company, they place Franklin School under the county program. They can cluster the tax credits thereby providing low cost electricity under a 15 year contract allowed by federal law. He provided the guarantee and the savings benefits of \$171,000.00 during that 15 year span.

Mr. Cholminski said it's a \$10,000.00 savings over 15 years, Sunlight gets funding and we receive a subsidy tax on our electric bill.

Mr. Goodbody said the program is a Sussex County Program

Mr. Dupignac said the school savings is only one part of the county program which is also shared by 11 other facilities within Sussex County. Mr. Cholminski expressed his concern for the taxpayers.

Mr. Hanrahan was asked regarding the monitoring of the equipment after it's been constructed. He explained inverter's remote monitoring which tells of its operation, ranges, safety and maintenance if required.

Mr. Zydon asked if there's a proposal in the Sussex County plan regarding sale of the electric back to the grid. Mr. Hanrahan said no, they're a net metered system where only the school reaps the benefit of the project. Should the school use less energy than the panels are providing, the meter spins backwards and the school receives credit.

Mr. Hanrahan was asked if without actually selling the power, do they get credit. Mr. Hanrahan said they get that at the same rate .

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Mr. Lermond asked questions pertaining to remote monitoring and the possibility of being inefficient & subsequent repairs being necessary and potential situations occurring and their inclusion. Mr. Hanrahan provided any malfunction is reviewed and repaired including the situations asked.

Mr. Cholminski inquired about the inverters and the noise they create. Mr. Hanrahan said less than 60 decibels at the property line meeting DEP standards.

Mr. Lermond asked what 60 decibels are. Mr. Hanrahan said its equivalent to an air conditioning unit. Mr. Cholminski asked if they run 4 x 7 or only when the sun is on it. Mr. Hanrahan said only during the day and no noise is generated at night.

Mr. Knutelsky asked if there's a vegetative buffering proposed around the chain link fence that would phantom the sound. Mr. Hanrahan said they could put evergreens around the chain link fence.

Mr. Cholminski commented there are a lot of "we could's", and normally the conditions would be in the resolution; however, this is not a normal application. Mr. Brady said they can only make recommendations if not included in what's been proposed.

At this time, the buffering recommendation procedure was discussed.

A discussion was had regarding the Borough's standards for decibels.

Mayor Crowley inquired of the 15 year contract's life expectancy. Mr. Hanrahan said the project is a 15 year contract and the panels have a 25 year warranty. The Board asked about other components coverage to which Mr. Hanrahan said the whole system.

Joe Santaiti from Gable Associates was sworn in at this time. He said there are three end-of-term options and provided them. He also explained Sunlight General's maintenance responsibility.

Mr. Cholminski inquired about their bonding status. Mr. Hanrahan stated certain securities are in place.

Mr. Lermond inquired about potential additional weather conditions and the school's meter usage. Mr. Santaiti said he had discussed the maintenance with the school and recommendations were provided.

A small discussion was had regarding program selection, notification and its implementation.

Mr. Knutelsky inquired of the panels' function and its future utilization capacity. Mr. Santaiti said it's a common question regarding obsolete technology.

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Mr. Cholminski questioned Mr. Santaiti's testimony being from a technological or marketing stand point for the record. Mr. Santaiti provided his opinion from a marketing perspective. He also said advanced technology surface within the 15 year span and if Sunlight General could accommodate replacement or substitution while making existing bond payments, they would do so.

Mr. Cholminski summarized the meeting to this point. He said the Board would like to see cosmetic landscaping along with buffering around the inverter units in the fenced in area for decibel reduction for adjoining property owners, and the panel's placement in the lower parking lot.

Mr. Knutelsky inquired of the parking lot and system wide underground wiring in the proposed plans. There was a discussion regarding the wiring system's installation, safety, signage and their placement.

Mr. Suckey addressed his concern over the roof's design regarding panel spacing, safe roof crossing and emergency response. He would like to see a 36" pathway minimum to accommodate roof travel safety and accessibility

Mr. Cholminski said that's a valid and reasonable request.

Mr. Zydon asked if this is incorporated as part of the design for the structure. Mr. Hanrahan said it's not solely his decision, it will reduce the size of the system and another decision will need to be made. A Board member provided other placement suggestions.

A discussion was had regarding the design and shadowing. Mr. Hanrahan said a lot goes into the design. Shadowing was further discussed.

Mr. Suckey questioned for the dead load of putting the panels on the roof. Mr. Hanrahan said although he didn't have that information, it's designed according to code.

Mr. Suckey requested to have the information and addressed environmental issues and possible people dead load weight atop the roof. He said the Fire Department needs this information for their evaluation in an emergency. Mr. Hanrahan said they can provide that information; it's designed in accordance with all applicable codes.

A discussion was had regarding the roof deck, its visibility and elevation. Mr. Hanrahan said it's 13" off the roof deck and the school is higher than the surrounding residences. He directed them to a drawing which was then discussed.

Mr. Suckey referred to page 1 and requested the Township be taken out. He asked about the inverters placement. Mr. Harahan said they're in the court yard adjacent to

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the electrical room and referenced sheet 3 and 4. He said placement is by the smoke stack.

Mr. Suckey asked if bollards are planned as eventual parking for school programs arise. Mr. Hanrahan said it does not show but will put bollards around the inverters.

Mr. Knutelsky inquired of first responder emergency action plan for the site and his concern for live energy flow. Mr. Hanrahan said Sunlight General will train the local fire department for emergency response and return as needed.

Mr. Knutelsky asked if a definitive plan is in place for training with appropriate contacts filed with the school. Mr. Hanrahan agreed. Mr. Cholminski requested that both, the school and fire department have this plan.

Mr. Suckey asked if an "As Built" plan could be given to the Fire Department indicating all switches and cut-offs. He recommended it be included. Mr. Hanrahan said it will be part of the safety plan.

Mr. Knutelsky asked who reviews structural aspect. Mr. Hanrahan said he's unsure, he was told it's the local Building Department.

Mr. Lermond asked if their plans are adequate for that. He said normally our plans would be what the Building Department gives.

Mr. Knutelsky said the Building Department is even more detailed from a structural nature. It was further discussed.

Mr. Lermond made a motion to open to the public. Seconded by Mr. Suckey. All were in favor.

As the Planning testimony was not finished, Mr. Cholminski stated to revoke the motion.

James Kyle was sworn in at this time and provided his credentials.

Mr. Kyle was asked of his familiarity with the plans testified to and of the Borough's Master Plan. He said he is and has thoroughly reviewed the 2003 Master Plan and the 2009 Re-examination Plan.

Mr. Kyle's was asked for his opinion for application compliancy with the Borough's Master Plan. He read the important parts of the governing laws in 40:55D-31 Review of Capital Projects for this proceeding and its pertinence to the Board. Sussex County has bonded for the project; it's a county sponsored and funded project.



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He said they're looking for recommendations consistent with the Master Plan and the Board's recommendations to reduce the impact. He said it's a non-binding referral and most of what has been recommended can be considered with the exception of relocating the lower parking lot.

Mr. Kyle talked about the Master Plan's 2003 adoption's goals and the re-examination report reaffirmed this with additional future considerations.

He said one related to smart growth and green buildings. Mr. Kyle discussed renewable energy's growing trend, the school project, and savings. He also spoke of similar roof top and carport installations. He said this is the first wave of these type projects, the renewable energy's trend, and the subsequent savings.

Mr. Kyle said there are no specific policies in either the 2003 and 2009 Master Plan that would specifically impact or detriment from their proposal. They can accommodate some the Board's recommendations with the system. He said all Master Plans and all powers to zone in NJ are based on purposes of zoning contained in municipal land use law. He thinks many of those purposes generally speaking, are promoted; that's important for the Board to take note of.

He said first and foremost, purpose A: promote public health safety morals and welfare of the citizens of the State of NJ. The Legislature in 2009 deemed renewable energy facilities as inherently beneficial uses (promotes public welfare). Mr. Kyle said you have to get down to purpose N; promote renewable energy. He spoke of impact vs. long term benefits and provided a project example and in turn, the benefits reaped for the county and the community. He believes there is no substantial impact. He acknowledged the resident's concerns and reviewed carport features, placement, and buffering.

Mr. Cholminski asked about the college's savings and cost on their investment and the taxpayer's cost. Mr. Kyle said it's a reduction in an operating budget. Mr. Cholminski wanted a fair evaluation of a savings vs. cost to the taxpayer. He addressed this further and said it's leading people to leave the State. Costs vs. savings were further discussed.

Mr. Lermond wanted to re-address the impact of other proposals considered: A ground installation instead of the carport and a carport installation if feasible, in the lower parking lot. He asked how these alternatives compare to this carport in the parking lot.

Mr. Kyle said they presented information indicating the choice was the best option. A brief discussion was had regarding the field use issue regarding the system.

Mr. Kyle referred to a 2010 aerial photo which was marked A-2; July 16, 2010.

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Mr. Kyle explained Exhibit A-2. He also referred to Mr. Hanrahan's aerial photograph on Site Plan 02. He provided his opinion of tree removal in this site and other areas for panel installation and its efficiency.

Mr. Lermond said the RFP dictated where to look and asked how much looking was done about tree removal in other areas.

Mr. Kyle said he worked on a number of projects throughout the county. He said the issues, from a planning perspective, was to look at viability based on a number of factors.

Mr. Lermond said your testimony is it's detrimental because of tree removal and not beneficial to the community. Mr. Kyle added the loss of potential community recreation facilities use.

At this point, tree factors, their removal, facilities use, parking lot, system orientation and expense were discussed.

Mr. Lermond made a motion to Open to the Public **PB-07-12-1 Franklin Elementary School, Informal review, Solar Project Block 1010 Lot 1 and Block 1401 Lot 3**. Seconded by Mr. Oleksy. All were in favor.

Claire Stoll, 5 School Plaza came forward. She expressed her concern regarding the installation of the panels and the parking problems on her road. She further addressed her concern of a fire truck's maneuverability and emergency response's ability to reach her house in case of an emergency. She also questioned the house number issue. The parking and its accessibility were further discussed at this time.

Angela Peacock, 1 School Plaza stepped forward. She addressed her concerns of the parking lot's integrity with the pending structures and the necessary equipment and the sink-whole issue.

Mr. Hanrahan said a geotechnical investigation was performed. The structural calculations were based on that investigation were satisfactory.

Ms. Peacock spoke the structure's pending lower lot placement and provided its history. She said the parking lot on Washington Avenue was for the general public in hopes of expanding it into a field. She questioned the expansion accommodation with the installation of the structures.

Mr. Cholminski said the Board of Education controls the parking scenario and where their plans are to build a parking lot.

Mr. Hanrahan said the lot can be expanded. She also questioned how this would affect their property values to which Mr. Cholminski said he could not respond.

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Mr. Brady provided a brief statement. He thinks it's a legitimate case of negative impact. Mr. Kyle said he's not a Real Estate expert or appraiser and can't address it.

Ms. Peacock asked if Franklin Elementary has been placed on a Historic register and therefore follow historical guidelines.

Mr. Kilduff said recommendations were made by a survey as part of the Viaduct Bridge Replacement Project, for areas of Franklin which could be put into a historic area or national register. No decision or action was made.

Karen Toscano, 6 School Plaza asked if the Board read yesterday's paper regarding various other towns and the impact.

Richard Russinko, 42 Washington Avenue wanted to know if the roof will be re-roofed before placing the panels. Mr. Hanrahan said there are no upgrades to the roofs; they're newer roofs having a warrantee.

Mr. Cholminski asked if it's an issue should roof maintenance be required with the panels since they're ballast-based. What will be done if a new roof is needed within the next 15 years? Mr. Hanrahan said the roof will not have to be replaced within the next 15 years; it was part of the study.

Nick Giordano, 42 Mabie Street expressed his concern of the area becoming a hangout and asked about policing

Mr. Brady said it would be fair to ask the applicant if it's accessible 24 hours a day. Mr. Hanrahan said it's fully accessible 24 hours a day with no proposed fencing to limit access around the canopies.

Mr. Giordano asked why the array is not lined up to the south and gave his opinion of it being placed in the lower parking lot with less infringement. Mr. Hanrahan explained how they face southward.

Mr. Giordano questioned the steel structure and the use of salt. Mr. Knutelsky said his preference is to have protective concrete encasement around the steel. Mr. Hanrahan said their preference is to have raised concrete columns.

Karen Toscano, 6 School Plaza asked if the panels are leased or who pays for them. Mr. Brady said the county authority owns the solar panels. They will be leased to Sunlight for 15 years and are entitled to receive the electricity produced by the panels and then sells it at a fixed price back to the county authority. Then they assign its right to purchase the electricity at a fixed price back to the school.

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Angela Peacock, One School Plaza asked if the Franklin Board of Education leases the space.

Mr. Brady reiterated what he previously explained regarding fixed electric rate. She asked if Franklin Board of Education was the applicant. Mr. Brady explained the Board's function, as funds are being used are to review the proposal and make comments on its consistency with the Master Plan's goals and its impact.

Ms. Peacock referred to a letter saying the zoning changed and called it the Open Space Government Use zone. She asked if it's a newly created zone. Mr. Kilduff said the zoning has not changed; that was a proposed zone change. Ms. Peacock asked if she and everyone on School Plaza are in that zone. Mr. Kilduff said they are in a residential zone. Mr. Brady said the school was zoned residential.

Mr. Cholminski said it doesn't matter because it's still a government agency and it's a school.

Mr. Brady said it may matter in terms of the consistency of the proposal with the Master Plan and the ordinance goals are zoned residential not as governmental use. The impact of a solar proposal that includes canopies may be different when the property is residentially zoned than if it's zoned for governmental use in the buildings.

Diane Russunko, 42 Washington Avenue asked if they considered putting the panels on the roof only and what would the savings be. He answered saying the objective was to match the district. The savings are 2 or 3,000. Other questions by Ms. Russunko were referred back to the School Board by Chairman Cholminski.

Mr. Dupignac said the study provided had required kilowatt parameters and was designed accordingly. Mr. Hanrahan said the system was designed to maximize solar production for more school savings.

Mr. Giordano questioned where the insurance liability lies should a problem occur with the structures.

Mr. Santaiti said as part of the program documents, the developer is required to carry full insurance. Sunlight General insures that system.

Mr. Cholminski commented to move to statements from the public. Mr. Brady stated when making statements, you need to be placed under oath.

Claire Stoll, 6 School Plaza was sworn in. She addressed her concern of having to view the solar system from her front deck as well as the glare and the depreciation of her home and those around her. She also said she and Rich are not against solar

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energy- the system should not be in the front of the school and was worried about kid's safety.

Angela Peacock, One School Plaza was sworn in at this time. She said it's disheartening that a government body would entertain idea to expose residents and the community to a large structure. Greed comes to her mind. She stated she is a realtor with Caldwell Banker for 11 years.

Mr. Dupignac objected to the real estate testimony unless there's a licensed appraiser familiar with and studied solar projects as proposed. He believes that testimony may be inadmissible.

Mr. Brady said generally he would agree but when somebody owns a house next to the property and that person can testify as a homeowner, the negative impact that may be on that property.

Mr. Dupignac said he didn't object to Ms. Stoll's home value. He objects to Ms. Peacock, as a real estate agent, and that's my objection.

Mr. Brady said they're taking real estate fact out of it and keeping the negative impact as a homeowner.

Ms. Peacock said it's an observation from what she's seen and read whenever a satellite dish, powers or solar panel structures are put up, property value decreases. She said living across street from school, will be negatively impacted by this project and hopes further thought is given.

Diane Russunko was sworn in at this time. She discussed her visit to Hardyston Township to view their solar panels and the enclosed inverters and suggested her neighbors do the same. She said the high pitch sound is louder than an air conditioner. She addressed the negative impacts that this project brings and how it affects her environment. She also spoke of the cost/savings and perhaps thought should be given to what it will cost the neighborhood including potential future health risks.

Karen Toscano was sworn in at this time. She said in summary and speaking for most of the neighbors in the discussions they've had, no-one is opposed to roof panels as they can't be seen and don't care; she hopes school will profit. She thought the whole issue is having them in your front, back or side yard and health issues as mentioned by Mrs. Russunko.

Mr. Suckey made a motion to Close to the Public **PB-07-12-1 Franklin Elementary School, Informal Review, Solar Project Block 1010 Lot 1 and Block 1401 Lot 3.** Seconded by Mr. Lermond. All were in favor.

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Mr. Cholminski said basically we have a courtesy application. I've watched our attorney take copious notes and maybe review those notes and see if we have input in terms of the ballasts and all.

Mr. Brady explained, the purpose of the review is to look at the proposal for review and recommendation in conjunction with the Master Plan. First, what is the Board's finding and the consistency of this proposal; Second, the degree of the impact on health, safety welfare, zoning issues and what mitigating factors discussed would be placed or make part of any record.

Chairman Cholminski suggested a recap of where the Board is and then discuss it.

In his review, Mr. Brady spoke of the recommendation to have bollards next to the chain link fence around inverters at the school and in the parking lot, timing on the lights under the canopy and buffering along the chain link fence near the inverters. A discussion was had regarding the buffering need and its placement.

Mr. Brady said he may draft a resolution pursuant by 31 and put the consistent/inconsistent findings regarding the Board's recommendations and list them.

Mr. Brady said when he does a resolution, he would say the Board has reviewed this pursuant by Section 31 and finds its inconsistent, more consistent or inconsistent in the following regards and that the Board recommends in order to mitigate the inconsistencies or to protect the health, safety and welfare of the neighbors that the following items included in the plans and then we would list them. He said the normal practice is for him to draft that.

Mr. Kilduff said you should ask what the project lead time is as they will not meet for another month. Mr. Brady said a resolution of approval may take a month. Mr. Kilduff said they may not be waiting.

Mr. Cholminski asked if they can start without a recommendation/resolution from the Board. Mr. Brady said we're supposed to review it within 45 days

The project's construction time frame was asked. Mr. Hanrahan said the project is anticipated to start at the end of August, lasting about 30 days.

Mr. Brady read 40:55D-31 and said if more than 45 days lapse without receiving such recommendation, under 40:55D-31 they can move ahead without it. The trouble is they're going to have to go to the DOE and say for final approval on the final design and say here's your recommendation and if they're lining everything up to start in September, they won't have that in hand until August and then who knows if the DOE will have time to look at it.

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It was said they are going to pass this onto the Board of Education and the Department of Education before getting the resolution.

Mr. Brady said if the Board wants, he could summarize it from our perspective in a letter. Mr. Brady also spoke of the training provision and a written plan be provided to the first responders and also, that training be continual.

Mr. Cholminski requested the training in the plan be in place prior to the final installation. Mr. Suckey said it would have to be done upon completion. Mr. Cholminski said it sounds reasonable.

Mr. Brady continued with Mr. Suckey's recommendation regarding the panel layout on the roof be re-visited for emergency response's direct path accessibility from all four sides.

He also discussed Mr. Suckey's inquiry regarding the dead load on the roof. Mr. Brady said as built plans should be given to the fire department which was agreed to by Mr. Suckey. Mr. Brady also made mention of recommending elevated piers for the concrete columns.

Mr. Lermond mentioned the noise buffering around the inverters and bollards as well as buffering for aesthetics and vegetation.

Mr. Nelson said they would measure everything to the property line. According to our design standards they have to meet NJ administrative code standards. Adding vegetation around the chain link fence will dampen any sound coming from the inverter. The 60 DBA at the inverter will gradually decrease as it gets to the property line; evergreen screening would further dampen it.

Mr. Lermond said the path for the inverters are right up against the parking lot and have no evergreen screening. A brief discussion was had regarding noise. Mr. Lermond also questioned the height for the screening and the noise effect.

Mr. Cholminski noted having said that without a planner, all we can ask in the resolution is that the applicant and the School Board consider reasonably placed vegetation to deaden the noise.

Mr. Knutelsky said the condition or the recommendation is that our design standards for sound be met. We can ask them to further that by adding vegetation. The vegetation height was discussed.

Mr. Lermond said an agreement regarding aesthetic buffering should be made. The structure's color, reflection and screening as well as the structure's height and visibility were discussed.

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Mayor Crowley said the State has made this inherently beneficial. He doesn't know how it is inherently beneficial; it would be against the Master Plan.

Mr. Brady said something that is inherently beneficial can still be contrary to the Master Plan.

Mayor Crowley said positive criteria have been met. Mr. Brady said it has been automatically satisfied. Mayor Crowley said obviously negative criteria, but the positive criteria are there so I don't know how you can say it's against the Master Plan. Mr. Brady said well you can say it's contrary to the Master Plan Mayor in the sense of negative criteria.

Mr. Cholminski asked if there was any discussion on the negative criteria being against the Master Plan.

Mr. Lermond felt there is none on the roof. He said personally, not as a professional, think that's just negative in that parking lot.

Mr. Cholminski said it would negate the property owner's visual standards of life and what they enjoy because that would be hidden in the far parking lot. He felt there's merit to this being a residential zone and was unsure. He leaves it for our attorney.

Mr. Lermond said he can be satisfied about the noise, but doesn't think of what he saw, could be satisfied with the impact to the rest of the neighborhood from the carport standpoint. If we were taking a vote, I would be no on carport.

Mr. Brady said it's not so much we take a vote, it's whether we pass a resolution that finds it to be totally consistent or inconsistent or partially consistent with the Master Plan. It's what we find per the statute and perhaps, it supports some of the conditions we're recommending be in place.

Mr. Lermond said we can work with what we have. It's unfortunate we don't have a better view, it's unfortunate for everybody in the area that's affected and it's unfortunate we can't request that and there's no more time for them to supply that.

Mr. Cholminski said it's unfortunate that the plans aren't up to normal specs of what we see in review so that we can actually give an opinion.

Mr. Lermond agreed and said we could have done a completeness review; instead it's incomplete till you get all that.

A Board member said under the county's request for proposals they looked at 13 areas; 11 are schools and 7 of 13 are not in the midst of a residential area. They're separate altogether from residential areas. This is one of the 4 that are in the middle of a residential area that is providing a problem.



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Mr. Cholminski provided his summary.

Mr. Suckey said unfortunately for the public, they can't make a change until they make a recommendation. The ones that can change it are the Board of Education and the County's authority.

Mr. Brady said he will summarize it in a letter to the applicant's attorney and will draft a resolution for the Board's review.

A Board member suggested the Board be copied by email.

Mayor Crowley said the positive criterion is fulfilled by the state.

Mr. Brady requested a motion authorizing him to forward a summary letter to the attorneys and to prepare a resolution.

Mr. Lermond made a motion to authorize and forward a letter to the attorneys and prepare a resolution for application **PB-07-12-1 Franklin Elementary School, Informal Review, Solar Project, Block 1010 Lot 1 and Block 1401 Lot 3.** Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Crowley, Lermond, Oleksy, Suckey, Zydon, Cholminski

NAYS: None                      ABSTENTIONS:

**PAYMENT OF BILLS:**

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Escrow Report for July 16, 2012.** Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Lermond, Oleksy, Suckey, Zydon, Cholminski

NAYS: None                      ABSTENTIONS: Crowley

**OPEN PUBLIC SESSION:**

Mr. Oleksy made a motion to open to the public. Seconded by Mr. Lermond. All were in favor.

No one from the public stepped forward.

Mr. Lermond made a motion to close to the public. Seconded by Mr. Olesky. All were in favor.

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**OTHER BUSINESS:**

There was no other business.

**DISCUSSION:**

Mr. Suckey said since solar energy has been brought forward, we're behind the eight ball as far as having an ordinance to regulate this. He addressed the impact of residential areas in fire fighting.

A discussion was had regarding the potential and current effects of this growing trend

Mr. Kilduff said he presented an ordinance to the Board two years ago for small wind generating electrical sources to go roof mounted. He said the topic requires much discussion. Mr. Kilduff said he wanted to finish the five areas of redevelopment.

**Redevelopment**

Mr. Kilduff said there are two areas remaining for discussion. He said the Board came back with different ideas. They looked at parts of the area for rehabilitation instead of redevelopment. He said it's a change and doesn't think there's anything wrong with that. Mr. Kilduff addressed his concern of further discussion being needed as well as the administrator moving forward with simultaneous projects which hinder completeness.

Mr. Cholminski asked if there was priority from the town council's perspective which should be addressed first.

Mr. Kilduff commented the Council is now going to head and designate that area as an area in need of redevelopment. Next, to decide if the Council intends to immediately proceed with a redevelopment plan and expects the Planning Board will be involved; either in reviewing the plan, or be asked to write the plan.

Mr. Cholminski said in terms of priority they should finish area D next. Mr. Kilduff said more discussion needs to be had on that. He said area C and D left. The Board discussed the areas to address.

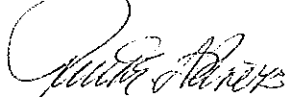
Mr. Cholminski said for the next meeting they should prepare to discuss Area D and determine redevelopment or rehabilitation. Hopefully finishing by October. Mr. Kilduff said when those projects are finished, if they're involved in a redevelopment plan, the focus would be on that.

**ADJOURNMENT:**

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There being no further business to come before the Board, the meeting was adjourned at 10:27 PM on a motion by Mr. Lermond. Seconded by Mr. Suckey. All were in favor.

Respectfully Submitted,



Ruth Nunez  
Secretary