

Holland Township Planning Board

Minutes of the Regular Meeting

January 9, 2017 (Reorganization)

The meeting was called to order by the Secretary Kozak:

“I call to order the January 9, 2017 Reorganization Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary on December 8, 2016 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 8, 2016 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute

Secretary Kozak asked all to stand for the Pledge of Allegiance

Appointments and Re-appointments

Secretary Kozak asked Attorney Bolig to swear in the following members:

Dan Bush – Class I Member for a one year term 12/31/17
Carl Molter – Class II Member for a one year term 12/31/17
Thomas Scheibener – Class III Member for a one year term 12/31/17
Dave Grossmueller – Class IV Member for term 12/31/20
Ken Grisewood – Alt. #1 Member for term 12/31/18

Congratulations on our re-appointed planning board members.

Nominations:

Secretary Kozak requested nominations for Chairman:

A motion was made by Tom Scheibener and seconded by Dan Bush to nominate Dan Rader as Chairman. Dan Rader accepted the nomination as chairman. All present were in favor. Motion carried. Dan Rader is the 2017 Planning Board Chairman.

Secretary Kozak requested nominations for Vice-Chairman:

A motion was made by Tom Scheibener and seconded by Dan Bush to nominate Michael Keady as Vice-Chairman. Mike Keady accepted the nomination as Vice-Chairman. All Present were in favor. Motion carried. Michael Keady is the 2017 Planning Board Vice-Chairman.

Secretary Kozak turned the meeting over to the Chairman:

Chairman Rader read the resolution to be adopted authorizing the award of a contract to the appointed professionals not utilizing the process defined in the third definition under N.J.S.A. 19:4A-20.7. These contracts are awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5-(1) (a) of the Local Public Contracts Law. This resolution shall be printed once in the Hunterdon County Democrat.

Appointments:

Appointment of the Planning Board Attorney: Attorney Morrow officially retired. At the meeting in December 12, 2016 Todd Bolig was appointed as Planning Board attorney. A motion was made by Dan Bush and seconded by Tom Scheibener to appoint Todd Bolig, Esq., as the 2017 Planning Board Attorney. All present were in favor. Motion carried.

Appointment of the Planning Board Engineer. A motion was made by Tom Scheibener and seconded by Dan Bush to appoint Maser Consulting as the 2017 Planning Board Engineer. All present were in favor. Motion carried.

Appointment of the Planning Board Professional Planner. A motion was made by Dan Bush and seconded by Tom Scheibener to appoint Betsy McKenzie as the 2017 Planning Board Professional Planner. All present were in favor. Motion carried.

Appointment of the Planning Board Alternate Professional Planner. A motion was made by Tom Scheibener and seconded by Mike Keady to appoint Darlene Green of Maser Consulting as the 2017 Planning Board Alternate Professional Planner. All present were in favor. Motion carried.

Appointment of the Planning Board Secretary. A motion was made by Tom Scheibener and seconded by Dan Bush to appoint Maria Elena Jennette Kozak as the 2017 Planning Board Secretary. All present were in favor. Motion carried.

Appointment of the Planning Board Court Reporter. A motion was made by Dan Bush and seconded by Duane Young to appoint Lucille Grozinski as the 2017 Planning Board Court Reporter. All present were in favor. Motion carried.

Appointment of the Hunterdon County Democrat as the Official Newspaper. A motion was made by Dan Bush and seconded by Duane Young. All present were in favor. Motion carried.

Announcement of the time, date, and location of monthly meetings. This was already completed at the November 14, 2016 scheduled meeting. The schedule is posted on the bulletin board at the municipal building, has been published in the December 8, 2016 edition of the Hunterdon County Democrat and has been sent to the Express Times for information purposes only. Secretary Kozak stated that she would repost in these minutes as well.

Township of Holland
Planning Board

2017 Meetings

PLEASE TAKE NOTICE that the Planning Board, Township of Holland, County of Hunterdon, New Jersey, will meet to discuss or act upon public business on each of the dates set forth below, at the Municipal Building, 61 Church Road, Milford, NJ. Meetings are open to the public.

Time: If necessary, a Work Session will begin at 7:00 P.M. to discuss the Agenda of the evening.

Public participation during the work session will be prohibited.

The regular meetings begin at 7:30 P.M.

The cut-off time for meetings is 11:00 P.M.

Meeting Dates

January 9, 2017
February 13, 2017
March 13, 2017
April 10, 2017
May 8, 2017
June 12, 2017
July 10, 2017
August 14, 2017
September 11, 2017
October 9, 2017
November 13, 2017
December 11, 2017
January 8, 2018

Agenda Deadline

December 19, 2016
January 23, 2017
February 20, 2017
March 20, 2017
April 17, 2017
May 22, 2017
June 19, 2017
July 24, 2017
August 21, 2017
September 18, 2017
October 23, 2017
November 20, 2017
December 18, 2017

By ordinance the meetings of the Holland Township Planning Board are held the second Monday of the month, with the agenda deadline three weeks prior to the meeting.

Identification of those at the podium

Present: Dan Bush, Casey Bickhardt, Ken Grisewood, Dave Grossmueller, Michael Keady, Mike Miller, Carl Molter, Dan Rader, Tom Scheibener, Duane Young, Todd Bolig, Esq., Bill Burr, Engineer, Elizabeth McKenzie, Planner, and Court Reporter Susan Baber for Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Excused Absent: N/A

Let the record show there is a quorum.

Minutes

A motion was made by Tom Scheibener and seconded by Mike Keady to dispense with the reading of the minutes of the December 12, 2016 meeting and to approve the minutes as recorded. All present were in favor of the motion. Motion carried.

Old Business:

There was no Old Business scheduled at this time.

New Business:

There was no New Business scheduled at this time.

Completeness Review:

There is no completeness review to discuss at this time.

Resolution

There are no resolutions to discuss at this time.

Public Hearings

Block 2 Lot 1.02 & Block 4 Lot 1– Mill Road Solar Project LLC – 10 Mill Road – Preliminary and Final Site Plan – Solar Project – Deemed incomplete February 8, 2016 and July 11, 2016. Revised Site Plans Received into our office August 22, 2016, 2016 – 45-day completeness deadline October 6, 2016. Extension granted to October 10, 2016. Additional information submitted for consideration. Extension granted to November 14, 2016 meeting. Deemed complete November 14, 2016. Public Hearing scheduled January 9, 2017. Board Action needed.

Attorney Cole, attorney for the applicant is present. Attorney Cole opened with a discussion about the house on the property and how the Holland Township Historic Preservation Commission would prefer that the house not be demolished. The applicant has agreed to keep the house and is looking for the Planning Board to grant waivers pertaining to the well and septic as nothing is being abandoned, sought or changed. There is nothing for the Board of Health to approve. Attorney Bolig and Engineer Burr spoke with Attorney Cole today and explained that outside agency approvals are part of any and all resolutions of the planning board but they still believe that the board will want delineation of the well and septic to avoid incursion by the solar panels. Planner McKenzie discussed with the board that a building not being properly cared for is not necessarily in the best interest of Holland Township. Planner McKenzie also asked that looking into the house as a COAH project might be something beneficial to all parties. Having a purpose that is useful and functional is a primary goal. For clarity, the applicant does not own the property but rather is in a lease agreement. They are not in a position to determine the long term, but they do have the owner's consent. Historic Preservation Commission Chairman Larry LaFevre is involved with trying to preserve what he can with the house. Some conversations need to take place regarding the barns and outbuildings. It was suggested that a walk thru meeting take place in the old house to determine some options available. More details to follow.

A variance discussion took place. Clarification of the height took place and the height of the solar is less than 10' and not the 35' as originally stated. A front yard set-back and inverter pad discussion took place. The footage issue is not as intense as originally discussed. Review of Ordinance 100-26 took place. Attorney Bolig indicated that the Board has jurisdiction to proceed only with respect to site plan and only with regard to those specific variances for which Attorney Cole had delineated in his published public notice, and the notices to adjoining property owners. Attorney Bolig further indicated that any additional variances, as may be later discovered or required, would require a new public notice to be published and served upon adjoining property owners.

Attorney Cole discussed some comments regarding the Environmental Inventory. Some discussion took place regarding how the brown trout should not be listed because no evidence of their presence was observed. A buffer discussion also took place. The DEP will make the final determination on what is the required buffer (300' (or 150')). Planner McKenzie explained the Holland Township ordinance and how it was the goal of Holland Township to keep the C1 stream as it is or to restore a full buffer. Mike Keady expressed that the Highlands Council might also have something to say with this topic. The Highlands Council grant conditional approval to the project.

Witness #1 - Engineer Richard Pantel of Princeton Engineering was sworn in by our court reporter. He prepared the design for the Mill Road Solar project. The west side of the project on Block 4 Lot 1 on Cyphers Road is the industrial zone. It consists of approximately 92.5 acres. The field on the south side is an open farm field. The original concept included removing all the front trees but the applicant has revised the plans to maintaining the existing row of pines which is about 1/3 of the front of the north side of Cyphers Road. The applicant has also stated that they would entertain retaining the farmhouse. Approximately 50 feet behind the house to the west is the proposed solar field and they will fence that area segregating the house. The house would be in the front yard setback and no existing structures would require a waiver. The proposed three entrances are to the solar invertors. The invertors convert the DC power from the panels to AC current. A transformer is also proposed. Three pads house the inverter combinations. A shipping container is proposed to house the equipment which reduces the noise associated with the equipment. The road side would have a heavily landscaped berm which helps to shield the invertors from the public eye. On the north side, sheet C100 shows the flood plain with existing wetland trees on the existing north side which is fairly dense. On the eastern third of that is a light tree line. There is a wooded area to the southside and uphill. The southern boarder contains secondary growth and it will not be changed. A 200 foot setback to the fence line on the north to the south is residents. The only trees coming down are directly next to the barn and corn crib as well as row of ever greens turning into the site outlining the northern boundary of the property.

Chairman Rader explained the Planning Board process. The summary is: each witness will discuss his expertise pertaining to the application at hand. Following the testimony of each witness, the Board and its professionals will ask questions and seek clarifications needed for an informed review of the application. There will be responses by the witness. The chairperson will then ask if there are any questions from the public regarding the testimony of that witness. When asking a question regarding a specific witness's testimony, the public may ask a question(s) only about that individual's testimony. The public may then comment on any aspect of the application at the close of the application.

Mike Keady asked for more clarification regarding the solar panels installation in relationship to the river. He also questioned other tributaries on the property. Engineer Pantel stated that the other tributaries are usually dry and the secondary C1 drainage shed is far away. The other swales will divert water towards the C1 stream. The existing "eyebrows" do not connect to a C1 stream and are hydro-logically not connected as they were created from the spray fields. The main drainage on the site is not really offsite. A retention basin is being proposed in the northeast, west and northwest edge of solar. Engineer Pantel does not think the water will exceed 1.5' in that. The basins are shallow. The west side might require some digging. The driveways had input in design from the DEP. Rather than a hard surface, the DEP requested the impervious be kept to a minimal and wanted lose 2" inch stone (which is a permeable surface). A discussion took place about the geodic material and recalculations are being requested for the pads, stone and drilling. A discussion took place regarding the west field and getting the equipment across. The 4 areas would be one at a southern end, 2 in the middle of the stream and one across berm at the northern edge of the stream. Existing farm roads are gravel and ok. There is a tiny culvert at the south crossing.

Maser report dated January 7, 2017 was discussed.

MEMORANDUM

To: Members of the Holland Township Planning Board

From: C. Richard Roseberry P.E., P.P., AICP
William H. Burr, IV, P.E.

Date: January 7, 2017

Re: Mill Road Solar Project, LLC – Technical Review #1
Preliminary and Final Major Site
Plan Application Block 2, Lot 1.02;
Block 4, Lot 1 – 10 Mill Road Holland
Township, Hunterdon County, NJ
MC Project No. HLP-017

This office is in receipt of an application for the above referenced Preliminary and Final Major Site Plan application. The following revised documents were submitted for our review:

- Plans, consisting of twenty-two (22) sheets, entitled “Preliminary and Final Site Plan for the Mill Road Solar Project, Block 4, Lot 1, Holland Township, Hunterdon County, New Jersey” prepared by Richard J. Pantel, P.E. of TectoniCorp, P.C. Princeton Engineering, dated September 24, 2016.
- Landscape Plan (Sheet C201) and Landscape Details (Sheet C221) as prepared by Thomas Biro, P.L.A. of Thomas Biro Associates, LLC Landscape Architects, dated September 24, 2016.
- Environmental Impact Statement as prepared by Richard J. Pantel, P.E. of TectoniCorp, P.S. Princeton Engineering, dated August 20, 2016.
- BMP Stormwater Management Calculations as prepared by Richard J. Pantel, P.E. of TectoniCorp, P.S. Princeton Engineering, dated August 20, 2016.
- Safety Manual – Construction Safety Program, dated October 1, 2016.
- Updated plan (Sheet C100) with survey certification from Jack W. Shoemaker, P.L.S., dated October 10, 2016.
- Supplemental Remedial Investigation Report, Remedial Action Workplan Addendum, and Remedial Action Report for Soil and Ground Water, Former Georgia-Pacific Hugessville Mill, Holland Township, New Jersey, ISRA Case No. E91206, Program Interest No. 016275, October 2015 *DRAFT* as prepared by Tetra Tech.

PROJECT & PROPERTY DESCRIPTION

The subject properties are known as Block 2, Lot 1.02 and Block 4, Lot 1 and consist of 65.568 acres and 92.498 acres, respectively, according to the submitted site plans. The properties are located within the IND – Limited Industrial Park District and have frontage on Cyphers Road. The Musconetcong River runs along the north side of the properties. Block 2, Lot 1.02 contains numerous industrial buildings (commonly known as “Fibermark-Hughesville facility”). Block 4, Lot 1 contains a number of farm related buildings along with other related improvements. Both properties contain a mix of agricultural and wooded areas, along with numerous environmental constraints.

The applicant is proposing to develop portions of the agricultural areas on the subject properties for a photovoltaic (PV) solar farm.

Zoning:

1. Based upon its size, the proposed facility is classified as a commercial installation and as such is required to meet the ordinance standards for a major/commercial solar energy facility. The Zoning table on the cover sheet shall be updated to reflect the applicable requirements outlined in Section 100-21.M as well the bulk requirements for the Limited Industrial Zoning District. The table should also be updated to demonstrate how the site will change from the existing to the proposed condition (i.e. impervious coverage, building coverage/floor area ratio, building heights, yards, etc.). We specifically note that the table indicates

post-development impervious coverage will be approximately 5,500 SF, while based upon the provided plans the impervious coverage will be 43,701 SF. This discrepancy shall be addressed.

2. We defer to Board Planner Elizabeth McKenzie as to zoning and planning issues, and any variance relief that is needed by this applicant from the Land Use Code of the Township for this project.

Site Layout:

1. The applicant should submit a copy of the site plan to the Fire Department for review and comment on the adequacy of access to the site from Cyphers Road, the ability to maneuver within the site in the event of an emergency and the need for firefighting measures on-site, such as CO₂ canisters and Knox Boxes.

2. The applicant's engineer should provide testimony to clarify whether there is enough room between the proposed solar panels and fences for maintenance and/or emergency vehicles to navigate the solar fields as currently designed.

3. The plans include a Soil Erosion and Sediment Control Plan; however, we have the following comments:

a. The plans should be revised to indicate whether the staging area (labeled 'laydown area') will be temporarily converted to a gravel surface.

b. We would recommend that the staging area be enclosed with some type of construction fencing to minimize unnecessary site disturbance and that the plans should include a note stating that all construction vehicles and equipment storage will utilize the staging area depicted on the plan. A note shall also be provided that no vehicles are permitted to be parked along the public roadway at any time.

4. We note that the plans indicate a 150-foot riparian buffer for the Category 1 waters located on the site. However, pursuant to the NJ Surface Water Quality Standards, the buffer for Category 1 water required for any major development is 300-feet. The Applicant shall apply to NJDEP for confirmation of both the riparian buffer and wetlands and wetlands transition area buffers on-site. Copies of all correspondence shall be provided to the Township and this office.

5. The site as currently proposed will require extensive removal of existing trees and woodlands that are not clearly depicted on the plan. Ordinance Section 100-21.M(2)(d) indicates that woodlands are not to be clear cut to accommodate such facilities, additionally, any removal of more than 10 trees having a diameter in excess of 12-inches diameter shall require replacement of all but the first 10 trees. The plan shall be revised to clearly depict all woodlands within and adjacent to the site, as well as identify all trees proposed to be removed and to remain on site. Compensation shall be provided for tree removal according to the criteria outlined above.

6. The site fencing is proposed to be 6-feet tall with a 3-row barbed wire parapet. The ordinance requires that minimum 8-foot high fencing be provided. The plans shall be revised accordingly. In addition, the applicant shall clarify the color of the fence and whether it will be vinyl clad or painted.

7. Per Ordinance Section 100-28.A, not more than two access ways are permitted per lot. The plan proposes three (3) access drives. The plans shall be revised or a waiver will be required from the Board.

8. Each driveway is required to be paved with an asphaltic or concrete material. At a minimum, we would recommend that the first 25 feet of each

access drive be paved to prevent gravel migration from the site drives onto Cyphers Road. A detail for the driveway aprons shall be provided in the plans.

9. The ordinance requires that the site accesses be lit for safety and identification. The Board should discuss whether they wish to have limited lighting provided at each of the site driveways.

Grading/Drainage/Utilities:

1. In general, it is difficult to tell from the current plan set how stormwater runoff will be managed, and how the property will be re-graded to accommodate the proposal solar facility. Much work is needed on the plans to bring them up to a condition where we can clearly tell what is being proposed and also to confirm that the proposal meets the various ordinance requirements.

2. The plans must be revised to address the following:

a. To clarify whether solar panels are intended to be constructed within the apparent limits of stormwater management Basin #2 as depicted on the plans.

b. To provide enlarged plans, profiles and details of all proposed drainage improvements including, but not limited to, the relocated swales, both detention basins, discharge pipes, outlet control structures, outflow weirs and emergency spillways in order to facilitate an engineering review and permit construction of the facilities.

c. The provided Drainage Plan (Sheet C211) is extremely difficult to decipher with conflicting legends and line weights. The pre- and post-Development maps also do not include areas, or time of concentration flow paths for each drainage subarea corresponding to the figures presented in the Stormwater Management report. We recommend these plans be revised colorizing the relevant information to clarify the pre- and post-development conditions.

d. The proposed revisions to the existing swale on the south-west corner of the site will redirect off- and on-tract flows towards Cyphers Road. The new swale along the eastern side of the proposed landscape berm appears to terminate with no clear continuation, or point of discharge. The plan shall be revised to ensure that any changes to drainage patterns do not adversely impact the roadway.

e. Based upon available mapping, it appears that a portion of the site is underlain by karst (carbonate) terrain. Any proposed stormwater detention structure or conveyance in these areas will have to be lined with a synthetic impervious liner and all pipe should be specified to include rubber gasketed water tight joints to limit the potential for sinkhole formation.

3. The Stormwater Management Report must be revised to address the following:

a. The report indicates that the total impervious coverage will be 4,000 SF, while the tables on the plans indicate coverage's from 4,101 SF to 5,500 SF. The actual proposed impervious coverage is closer to 43,701 SF. The plans, tables,

stormwater report and design shall be revised to reflect the total proposed impervious coverage.

b. To indicate whether soil tests were performed within the limits of the proposed stormwater basins to ensure no limiting zones (seasonal high

water table, bedrock, etc.) will be encountered during their excavation or will impact their functioning.

c. To include an Operations and Maintenance Manual for all proposed stormwater improvements.

d. To provide calculations demonstrating the capacity and stability of all stormwater conveyances on-site (i.e. vegetated swales, spillways, culverts and outlet control structures).

4. Generally, the stormwater management report indicates that the drainage patterns on a large portion of the site will be unaltered, although this does not appear to be the case. The proposed removal of the diversion berms and removal/alteration of a number of on-site swales will cause more of the runoff on the site to flow evenly across it and not towards the central channel and wetland areas on the site. The stormwater analysis should be revised to route the pre- and post-development runoff accounting for these existing features and for their removal following construction.

5. In order to reduce the need for the construction of large stormwater management features at the lowest points of the site we recommend that the design be revised to provide innovative linear and localized stormwater management features and strategies (i.e., vegetated swales, localized bioretention/extended detention features discharging to level spreaders) nearer to the impervious surfaces generating runoff (driveways, gravel areas, inverter pads, etc.). This would simplify the stormwater management design and permit a detailed analysis to be performed of the areas tributary to these features demonstrating reductions in peak runoff rates, permit groundwater recharge outside of carbonate areas and address water quality concerns locally and not across the entire site.

Landscaping/Lighting:

1. While the proposed buffer will provide some screening to the road, the plan lacks screening for the adjacent residences to the north and south of the site. Per Ordinance Section 100-21.M(3)(d) the required vegetated visual buffer for a solar energy facility of this type is 50-feet. Other requirements for screening can be found in Section 100 21.M(3)(e). The plans shall be revised accordingly.

2. There are existing, mature evergreen trees along Cyphers Road which already provide substantial screening that could be left alone and supplemented with additional plantings.

The applicant's engineer shall address why these trees are to be removed instead of keeping them and enhancing the buffer with additional plantings.

3. American Holly can become somewhat open over time and lose some of its effectiveness as a screen, however the proposed installation size and spacing may be adequate.

4. The applicant's engineer shall provide testimony as to the seed mixture selected for the area beneath the solar panels. Is the seed mixture comprised of native, non-invasive, shade tolerant grasses?

5. The plans shall also include notes as to maintenance and watering to make sure the proposed buffer plantings survive with no water source or irrigation on site.

6. A maintenance plan shall be prepared that provides for the continued maintenance of all required plantings as well as a schedule of specific maintenance activities to be conducted. The use of herbicides is not permitted as an acceptable maintenance practice.

7. The Board should obtain testimony from the applicant to address whether the solar panel installation on the site will be illuminated? If the area is proposed to be illuminated, the site plan will have to be revised to indicate any proposed lighting including all details.

Environmental Concerns Related to the Former Paper Mill Use:

Based on our review of the above referenced report issued by Tetra Tech, we offer the following comments with regards to the former paper mill effluent spray fields Area of Concern (AOC) K:

1. The Tetra Tech Report indicates that an unrestricted use RAO was issued for the spray fields by Fibermark on June 17, 2010. An unrestricted use RAO is applicable only to sites or specific AOCs where no site-related contaminants are present above the most stringent NJDEP soil and ground water quality standards. Thus, no environmental restrictions are imposed on the development of this property beyond what would be typical for a similar clean property.

2. The Tetra Tech Report indicates that 30 soil samples and 4 sediment samples collected in the spray fields areas were analyzed for PP+40, TPH and dioxin, and no contaminants were detected above the most stringent applicable remediation standards. The PP+40 analyses include testing of 128 specific chemicals, plus up to 40 non targeted compounds. Contaminants exceeding the NJDEP soil remediation standards would have been detected by this comprehensive suite of analyses.

3. The information presented in the Tetra Tech Report indicates that no soil, sediment or groundwater contamination is present at the spray fields. Thus, no contamination related

concerns will be caused by construction activities at the spray fields, and no contaminant related issues exist for the management of stormwater runoff or infiltration.

4. The location and analytical results for the 30 soil samples and 4 sediment samples collected in the area of the spray fields in February 2009 should be provided to confirm that no contamination is present in the soil.

No information is presented in the Tetra Tech Report on ground water quality at the proposed site. Figure 4a of the Tetra Tech Report shows 5 monitoring wells located on the proposed solar array property. Analytical results for samples collected from these monitoring wells should be provided. If ground water is clean and the monitoring wells are no longer necessary to monitor ground water quality a schedule to close the monitoring wells, in accordance with NJDEP requirements should be provided.

5. Four areas of historic fill are located on the property. One area designated as HF Area 3 is located within the area of the proposed solar array. The location is south of the farmhouse on the west side of Cyphers Road. One soil sample was collected from this location in October 2012. The sample was analyzed for priority pollutant metals, PCBs, pesticides, volatile organics, PAHs, cyanide, semi volatile organics and EPH. No parameters were detected above the most stringent applicable remediation standards in the historic fill.

Environmental Impact Statement:

1. The Township's Environmental Commission provided comments, dated October 5, 2016, on the applicant's Environmental Impact Statement. Upon review, we concur with all of the comments raised by the Environmental Commission and recommend that the applicant's engineer address these comments by submission of additional information, plan revisions and/or testimony.

2. The applicant should submit a copy of the site plan to the Township Historic Preservation Commission for comments on the project in particular with respect to the proposal to remove the old “John Fine” house and outbuildings.

Miscellaneous:

1. In general, the entire plan set is poorly presented and barely legible. Existing and proposed features are shown on every sheet, plan labels and dimensions are not scaled correctly to clearly convey information and the design information is obscured by the many layers of information presented on each plan. We recommend turning on only the layers which are applicable to each sheet to help in stream-lining future reviews, confirming that applicable ordinance requirements have been met and to facilitate construction of the proposed improvements, should this project be approved.
 2. Graphic and written scales, north arrows and legends shall be provided on each sheet as appropriate. Given the depth of information being presented on the sheets owing to the property grading, environmental features, and existing and proposed structures it might be necessary to provide color renderings of certain sheets. This would be especially helpful while submitting to NJDEP for a Flood Hazard Area Verification, a Wetlands Letter of Interpretation, as well as, any applicable permits for the proposed work. Testimony should be provided by the applicant’s engineer to update the Board on the status of any NJDEP submissions.
 3. All yard and setback dimensions shall be drawn from the edge of the road Right-of-Way.
 4. A Demolition Plan should be provided indicating what existing features (buildings, trees, drainage features, driveways, etc.) are to remain or be removed.
 5. The applicant shall provide Material Safety Data Sheets (MSDS) to the Board and the Fire Department for the various components of the solar facility.
 6. The applicant shall provide testimony to clarify the frequency and times of proposed site visits (i.e. for maintenance, equipment checks, etc.).
 7. It appears that the plan proposes to drive the solar supports in the ground as no foundation detail has been provided in the plans. Has a geotechnical evaluation been performed to confirm that this is feasible on site? Altering the design to use concrete footings, or ballasts will impact the stormwater management design.
 8. The applicant’s engineer shall provide testimony that all new distribution and transmission lines will be placed underground throughout the site, up to their connection point with existing power towers, poles and lines within the right-of-way.
 9. Although no signs are proposed, this office recommends warning signs be placed on all sides of the fence. A sign on each gate is required identifying the responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the berm, landscaping and security fence; and for ownership of the land upon which the facility is located.
 10. The Board should obtain testimony from the applicant and its professionals on the following issues:
 - a. Fire and Explosion Hazards
 - b. Vibration
 - c. Noise (<50 dBA from the nearest property line)

d. Glare and Glint

Particular focus should be provided addressing noise and vibration from motors, inverters, etc. and glint and glare from the solar panels which creates the potential for visual impacts to surrounding property owners, motorists and others as a result of reflected sunlight.

11. The Board should obtain testimony and evidence from the applicant to address the intended operation of the solar facility, any operation and purchase agreements with utility companies, and the projected lifecycle of the facility. The applicant shall verify that the power created by the installation is solely for the applicant's operation and is not proposed to serve other properties.
12. Ordinance Section 100-21M(2)(e) requires an applicant seeking approval of a solar facility to provide documentation and evidence of a firm commitment from the electric utility that the energy to be generated by the solar facility shall be purchased or utilized by an improvement onsite and/or purchased or utilized by the electrical utility provider.
13. Testimony and/or submission of additional information shall be provided to confirm that the following sections of the Township's Solar Ordinance are being complied with:
 - a. Section 100-21M(4) – Installation and site development requirements.
 - b. Section 100-21M(5) – Performance standards.
 - c. Section 100-21M(6) – Safety regulations.
14. The applicant will need to secure any and all applicable outside agency approvals, or waivers thereof from review agencies having jurisdiction including the Hunterdon County Planning Board, the Hunterdon County Soil Conservation District and NJDEP.

If you have any questions regarding this correspondence, please contact this office at your earliest convenience.

WHB/ATW/

Cc: Holland Township Land Use Board Members (via email)
Elizabeth McKenzie AICP, PP
Todd Bolig, Esq., Board Attorney
Richard Pantel, P.E.
Douglas Cole, Esq., Applicants Attorney

The fire company needs to review the plans and the applicant will submit the plans to the fire company. The applicant will cc the board when they submit to the fire company.

Engineer Burr asked the applicant if they have applied for permits. The applicant will be going for a C1 utility crossing, buffer transition and farm hazard and discharge. The applicant stated that they are in the process of applying for permits but that they have had a meeting with the DEP. Vernal pools were discussed and the applicant will be getting an updated LOI and will provide a copy of the submittal.

More discussions and clarification of the existing trees that will be removed took place. It was stated that the pines following the drive to the house and around the barn and corn crib would remain but will need some improvements. The mature evergreens on Cyphers will not be destroyed. Engineer Pantel stated that he will work with the Board Engineer on the trees that will be removed and that the applicant is trying to limit the amount of trees to be removed. The proposed berm will include several hundred trees. More discussions to take place.

A fence discussion took place. The applicant proposes the fence to be 6' with barbed wire. Our ordinance calls for an 8' fence with no barbed wire. The applicant proposes slates in the fence

to act as screening. Planner McKenzie stated that aesthetically a black fence behind the berm is best. Different types of fencing were discussed with chain link being sprayed black the popular style. All board members were encouraged to look at the fence at the current solar facility in Holland Township to get an idea of what is being used following our ordinance. Fence style, material, requirements etc can all be made a condition of approval.

The applicant proposed three access points to the pads and the ordinance allows for two. The applicant said they could connect a driveway and once the project is erected, access is limited to a few times per year. Run off is a concern and the applicant will have to provide calculations. A small apron is required to segregate stone from pavement and the Board Engineer will work with Engineer Pantel on design issues with keeping three access points and maintaining the rural character of the township.

A lighting discussion took place. The board would like to see an entrance light which gave way to a discussion about safety and the possibility of having motion sensors. Some additional comments included the fact that if someone is going to the facility for an emergency then they probably have emergency lights. Engineer Pantel reiterated that the board is not interested in lights unless police and fire require it. He will reach out to them about the topic.

A swale conversation took place. The locations were discussed as well as basin designs. A Karst discussion took place which also included more conversations about water run-off. Engineer Pantel stated that the applicant is working on a Phase I carbonate rock study which could trigger a Phase II study. The results of the Phase I is very important to this project. Stormwater was discussed again and how the eyebrows on the property catch water. The southern and northern parts of the property do not retain water. The middle of the property does retain water and the applicant has to investigate the vernal pools.

The need for a landscape architect was expressed regarding buffering and vegetation or screening. Board Engineer Burr will have someone from Maser Consulting review the plans submitted for input. Engineer Pantel stated that the property owners, IPP have stated that they would work with the back side of the homes on the north side to help with screening. Renderings by the engineers will come back for discussion at the continued public hearing. The bulk of the evergreens will remain.

The applicant handed in a document stamped April 2 2009 which is a copy of the report showing borings done and results of soil testing.

Exhibit A1 – the application

Exhibit A2 – Boring and Soil Testing results letter of April 2, 2009

Witness # 2 – Stan Sackowitz – sworn in by our court reporter. Mr. Sackowitz discussed exhibit #2 and how the document represented samplings done of the entire site for contamination. Mr. Sackowitz was asked if there have been any changes on the site and he reported that nothing has changed on the site and therefore nothing has changed in the documents.

Witness #1 – Richard Pantel was back to the microphone and explained that materials and products will be supplied once the site is approved and the applicant is able to determine what they are actually going to use. The piles will be driven with some screws if needed. The supports are into the ground. Some vibration could be felt when doing the installation but that should be the only time. Traffic is not anticipated on this site but there will be a need for some grass maintenance. There will be a need for safety signs on fencing and near the invertors. Invertors basically do not explode but can catch on fire. Transformers usually do not explode or burn. Driveway access is to the pads to deal with any issues. Engineer Pantel stated that he has never been involved with a project that had an issue with fires. This solar project is a static solar array with invertors having fans. The discharge points are away from the road. Noise and sound are always issues of concerns however the applicants propose that while there is a hum associated with the project with a 60 dba level, because the project is off the road the sound level drops to about a 20. Basically, the applicant contends the project conforms to our ordinance. This gave way to a glint and glare discussion of the panels and are treated so as to diminish glare. The orientation is such that you will not get reflection from the east, west and north. Engineer Pantel thinks that the southern side will also not have reflection as the panels are flat to

approximately 8 degrees of tilt and would cause reflection to be pointed away from buildings and roads.

The power has been purchased by JCP&L. A copy of the signature page of the agreement will be submitted to Secretary Kozak. An inter connection agreement dated June 2012 was signed and that will be submitted to Secretary Kozak. The energy proposed will go back to the grid and then could come back to this area. It becomes part of the general distribution. The life of the panels was questioned and Engineer Pantel stated that the panels are usually good for 20 years. They reduce in efficiency but can actually last for decades. He believes this is a 20 year project and once they are done with the project then the product is removed and the land is converted back to farmland. Planner McKenzie asked about what happens to the product at the end of the 20 years and Engineer Pantel stated that it is recycled and reused as there are people who purchase used solar equipment.

The applicant stated that they comply with all aspects of the solar ordinance. They will provide safety sheets at time of building permits. The wires are to be under the ground. They will be disturbing the soil but not removing the soil. No hazardous material will be used. The overall flow of water is not really changing with this proposal. Engineer Burr requested that the staging be shown on the plans.

The applicant will reach out to the fire company as well as to the police. They will cc the board and Secretary Kozak will follow up. Planner McKenzie suggested that the applicant also sit down with the fire company and the police to discuss the project.

Questions from the board:

How often is the property mowed? The applicant responded two times per year with the other times the land being hayed. More questions came up about the wires. Is it possible to get an easement on the property to develop a trail?

The applicant stated that the signs are minimal on site. There will be a shut off. The fence opening was discussed. The Material Data Sheets will be a condition of the resolution as will a response plan. The applicant will have to follow the proper procedures of obtaining a street address prior to obtaining a CO.

In essence the applicant will conform in regards to the Maser letter discussed above and will also provide reports and data as requested to the township, clarify tree removal, revise buffering, do all that they agreed to during testimony, work with the board engineer on revisions, clarifications and corrections, improve the plans, perform a site walk with the boards professionals, etc.

At 10 pm Chairman Rader called for a 10 minute break. At 10:10 the public hearing resumed...

An Environmental Discussion took place. Board Member Mike Keady, also Chairman of the Environmental Commission had previously supplied a memo from the Environmental Commission expressing concerns that had regarding the project.

Comments on
Environmental Impact Statement
Prepared for Mill Road Solar
For Preliminary and Final Major Site Plan
Block 4, Lot 1
Holland Township, Hunterdon County, New Jersey

Approved by the Holland Township Environmental Commission

At their October 5, 2016 Meeting

Overview

The Holland Township Environmental Commission fully supports alternative energy sources such as the large solar installation proposed by Mill Road Solar. However, we find it worrisome that this project will be installed in what was the Spray Field for liquid effluents from the papermaking process at the Hughesville mill when it was in operation through 1995.

The installation of the PV panel racking posts usually involves driving them into the ground, which would disturb the soil. Concrete pads for the three inverters would also be built, and cabling would be underground, requiring ditches to be dug. Any contaminants in the disturbed soil could flow into the Musconetcong River, classified C-1 and down-grade from the solar panels. Fortunately, there have already been Licensed Site Remediation Professional (LSRP) studies done on the mill property, with the former spray fields considered as a separate area, classified as Area of Concern (AOC) K.

Our most critical recommendation to the Planning Board is that you immediately empower the Planning Board Engineer to review these LSRP materials regarding AOC K to ensure that we are comfortable with the tests for contaminants and any remediation that was performed. We recommend that this be done before any public hearing is scheduled.

If the Township is not satisfied that the spray fields are now free of contaminants that would not mean the end of this project. There are ways to build with less digging. There are modifications to the stormwater plan that could be made. It seems to us wasteful and unfair to the public to hold a public hearing if changes could be made based on the review of the LSRP materials. Even if the Board Engineer is satisfied with the remediation, caution would dictate that the stormwater plan should be designed so that all water is infiltrated and not allowed to flow to the river.

In our judgment the Environmental Impact Statement (EIS) from Mill Road Solar is not yet complete. We indicate in the following comments where information is missing or the requirements of Holland's ordinances were not met. Many of the sections of the EIS are not addressed in the following text because we had no comments on those sections.

1. Inventory of Existing Conditions

a. Site Description

As with the question, "What is the meaning of 'is'?" the question here is "What is the meaning of 'existing'?" The Environmental Impact Statement accurately describes the present-day use of the subject property as hay fields. However, this Environmental Commission's concern is whether prior use as a spray field for materials from the Hughesville paper mill has led to contamination still existing in the soils.

We want the Planning Board engineer to examine the Licensed Site Remediation Professional materials to assure the Board that there is no lingering spray effluent that could contaminate the down-grade Musconetcong River. If there is still contamination it would influence the design of the stormwater system and the way the solar panels are installed and inter-connected.

The safest course would be to ensure that all stormwater remains on the solar site. The impact of changes to drainage made after the mill closed is discussed in Section 1, f below.

Therefore, we would like to see the prior use as a spray field acknowledged in this section. Also, the proper spelling of the river's name is Musconetcong, the way the leading environmental group protecting the river spells it:

www.musconetcong.org

b. Scenic Resources

This EIS does not fulfill the requirements of Holland's ordinance at 100-168.1 E (1) (b). The ordinance calls for "A photographic analysis of views to the property from the nearest surrounding roadways in all directions." There were no photographs. More important, the EIS simply asserts that "The site does not contain any significant scenic resources." The clear implication of the ordinance is that the site must be considered as part of a total views cape. The forested north side of Musconetcong Mountain looms in the background of the site and the river is an important part of the scenic views cape. The adjoining Smith property was preserved by Hunterdon Land Trust just a few weeks ago. Admittedly, the ruins of the Hughesville Mill presently intrude on the rural atmosphere, but the long-term plan is to take down those buildings.

The point is that the property is part of a scenic resource so the solar panels must be screened so that their glare does not intrude.

f. Surficial hydrology and Surface Water Quality

This simple list does not seem to come near to satisfying the requirements of Holland's Ordinance at 11-168.1 E (1) (f) [1]:

All man-made and naturally occurring water bodies, including lakes, ponds, wetlands, springs, seeps and perennial and intermittent streams, located on the site and within 200 feet thereof shall be identified on the environmental constraints map or maps and described in the report. The description shall include the area of the drainage basin tributary to each water body on the site; the source(s) of water to each water body on the site; the surface water quality classification of the water body pursuant to N.J.A.C. 7:9B; and the relationship of each water body on the site to the minor and major drainage basin in which it is located.

There is no discussion of water bodies such as the Musconetcong River and no acknowledgment that the river is classified C-1.

This also seems to be the place for a discussion of the systems the paper company had in use when the property was used as a spray field. Historical infrared satellite photos of the site utilizing NJGEO mapping (*a series of these satellite maps are in Appendix A to these comments*) show the use of Low Impact Development (LID) techniques such as bioswales, infiltration trenches, and wetlands that functioned together to prevent discharges to the Musconetcong. More recent satellite imaging shows the retention of the circular pattern of the spray devices, indicating that pollution components could still remain on the field.

The present owner has modified the drainage by digging ditches that may have bypassed the former LID system, reducing the run off infiltration and converting it to a point source discharge. Because the drainage ordinance specifies that infiltration should not be reduced from what existed before the project, the stormwater design for this project can be less than would be required if the ditching had not been done. The effluent disposal site probably has unmeasured contaminants which must be retained on site with provisions for maximum infiltration. The prior conditions for calculating infiltration requirements should be at least that which existed when the mill was operating, before the ditches were dug.

g. Groundwater Hydrology and Groundwater Quality

Again, this section does not seem to satisfy the requirements of Holland's ordinance at 100-168.1 E (1) (g) [1]:

Groundwater quality and quantity shall be documented by a search of Hunterdon County Department of Health and NJDEP well records for all wells within 500 feet of the subject property. These data shall be presented in tabular form, and the locations of each of the wells shall be identified on an area map.

There are houses along the Musconetcong near the northern end of the property, but we do not know if those residences are served by private wells. Other residences on Bellis Road listed as within 200 feet of the property definitely have private wells. Was a search of county and NJDEP records done? Where are the data and the map?

Finally, the last sentence of this section should upset us: "This site development proposal does alter the existing groundwater quality, nor does it withdraw any groundwater for any purposes." However, we suspect there is a "not" missing from the first clause.

h. Flora and Fauna

Here are some possible additions to the list of fish species in the Musconetcong. Brown trout are native in the river and its tributaries. The state also stocks thousands of rainbow trout, but since they are not native, we are not sure if they should be listed.

Also, now that the Finesville Dam has been removed and the Hughesville Dam is in the process of removal, migratory fish that swim upriver to spawn should be included, such as Shad and Striped Bass.

i. Historic and Archeological Sites

On the subject property is the John Fine house and farm buildings, built in the 1820s. This is a two-story fieldstone home in the Federal style. The farmstead also includes a barn and root cellar. The Fines were a prominent family locally, and the Finesville section of Holland and Pohatcong Townships is named for them.

The EIS is correct that the property is not listed on the state Historic Registry. However, in a letter dated February 22, 2010, the New Jersey Historic Preservation Office issued a Certification of Eligibility letter qualifying the property for listing.

The house and outbuildings are planned to be torn down to build this solar installation. The chair of Holland Township's Historic Preservation Commission has submitted recommendations that the buildings be subdivided with enough acres for a small farm. If there is no way to save the structures on site, then the house and barn could be advertised as available for relocation or the applicant required to use an architectural salvage company to save the structures or the material for reuse. The applicant should contact Larry LaFevre, the chairman of Holland's Historic Preservation Commission, to learn more and discuss.

j. Unique or Irreplaceable Land Type and Scenic Resources

This section says that after construction the property "will continue to provide grassland habitats similar to those that exist today, albeit slightly shorter." This brings up questions about how the grass will be maintained. A separate maintenance plan has been submitted by the applicant, but it speaks only to maintenance of the electrical equipment. Will someone mow the grass at regular intervals? When weeds grow, can the Township gain assurance that weed killers such as Round-Up will not be used because of the danger of run-off into the Musconetcong?

m. Noise

The EIS asserts, "Once the project construction has been completed, there will be no noticeable noise detected off tract." The Planning Board might want to request equipment specification sheets for the PV inverters and the transformers. These sheets should contain decibel level ranges that the equipment produces while operating. It is possible that a large solar farm such as this could produce a

“hum” that might disturb neighbors. Holland’s ordinance at 100-21 (M) governing a Major Commercial Solar Facility specifies at section (5) (c):

The total daytime operational mechanical or aerodynamic noise, including turbine, inverter or transmission line noise from the solar energy facility shall not exceed 50 dBA, measured from the nearest property line.

2. Project Description

On page 9, the EIS states, “Site clearing will be performed to remove the northern frontage vegetation and a small amount of internal tree rows which conflict with the proposed PV installation.” The applicant should be aware that Hollands large solar ordinance at 10-21 (M) (2) (d) says:

Any removal of more than 10 trees having a diameter in excess of 12 inches dbh (diameter at breast height) shall require replacement onsite of all but the first 10 trees.

On page 10 in this section, the EIS states, “The proposed basins, in combination with other site features, is intended to address the nonstructural stormwater management, groundwater recharge, stormwater quality, and stormwater quantity requirements of Holland Stormwater Management Ordinance and the NJDEP.”

We are under the impression that a stormwater basin is a structural approach to stormwater management, not a nonstructural solution. We will be interested in what the Planning Board engineer says.

3. Assessment of Proposed Impacts

On page 12, this section claims that at the end of life for the project, “Permanent aspects of development that will remain include earth grading related to construction of the detention basins, the landscaped berm along the Cyphers Road frontage, some on-site grading and removal of the existing abandoned farmstead.” The grading to construct the detention basins is cited, but there is no mention of the stormwater basins themselves.

Presumably, the applicant will have to submit a maintenance manual for these basins during the operation of the facility. But when the useful life is over and the PV modules, racking, wiring and equipment are removed, the basins will still be there with no one to maintain them. Would they not eventually fill up with dirt, then vegetation will grow, and they will no longer keep run-off out of the river? A decommissioning plan should include what will happen to the detention basins.

4. Analysis of Design Alternatives

This section speaks only to placement of the PV array layouts. Nothing is said about looking at drainage alternatives. This is important because run-off needs

to be kept on site with Low Impact Design principles. This section should be expanded to include design alternatives for the drainage system.

8. Hazardous Waste Impacts

If the Planning Boards Engineer's examination of the Licensed Site Remediation Professional materials were to show that there is still contamination in the former spray field, then constructing the solar fields could disturb hazardous materials still in the soils.

13. Fire Protection Demands

Holland ordinance 100-21 (M) contains a long section on meeting the requirements of the Fire Company in section 6, including a mandatory 20 feet width on access roads, an emergency shut-off requirement, and the submission of an Emergency Response Plan. This EIS speaks only to a possible fire during construction, but the ordinance has many requirements that apply during operation of the facility.

Mike Keady also provided a synopsis of the comments at the meeting of November 14, 2016 meeting:

Talk Points for Planning Board Nov. 14, 2016 Completeness Hearing

The **Environmental Impact Statement** (dated August 20, 2016) is **Not Complete**. On October 6, 2016 the Holland Twp. Environmental Commission submitted comments on the EIS and argued that the document is not complete for the following reasons:

- Site Description should include prior use as spray fields
- Scenic Resources does not include photo analysis required in Holland ordinance and does not discuss how site fits in context beyond the property
- The Surficial Hydrology and Surface Water Quality section does not meet the requirements of Holland's EIS ordinance which mandates a discussion of all surface water bodies
- The Groundwater Hydrology and Groundwater Quality section does not meet the requirement of Holland's EIS ordinance that there be a search of well records and the submission of a table showing results as well as a map showing the location of the wells
- In the second major chapter of the EIS, Project Description, the document claims that using stormwater basins "is intended to address the nonstructural stormwater management" management techniques mandated in Holland's Stormwater Ordinance. This section needs to be reworked to explain how a basin structure can be a nonstructural solution.
- Chapter 3, Assessment of Proposed Impacts, does not explain what happens to the detention basins after the decommissioning of the site.
- Chapter 4, Analysis of Design Alternatives, focuses only on the narrow topic of placement of the PV panels. Since contamination of the soil from the spray field operations and the proximity of the Musconetcong River

are major concerns, this section should be expanded with an analysis of stormwater alternatives. The EIS should have an analysis of the two options under Holland's Stormwater Ordinance: maintaining the current conditions or infiltrating on the property all stormwater runoff.

- Chapter 13, Fire Protection Demands, has too narrow a focus, speaking only to a fire during construction. This chapter should acknowledge the extensive fire planning required in Hollands large solar systems ordinance (100-21 (M) section 6).

Other Areas where the EIS is not complete not covered in the Environmental Commission comments submitted October 6, 2016

- The EIS does not address section E (2) b of the Holland ordinance which mandates tests of water quality:
 - Water quality testing/sampling plan. The quality of water in all surface water bodies that lie within 200 feet of the site in question and that are either tributary to the site in question or receive flows from the site in question shall be tested and described with reference to the standards promulgated by the NJDEP at N.J.A.C. 7:9B et seq.
- We found this late because the EIS is not organized the same way as the Holland ordinance. It would be helpful if the applicant could provide a table showing which sections of the EIS address each of the sections of the ordinance.

Incomplete Items Required for Highlands Consistency

- The Highlands Council's November 1, 2016 Consistency Determination required that under the Highlands Land Use Ordinance a Phase I Geological Investigation should be done in this area with Carbonate Rock. The Municipal Engineer will then determine if a Phase II Investigation is required. This work should be completed before a public hearing if it could alter the design of the PV panel layout.
- In the same letter, Condition #4 states that the applicant should continue working with the DEP and request a resource evaluation of potential vernal pools on the property. If the DEP finds vernal pools, they would have a 1000 foot buffer. This might require an alternation of the layout of the solar panels.

Mike Keady expressed that the basic concern is about Stormwater and water that will run-off to the Musconnetcong River. Engineer Pantel strongly expressed that the ponds filter the water and allow for run-off to happen at a much slower rate. Exhibit A2 address the spray fields and Engineer Pantel also stated that he does not believe that run-off should remain on site and that run-off will not disturb anyone off the tract. This is only a solar project and it does not really change the property. The applicant has agreed to provide more photos. There are scenic resources on the site. This was an open farm field that will have some solar on it and also maintain existing farmland which supports his statement that there are not significant changes being made to the property. Ken Grisewood asked for more clarification and better landscaping discussions. The applicant needs this project to remain as presented to be an economically viable project which had previously been reduced by 1.5 megawatts from the original discussion. Engineer Pantel has also stated that what is on the spray field is exactly what has been on the spray field and is a such from when purchased.

Witness #2 – Stan Sackowitz returned to the stand to state that the owner of the property has not modified the topography since it was purchased in about 2007. “What is there was there when purchased!”

Witness #1 – Engineer Pantel continued with testimony. They will request a search within 500 feet. There was a typo and they will fix that in the document. The ERI does not mention other fish so they cannot be held accountable as the DAM was removed recently and that changes the patterns of the fish.

Discussion of the FINE house took place. Some ideas include keeping the house but that will be explored for future discussion. The Barn, sheds and corn crib are also to be dismantled and our Holland Township Historic Commission is weighing in on that.

Herbicides are not being used on the property. Maintenance will take place and mowing may need to occur about twice a year. Engineer Pantel stated that he has seen livestock be used to graze solar fields but he is not sure if that is in discussions for this project. The noise levels had been discussed. The hum of the transformer at the property line could be about 23.7 DBA. Noise is reduced the further you go into the property as well as putting the transformers in a box. A tree survey in the area to be cut will be provided and the applicant will work with the board's engineer. There is to be no cutting in the C1 area. The project has a structural approach with small berms to help divert water. The storm design will be revisited with the help of the board's engineer. More discussion about the basins took place with the applicant wanting to re-grade so as to avoid stagnant pools. A decommissioning plan does not address basins but the applicant will include them. All outstanding items will be addressed with the board's engineer. There are no remaining contamination issues on this tract. The 20' access road is to portions needed on the tract. An emergency shut off to the inverter at the convertor will be provided and details will be added in the future once better product and design decisions are made. That is all for the Environmental Commission comments at this time.

Planner memo of January 7, 2017 was discussed.

MEMORANDUM

TO: Holland Township Planning Board
FROM: Elizabeth C. McKenzie, AICP, PP
DATE: January 7, 2017
SUBJECT: Review of Mill Road Solar Project, LLC, Site Plan and Variances Application, Block 2, Lot 1.02, and Block 4, Lot 1, 10 Mill Road, IND Zone District

The purpose of this memorandum is to present our comments on the application of Mill Road Solar Project, LLC, for the installation of a major commercial solar energy facility on the above-captioned property. The use is a permitted use in the IND Limited Industrial Zone ⁻¹⁻ District, but is subject to a number of specific requirements. We are in receipt of, and have reviewed, the set of plans dated September 24, 2016, along with the other material provided to us. Our previous memo, dated July 1, 2016, had been based on an earlier set of plans that appears to have been replaced in its entirety by the current plan set.

The plans remain difficult to evaluate from a zoning compliance perspective. The project encompasses two lots in the IND zone:

Block 4, Lot 1, and Block 2, Lot 1.02. The cover sheet, however, only includes a zoning table (and acreage) for Block 4, Lot 1. Some of the sheets in the plan set reference both lots, and others only reference Block 4, Lot 1. Without an accurate zoning table for each lot, however, it is not possible to confirm what variances are going to be needed.

It appears that the front yard setbacks have been measured from the centerline of the roadway (which may well be the property line). They should, instead, be measured from the right-of-way line.

The proposed fencing detail shows a 6 foot high fence topped by barbed wire. A minimum 8 foot high fence should be provided; otherwise, a variance will be required to be sought. Black wrought iron fencing is recommended rather than chain link fencing, for aesthetic reasons. In any case, vinyl or wood slats are not recommended to be used in connection with a chain link fence. If a chain link fence is going to be used, it should be painted black and located inside the landscape buffer.

The tract is subject to a number of environmental constraints, and encroachments on wetlands and wetlands buffers are contemplated to accommodate a utility crossing and a driveway. These encroachments will require the applicant to seek permits from the NJDEP. Although the current set of plans does a better job of delineating the particular types of environmental constraints that exist than did the original set, what is still not clear are the locations of, and required riparian buffers associated with, the C-1 waterways. According to Holland's Ordinance, these C-1 waterways will require the maintenance of a 300 foot riparian buffer to either side of the waterway, *whether or not portions of that 300 buffer were previously disturbed for agricultural purposes* (see Section 100-21.M(2)(b)).

We had requested back in July, before the submission of the current plan set, that the applicant prepare and submit a narrative indicating how each of the requirements of Section 100-21.M(2) through (7) are or will be satisfied. To the extent that any of these requirements will not be satisfied, the applicant should provide a full description, with mapping (if appropriate) of the deviation(s) requested so that needed variances can be identified.

The zoning table on the cover sheet seems to suggest that the height of the solar installations will be 35 feet. If this is indeed accurate, and some of the installations will be 35 feet high, this will require a "d" variance, which would remove the application from the jurisdiction of the Planning Board. **The**

drawings that have been submitted, however, show that the solar panels will maintain heights of under 10 feet, which conforms to the zoning requirements. The zoning table should be corrected if this is the case. If it is not the case, then the Planning Board does not have jurisdiction to hear this case, even though the use itself is permitted in the IND zone.

Mr. Burr has also noted discrepancies in the calculation of the proposed impervious surface coverage in connection with the proposal. While an accurate calculation of the proposed impervious coverage may not rise to the level of requiring a variance, it is nevertheless critical to the evaluation of the storm water management plan.

No information is given regarding what is proposed to be installed on the inverter pad that will be located in the 200 foot front yard area. The Board will need to understand this in order to evaluate the impact of granting a front yard setback variance for this encroachment.

It is assumed that the existing structures on the site will all be demolished, but I could not find anywhere where this is stated. A demolition plan should be provided as part of the submission. Also, I concur with Mr. Burr that the site plan should be submitted to the Holland Township Historic Commission for review of any proposed demolitions. Additionally, the applicant should be prepared to address how any buildings not proposed for demolition will be maintained and used over time.

Consideration should be given to using a greater variety of evergreens in the buffer planting plan, not only for visual appeal but to reduce the impact of species-related disease on the integrity of the buffer. It is acknowledged that the applicant has provided understory plantings that will help provide eye level screening once the white pines that are proposed in the buffer reach a mature height and lose their lower level branching.

We continue to recommend that a screening buffer be provided along the southeastern lot line, abutting the lots in the R-5 zone, and the same type of buffer should also be provided for the single-family homes to the north of the site. The retention of existing vegetation as part of any buffer is encouraged,

wherever feasible, with supplemental vegetation provided as needed.

We concur with Mr. Burr's recommendation regarding the identification and mitigation of any trees to be removed and the prohibition against clear cutting in the Ordinance. Compliance with the provisions of Section 100-21.M(2)(d) is required. Otherwise, a variance must be sought. The applicant should consider modifying the number and locations of the solar panels proposed in an effort to preserve important stands of trees.

It is recommended that the Board consider retaining the services of a Landscape Architect to assist in the review of the quality of the existing vegetation and of the landscaping and landscaping maintenance plans. For an installation such as this, control over the visual impact of the solar arrays is critical, and retention of existing mature trees as well as the quality of the landscaping and screening that is proposed to be added to the site can go a long way toward mitigating such visual impacts. We would be happy to provide the Board with the names of landscaping consultants that have been used by other municipalities in Hunterdon County.

Compliance with the landscape buffer requirements of Sections 100-21.M(3)(d) and (e) is required, as identified in Mr. Burr's memo.

The Highlands Council is requiring a Phase I and, if recommended by the Township's Engineer, a Phase II geological investigation of the karst features that underlie this site. I have not seen the reports from any such studies if they have indeed been undertaken. As noted in Mr. Burr's memorandum, this information will have a significant impact on his review of the stormwater management system design.

Additionally, the Highlands Council has requested verification via the NJDEP as to whether any of the existing vernal pools on the site provide vernal habitat (thereby requiring a 1,000 foot buffer around them). While technically outside of the Board's jurisdiction, this information obviously affects the extent and layout of the proposed solar installation. For this reason, it would be more efficient (although not required) if the

applicant were able to provide such information to the Board early in the review process.

I support the comments of the Board's Engineer, Mr. Burr, on the technical aspects of the submission. I have not seen the EIS (as it was not provided to our office for review), but I concur with the comments of the Holland Township Environmental Commission as to the information that should be provided within the EIS.

Upon receipt of the narrative requested in the bold italicized paragraph at the top of page 3 of this memo, we will undoubtedly have additional comments.

Discussion of the memo took place with emphasis on a variance for the front yard setback. More discussion also took place about the shipping containers being used for the invertors and transformers and if a variance is needed as well as the need for screening. The riparian buffer was also discussed which evolved into a variance discussion and the potential need for the applicant to obtain an interpretation of the ordinance which would be before the Board of Adjustment.

Public Comment

Jerry Bowers – abutter – stated that the secondary growth is not a great buffer. He also mentioned that the estimated life of the project is 20 years and a major financial stimulus needs to be there to dismantle the project. He asked if the applicant plans on putting money away over the years, maybe 5% or so per year, to help with the decommissioning at the end of the projects life span. Planner McKenzie stated that the ordinance does require a performance bond to decommission. The applicant stated that they understand the seasonal issues and will work with Maser.

Henry Gore – Spring Mills Rd and a member of the Environmental Commission. He was also a director at the Milford Mill and spent many years on material safety. The site is on a spray field and the paper mill effluent has been sprayed on the fields. There are potential materials that have been sprayed. Engineer Pantel stated that information was provided to the board saying that the site has no contaminates. Henry Gore then referred to the Stormwater Ordinance and how the planning board needs to be conservative with drainage. Engineer Pantel stated that the solar installation is a low impact use of the property and he does not see an issue with what is presented. The current design is conforming to the Stormwater controls. The applicant will consider changes as discussed with Maser. The current design does meet the ordinance and the DEP regulations. Henry Gore then questioned the 300 foot buffer and Engineer Pantel reinforced that the applicant will work with Board Engineer Burr on design issues.

Noreen Burner – an abutter. She questioned the trees on the north side and asked how tall they are now. Engineer Pantel did not know the height however Noreen Burner stated that she thinks they are Maple and Ash and approximately 25 to 40 feet in height. She asked that the applicant consider keeping the trees as removing them will impact her viewscape. Engineer Pantel stated that the applicant is working with Board Engineer Burr on trying to disturb as little as possible with the landscape. A discussion of the panels took place with the panels generally facing south at approximately 135 degree incline.

Chris Schaffer – 13 Willow. He questioned the detention basin on the north side and the potential for ground water to be a problem. It was explained that a detention basin captures the water and holds it and releases slowly. In regards to affecting Willow Lane, Engineer Pantel stated that he did not think there would be a change. The eastern basin closest to Willow Lane would be on the edge of a berm and approximately 450 feet away from Willow Lane. Willow Lane does sit in the middle of a flood plain. Engineer Pantel stated that he was highly certain

that you will have ground water issues because of the location to that of the river but to have an impact from this project is highly unlikely based on how far the storm basin is. He is not saying it is impossible but just highly unlikely. If something did happen and it was proven to be the fault of the applicant then the applicant is more than likely held accountable but again it is the belief of Engineer Pantel that Willow Lane is highly unlikely to be impacted from the project with regards to water.

Randy Heiser – Willow Lane. A follow up to the conversation of Noreen Burner. The land she mentioned is most visually impacted by this project. A discussion took place about the basins and how they filter water before it gets dumped into the ground which flows to the river. Discussion took place about exceeding 2 foot. Engineer Pantel explained that basin control the rate of run off and allows for sediment and actually slows the water down. Vernal pool questions came up and Engineer Pantel stated that the applicant is not building on the “eyebrows”. Randy Heiser wanted to know how Holland Township is benefitting from this project and Mike Keady reminded all that the project is a non-carbon energy source which goes back to the grid. Planner McKenzie also reminded all that there is a state law that allows for this use in our industrial zone.

The meeting was carried to the next scheduled planning board meeting of February 13, 2017. There is no need to further notice. All agreed to carry the meeting. Member Grisewood asked if the board would see improvements in the plans before the applicant comes back as well if the Landscaping issues would be addressed. The applicant stated that they would work with Engineer Burr. Meeting carried.

Sub-Committee Status and Updates:

There was nothing new to report at this time.

Public Comment

There were no public comments offered at this time.

Executive Session

There was no Executive Session scheduled at this time.

Adjournment

Tom Scheibener made a motion to adjourn. Motion approved. The meeting ended at 11:10 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
Maria Elena Jennette Kozak
Secretary