

-ALLOWAY TOWNSHIP PLANNING BOARD

Township Municipal Building, Auditorium
49 South Greenwich Street
Alloway, New Jersey 08001

MINUTES FOR REGULAR MEETING – October 13, 2010

Meeting called to order at 7:01 P.M.

Statement of adequate notice of meeting was read and the flag salute performed.

Present: Karl W. Ott, Joe Fedora, Jack Cianfrani, Tracy Stites (Alternate No. 4), Walter Leslie, Craig Kane, Betsy Burden (Alternate No. 1), Ron Zarin (Alternate No. 3), Ed Masker, Allen English, George Reeves (Alternate No. 2), Cheryl Lowe

Absent: Alexis Coleman

Also present: Michael Albano, Solicitor, Charles Chelotti, Engineer

A Motion was made by Kane, seconded by Burden, to approve the minutes from the September 8, 2010 meeting. Unanimous voice vote. Members Masker, English, Lowe, and Reeves abstain due to absence.

Vice Chairman Ott opens the meeting to the public for comment on matters not on the agenda.

No public comment.

Resolutions: 2010-12 Fones, Kenneth (Block 64, Lot 1) – Denial of Use “d” Variance to convert a single family dwelling into a rental duplex.
Motion by Cianfrani, second by Kane. Unanimous approval vote; Masker, Fedora, Lowe and Stites abstain.

Business:

1. Delsea Energy (B 106, L 8) Applicant’s professionals, Jeffrey Daniels, attorney for Applicant, John J. Renz, VP, Business Development of Applicant, Richard J. Clemson, P.E., and Lance B. Landgraf, P.P., both of Marathon Engineering & Environmental Services, Inc., were sworn in and testified:

Mr. Renz gave an overview of Delsea Energy’s projects by presenting into evidence as A-1 “Wind Source of New Jersey” map. He discussed the viability of producing wind energy in the area and the purpose of a meteorological tower being critical to test the wind at 50-60 meters high. Samples are collected by the tower’s computer and emailed to the office. The unit is self-contained, delivered by pickup truck and a trailer, and thereafter assembled and anchored by guide wires. There is presently a tower in Pennsville in its redevelopment area, as well as a tower near Gandy’s Beach in Fortescue (Downe Township) which has been in service for approximately a year and a half. This tower will be temporary and in service for approximately two to three years. If a longer period of time is needed to collect data, a one-year extension would be sought from the Board. There is no noise, odor, etc. emitted from the tower/pole.

All data collected from the testing will be reviewed before deciding whether to come back before the Board to make an application.

A-2 depicted four photographs of different portions of the Pennsville sampling tower. A-3 depicted the erection and installation of a sampling tower.

Member Leslie questioned if the Pennsville site is zoned agricultural. Mr. Renz advised the Township owns the land and an independent farmer plants crops thereon.

Member Ott expressed concern over the height of the tower ($\pm 198'$) and agricultural sprayers and/or airplanes flying and/or landing in the area as there is a small private air strip in the area. The Board requested the Applicant to notify and/or make application to the FAA for the tower, as well as notifying agricultural spraying companies in the area, and police and fire emergency personnel in that helicopters may be called to the area in the event of an accident.

Mr. Renz advised he would comply with the Board's above requests.

Member Lowe questioned Applicant as to the effect wind towers/mills would have on property values in the area, as well as questioning the noise made by the windmills. It was discussed that there are standards in place for the noise level, but that same are not always adhered to.

Mr. Renz advised Delsea Energy currently has applications pending in Upper Pittsgrove, as well as in Friesburg (which is Phase 1 of the Friesburg Wind Park).

Completeness was reviewed by Mr. Clemson, Applicant's Engineer, who advised Applicant was seeking waivers from Items 8 and 13 noted in Mr. Chelotti's review letter. The request for a waiver from Item 20 was withdrawn as Applicant will place signature blocks on the plan for the Board Chairman and Secretary.

Member Masker questioned how long the Pennsville tower has been in operation. Mr. Renz advised since January 2010.

Member Reeves questioned how many towers could be placed in a designated area. Mr. Renz advised two to three per 100 acres and returned to discussing the wind map to show the location of the windier areas.

A motion was made by Cianfrani, seconded by Masker to deem the application complete. A Unanimous Roll Call vote was taken.

The Board discussed proceeding with the application on the same night as being deemed complete. A motion was made by Cianfrani and seconded by Kane, with a unanimous roll call vote being taken to hear the application, consisting of: (d)1 use variance, (d)6 height variance, and minor site plan with waivers. Members Masker and Fedora will abstain from voting as they are on the Township Committee.

Jeffrey Daniels, attorney for Applicant, advised that the request for the use variance is only temporary and any approvals cannot be carried forward. The use is already considered "inherently beneficial" by the Municipal Land Use Law (MLUL). Being located next to the power lines will have no negative impact, no traffic visits to the site as the data is transmitted via email, there is no glare, no safety issues to the area, etc.

Mr. Clemson reviewed the site plan, with Mr. Landgraf discussing the positive and negative criteria. Solar, wind, and biomass uses are considered inherently beneficial with smaller, cheaper windmills being used for on-shore projects. The State's Master Plan has a goal of reaching 200 megawatts of power from wind energy. He

advised Delsea Energy also has ongoing off-shore projects, as well as windmills in Bethlehem, Pennsylvania and Virginia.

A discussion was had by Applicant and the Board members as to visibility of the wires, it was suggested reflective balls could be placed on the wires.

Member Lowe questioned the visibility to four-wheelers and/or snowmobilers and Mr. Renz advised orange cups are placed on the lower wires.

Solicitor Albano discussed requiring a cash bond being posted to ensure the removal and clean-up of the temporary tower.

Member Fedora advised the Township receives various sums from the electric and telephone companies, as well as Comcast in revenues, and questioned whether a payment in lieu of taxes or other taxing method be placed on the tower(s). Mr. Renz discussed a plan in place on Ohio which taxes the towers at the rate of \$7,000 per megawatt per year which in the case of a 1.6 megawatt tower would average \$11,200 per machine.

Vice Chairman Ott asked if anyone from the public would like to comment.

Public Comment:

Warren Wieting commented on the visibility of the tower and suggested placing a cone on the top of the tower.

Norma Simpson questioned why she wasn't noticed as a property owner within 200 feet; however, was advised that the lot which is the subject of the application is not within 200 feet of her property.

Ken Fones advised he flew over the area that day. He also questioned how the Planning Board makes decisions acting as a Planning Board on use variances. Solicitor Albano advised the Board assumes the power of a zoning board and makes decisions as such. Solicitor Albano also advised he recently provided a memo on the subject to the Board members.

A Motion was made by Cianfrani, and seconded by Kane to approve the use variance for a temporary (3-year) meteorological tower, with a one-year extension (if needed) to be requested by Applicant. Applicant must apply within 60 days of the approval with the FAA, cones must be placed at the bottom or a ball at 80' to 100' to mark guide wires, as well as a cash bond being posted for removal and disposal of the tower (removal estimate must be forwarded to the Board's Engineer to calculate the amount of the bond). A roll call vote was taken and all members voted affirmatively.

A Motion was made by Burden, and seconded by Cianfrani to approve the minor site plan. A roll call vote was taken and all members voted affirmatively.

Public Comment:

Warren Wieting commented on water testing in the area. He was advised the County is required to test water, not the Township. He discussed the Kirkwood-Cohansey aquifer being contaminated, but not the Wenonah-Mt. Laurel aquifer which has a depth of approximately 300'.

Ken Fones commented that he contacted HUD and found that 90% of rent on an assisted-living unit is subsidized and that families may typically consist of six-seven children.

The public portion of the meeting was closed for discussion of professional appointments.

Correspondence: A brief discussion was had regarding the Complaint filed by HKS Holdings and that Solicitor Albano will file an Answer to same. The transcripts of the meetings will be reviewed, but have not been received.

Taxing of wind turbines was discussed and Solicitor Albano advised the Township could send a letter to the Board of Public Utilities for guidance thereon.

A motion was made to go into Closed Session by Masker, seconded by Burden. Unanimous voice vote. Member Lowe left the meeting.

Closed Session - approximately 15 minutes.

A motion was made to return to regular session by Masker, seconded by Fedora. Unanimous voice vote.

On motion by English, seconded by Fedora, the meeting is adjourned at 9:38 PM. Unanimous voice vote.

Respectfully submitted,

Suzanne D. Pierce
Planning Board Secretary