

## **Holland Township Planning Board**

### **Minutes of the Regular Meeting**

**February 13, 2017**

The meeting was called to order by the Chairman Rader:

“I call to order the February 13, 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**

Chairman Rader asked all to stand for the Pledge of Allegiance

#### **Identification of those at the podium**

Present: Dan Bush, Casey Bickhardt, Ken Grisewood, Michael Keady, Mike Miller, Dan Rader, 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: Dave Grossmueller, Carl Molter and Tom Scheibener

Let the record show there is a quorum.

#### **Minutes**

The reading of the January 9, 2017 minutes was tabled.

#### **Conceptual Plan**

Block 15 Lot 1 – Mark Phillips – Spring Mills-Little York Rd (Rt 614) and Milford Warren Glen Rd (Rt 519). Farm Stand. Plans and application submitted February 7, 2017. Applicant is looking for board discussion. Site Plan might be needed but the applicant does not think variances needed. Parking discussion needed. Mark Phillips is the contract purchaser for the land and is doing due diligence. His goal is to establish a farm stand at this site. The right to farm does not pre-empt the Townships ordinance regarding parking and this location allows for five parking spaces. The board and its professionals looked over the submitted drawings and determined that a site plan is not needed but if the applicant wants to pursue additional parking then the application would need to go to the Board of Adjustment for a variance ( a “C” variance to be specific). Although the board was very positive about the potential addition of a formal farm stand, the applicant was reminded that he should reach out to the Hunterdon County Planning Board regarding the exit as a past project experienced many hurdles and challenges from the county and ultimately withdrew the application near where this project is being discussed. The applicant thanked the board for their time and suggestions.

#### **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 began on January 9, 2017 and continued to February 13, 2017. Board Action needed.

Attorney Cole, attorney for the applicant is present.

Attorney Bolig requested a five minute break as he was handed the proofs this evening. He needs to review them to make sure that Holland Township has jurisdiction.

At 7:50 pm the board returned to the meeting and Attorney Bolig stated that the Holland Township Planning Board has jurisdiction to proceed. The notice is as follows:

TOWNSHIP OF HOLLAND PLANNING BOARD NOTICE OF APPLICATION FOR MAJOR SITE PLAN APPLICANT: MILL ROAD SOLAR PROJECT, LLC PROPERTY ADDRESS: 10 Mill Road Block 4, Lot 1 and Block 2, Lot 1.02 TAKE NOTICE that the undersigned has filed an application for major site plan with the Planning Board of Holland Township, Hunterdon County, for: Solar Panels at the lots referenced above. This hearing would grant approval of and permit installation of solar panels as permitted by Holland Township Ordinance 100-21(M). The Township's professionals have also advised that the proposed solar field MAY require several variances under Ordinance 100-21(M) and Ordinance 100-25: 1. Allowing a six foot high fence around the field instead of eight feet 2. A reduction in the 300 foot buffer required for a C-1 stream 3. A reduction in the vegetation buffer requirement on the North side of the property 4. Existing Trees on the south side of the property be deemed sufficient buffer 5. Objects within the setback area from the lot line. This notice is sent to you by the applicant pursuant to N.J.S.A. 40:55D-70(c) and 40:55D-12 and Holland Township Ordinance 100-21(M). A public hearing has been set down for Monday, February 13, 2017 at 7:30 p.m. at the Holland Township Municipal Building, 161 Church Road, Milford, NJ, and when the matter is called, any interested party affected by this action may appear either in person, or by agent or attorney, and may participate in the hearing regarding the granting of the relief sought in the application. All documents, including any maps, relating to this application may be inspected by the public during normal business hours in the Municipal Planning Board Office, 61 Church Road, Milford, New Jersey. Douglas A. Cole, Esq. Stem & Cole Attorneys for the Applicant 571 Milford-Warren Glen Road Milford, NJ 08848 (908) 995-4405 (Pr's fee \$45.16) 02/02/17

Attorney Bolig expressed concerns with the notice. The applicant noticed for five specific variance reliefs as outlined above. The applicant can proceed, however, it is at their own risk as the board can only identify the five variances noticed and if another variance is needed then it should not be discussed this evening without proper notification. Attorney Bolig indicated that the Applicant assumes the risk of any jurisdictional challenge regarding a defective notice, and neither Holland Township nor the Planning Board will defend any suit involving either deficient notice or the Board's lack of jurisdiction.

The applicant is aware of the situation and on record requested to move forward with the public hearing.

Witness #1 - Engineer Richard Pantel of Princeton Engineering was sworn in by our court reporter on January 9, 2017. Revised plans were submitted. A Landscape Architect will be present for testimony.

Attorney Bolig stated that the revised plans have been received, however, they have not been revised sufficiently as per Engineer Burr's request. In prior testimony the applicant did agree to comply with items discussed from the engineer report at the last meeting.

Engineer Pantel continued with a discussion about the original proposal having three driveways and how the applicant has consolidated the north and middle to use one driveway with the use of the existing farm road that currently has a chain link fence on it near the road. The detention basins on the north edge removed in favor of swales. Invertor 1 and 2 will be to one bio retention swale and invertor 3 will be to the eyebrows. There will be a stabilized entrance to each driveway.

Witness #2 – Landscape Architect Thomas Biro – 388 East Mountain Road Hillsborough NJ. Sworn in by our Court Reporter. He is licensed 30 years and has owned his business for 25 years. He is a graduate of Rutgers in Landscape Architecture. He was accepted by the board. Thomas Biro stated

that the objective with the plan is to do screening and save as many plants and trees as possible by using the existing character when possible. The following sheets presented were not in the revised plans.

A4 – Sheet

A5- Google Map of the site showing Norway Spruce

A6 – Landscape Plan Cyphers Road to the north

A7 – Landscape Plan - Sheet south of the farmhouse – showing the wooded area.

Plantings to augment the plantings are needed in the gaps of existing trees. The screen will be added to block the view of the house to the back of the property. Southside shows existing homes with natural screening.

Thomas Biro also showed on exhibit A4 that the applicant will have to add more evergreen trees, red cedars and river birch to add more screening towards Willow Lane. They are planning on saving the row of existing evergreens. In exhibit A6 you can see that more landscape is being added in the evergreen row. The farmhouse would have more evergreens behind the house and some landscape around the house to help keep it looking better.

The plans show the size of plantings. Board member Grisewood commented that all the landscape plans are new and not submitted so the board and professionals did not have time to review them. Some cross section discussions took place from north to south. Discussion took place about making sure the trees do not block the project but are added to the satisfaction of the board. Discussion about the size of the trees to be added also took place. A construction staging area was also mentioned. For the applicant, trying to maintain the character is paramount.

The field meeting discussion took place and the goal is to maintain the existing buffer and supplement when possible. The applicant proposes to go into the flood plain/riparian buffer. They propose using 150' rather than maintaining the 300' buffers. Board member Grisewood expressed concern with the proposed plantings and asked that consideration be given to using plantings that would concur with the lifetime of the project (supposedly 20 years). Engineer Burr strongly suggested that the applicant bring some exhibits to the next meeting which shows the current view as well as the proposed view. Board member Grisewood reminded the applicant that they are seeking a variance for the landscaping and that the applicant must convince the board that a variance is a good idea for this project. A better understanding is needed regarding the variance and how it is not a detriment to the community. All agreed that using existing buffering is helpful rather than berms which tend to be more industrial. The hedgerow defines the farm field. More details need to be given. Board member Grisewood also asked that a key on each sheet be given.

#### Public Comment:

Jerry Bowers – had questions about the barrier on the south end and the existing vegetation and how in the winter it is transparent because of the secondary growth. Thomas Biro stated that he did walk the site, but he did not witness gaps and thinks that the applicant can fill in the gaps if they exist. Jerry Bowers suggested that the task could be larger than just plugging in some additional trees.

Greg Heiser – 21 Willow Lane – He agrees with board member Grisewood and asked for Pine greens to be added as fill in.

Jim DeFalco – expressed concerns with the reduction of vegetative barrier on the north side. The river is designated wild and scenic. This means that if screening is not present then people on the river can look into their property. The road is also heavily traveled and the screen is advantageous to that as well.

Joseph Becker – He worked at the mill. He is a biker too. He expressed concern about maintenance of the trees and how the trees grow along with the types of trees.

Ted Harwick - - He asked about the species of trees and the possibility of oak. He also asked about trees and vegetation for wildlife. A brief fence discussion also took place.

Engineer Burr's letter of February 10<sup>th</sup> was introduced. (Secretary Kozak modified the letter to fit the minutes and appears as such)

**To: Members of the Holland Township Planning Board**

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

**Date:** February 10, 2017

**Re:** Mill Road Solar Project, LLC — Technical Review #2  
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 thirty-six (36) 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 and January 30, 2017.
- Report entitled: "Former Georgia-Pacific, Hughesville Mill, Cyphers Road, ISRA Case No. E91206, Supplement to the November 2008 Remedial Investigation Report/ Remedial Action Work Plan Addendum", as prepared by Martha Mackie, P.G. of GeoTrans, Inc., dated April 2, 2009.
- Report entitled: "Georgia-Pacific, Atlanta Georgia, Hughesville Mill, Remedial Action Work plan Addendum, ISRA Case No. E91206, Appendix A Preliminary Assessment of Hughesville Spray Fields (AOC K)", as prepared by ENSR Corporation, dated September 2005.

### **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 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.

As a follow-up to the January 9, 2017 public hearing, this office attended a site visit on January 17, 2017 with the applicant's engineer and landscape architect to discuss landscape buffering. On January 18, 2017, we had a follow-up conference call with the applicant's engineer to review many of the comments from our initial January 7, 2017 memorandum to the Board.

### **Summary of Plan Revisions:**

- A single access drive to Cyphers Road is now proposed at the northern portion of the property utilizing an existing field/driveway entrance to provide access to inverter pads 2 and 3. This is in lieu of constructing two (2) new driveway openings as previously proposed.
- The existing farmhouse is now shown to remain, along with the existing driveway from Cyphers Road.
- The existing Norway Maple tree row along Cyphers Road is now shown to remain.
- The previously proposed stormwater basins at the northeast and northwest corners of the site are now eliminated. Stormwater Management is now provided by four (4) bio-filtration swales throughout the site.
- Offsite runoff from the southeast corner of the site are now being re-directed around the rear of the existing farmhouse and towards a stormwater inlet in Cyphers Road.
- Additional landscape buffering is provided along the eastern and northern property lines.

Upon review of the above referenced documents versus our January 7, 2017 memorandum, the discussions at the Planning Board meeting from January 9, 2017, along with our January 17, 2017 site visit and subsequent

January 18, 2017 conference call with the applicant's professionals, we offer the following comments (note: comments from our January 7, 2017 memorandum are listed below with our latest comments in **BOLD**).

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 as 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 4,101 SF. This discrepancy shall be addressed. **Not 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. **Advisory Comment.**
3. **Any variances or design waivers being requested should be provided in a formal letter request to the Board and listed in a table on the site plan.**

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 CO<sub>2</sub> canisters and Knox Boxes. **Not Satisfied. The applicant's engineer should clarify whether this was done - as discussed at the January 9, 2017 Board meeting?**
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. **The applicant's engineer testified at the January 9, 2017 meeting that there would be sufficient room to maneuver throughout the site.**
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. **The plan now proposes "logging mats" if field conditions are likely to damage the soil structure. A detail shall be provided for these mats.**
  - 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. **Not Satisfied.**
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 a 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. **Not Satisfied. The applicant's engineer should confirm whether applications have been submitted to NJDEP and if so, copies of same should be provided to the Board.**
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. **Partially Satisfied. Wooded areas are now shown on the plans; however, the trees to be removed are not quantified and replacement plantings are not provided.**

6. The site fencing is proposed to be 6-foot 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. **Not Satisfied. We recommend a black, vinyl coated 8 ft. tall chain link fence be installed around the perimeter of the solar arrays.**

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. **The plans have been revised to minimize new driveway entrances off Cyphers Road as requested. In the latest proposal, the plan proposes to utilize the northernmost existing farm driveway opening for access and also proposes to construct one (1) new entrance at the southern portion of the property. The existing driveway to the farmstead is also shown to remain, although it does not appear to be intended for access to the solar arrays.**

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. **Not Satisfied.**

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. **Not Satisfied. At the January 9, 2017 Board meeting, the Board requested that the applicant solicit feedback from the Township Fire and Police Departments regarding this issue. An update should be provided to the Board.**

**10. A stabilized turnaround area for emergency vehicles has not been provided in the westernmost solar field. The proposed gravel drive ends at the gate providing access to the field. The plan shall be revised accordingly to reflect this.**

**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 proposed 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. **Partially Satisfied. The legibility of the plans is much improved. However, additional design details shall be provided for the site improvements to ensure that the drainage features are properly constructed and function as designed.**
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. **Satisfied. Basins #1 and #2 no longer proposed.**
  - 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. **Not Satisfied. Additional details shall be provided for each stormwater management feature and each pipe crossing proposed on the plans. Each swale, pipe crossing inlet and discharge will require detailed grading and engineered stabilization measures, i.e. headwalls, concrete aprons, riprap, soil stabilization measures.**
  - 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 sub-area 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. **Partially Satisfied. Colorized plans have been provided; however, a revised Stormwater Management report was not submitted.**

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. **Partially Satisfied. The swale has now been more clearly defined. However, additional design detail is required for the swale and the pipe crossing the proposed drive (i.e. capacity/stability calculations). The existing culvert crossing the farmhouse drive should be repaired/replaced as part of this project. Additionally, the swale should discharge to a headwall and pipe directing flows into the inlet along Cyphers Road to ensure that flows do not bypass the inlet and make their way into the road.**

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 pipes should be specified to include rubber gasketed water tight joints to limit the potential for sinkhole formation. **Not Satisfied. Pursuant to the Highlands Consistency Determination and recently confirmed by Highlands personnel, a Phase 1 Geotechnical Investigation is still required for this project.**

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 coverages from 4,101 SF to 5,500 SF. If all of the proposed driveways are considered impervious the actual coverage would be closer to 43,701 SF. The plans, tables, stormwater report and design shall be revised to reflect the total proposed impervious coverage. **Not addressed on the plans. Revised report not submitted. Correspondence from NJDEP is also required confirming that the proposed gravel drives may be considered pervious 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. **Not Satisfied. Soils tests to be performed in areas of proposed stormwater management features.**

c. To include an Operations and Maintenance Manual for all proposed stormwater improvements. **Not Satisfied. Manual not submitted.**

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). **Not Satisfied. Revised report not submitted.**

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. **Not Satisfied. Revised report not submitted.**

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 bio retention/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. **Partially Satisfied. The Stormwater Management design has been revised, though an updated report has not submitted.**

Landscaping W/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. **Partially Satisfied. The plans now show an expanded landscape buffer in some areas; however, it is not 50 ft. wide and does not appear to provide screening from all surrounding roads and residential properties.**
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. **Partially Satisfied. These trees will now remain. No additional plantings have been proposed to enhance this buffer area.**
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. **Advisory Comment, although American Holly is not included on the Recommended Planting list provided by Highlands (see attached).**
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? **Not Satisfied.**
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. **Not Satisfied.**
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. **Not Satisfied.**
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. **Previous testimony was that no lighting was proposed.**
8. **A few of the selected plant species are not in line with the Highlands Recommended Native Plant List (see attached). The proposed sizes and spacing are generally adequate; however, we recommend additional plantings be added to the buffers. In addition, we recommend the White Pines be substituted for red and white cedar varieties, for example.**
9. **Additional ornamental trees should be included beyond just the two (2) types (Redbud and Dogwood) that are proposed. As an example, more varieties such as Serviceberry and River birch should be added to the plan.**
10. **In areas where there is the most direct impact such as adjacent to the house on Lot 18, the buffer should be increased to a double row of evergreens, instead of a single row. Where there is direct view from homes, the evergreens in the buffer should be increased for that portion of the planting to provide a more substantial screen.**
11. **During our field meeting, we discussed that the existing tree/hedgerow along the northeastern area of the solar array should be maintained to help mitigate the impact to the existing homes to the north. That existing tree row is proposed to be removed to accommodate installation of additional solar panels; however, the plan does show a new landscape buffer to be shown to the north of the proposed solar array.**
12. **Plantings are proposed within the flood plain area. The applicant shall address the suitability of the proposed plant materials planted within a flood prone area.**
13. **During our field meeting, we discussed the need for buffer plantings in the area to the west of the stream that bisects the site. However, no landscape buffering of any kind is proposed on the west side area. We also requested additional buffering on both the north (to screen from County Route 627) and south ends of the array. No buffering was provided in**

**these areas either. If the applicant feels that certain landscape buffering is not necessary, it is recommended that exhibits be provided to the Board proving this position.**

**14. The buffer shown on the south side behind Lot 15 should be extended all the way to the riparian buffer.**

**15. As discussed in the field meeting, the access drives should enter at an angle within a buffer planting overlap so there is not a direct view into the solar array from the road down the straight driveway cuts.**

**16. The Landscaping schedule needs to be updated to reflect the latest proposal. We note that it has not been updated in this submission.**

#### 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.

**Based on our review of the additional environmental reports referenced above we offer the following comments with regards to the former paper mill effluent spray fields Area of Concern (AOC) K:**

**The Preliminary Assessment Report (PAR) identifies two incidents in 1995 which resulted in unpermitted discharges to the spray fields. On March 23, 1995 "pink fibrous water" was diverted to the spray fields as a result of a faulty drain valve. No information was presented on its chemical composition or what remedial measures were taken in the spray fields. On May 23, 1995, 220 gallons of ISC 234A, a heavy duty degreasing agent was released to the spray fields, resulting in complaints of eye irritation and odors. The PAR indicates that ISC234A is composed of petroleum, cyclohexane and naphthalene. Ground water samples were collected to determine if ground water quality was affected (which was not), but no samples were collected at the time to determine the extent of soil contamination.**

It also appears that the testing procedure outlined in the Remedial Investigation Report did not follow the Work plan approved by NJDEP. Soil samples were collected and analyzed from below a dark gray to black soil layer that extends from the surface to 2.6-feet below ground. NJDEP guidance requires that soil testing be performed from 0 to 6 inches below the surface in areas of concern with surface discharge, which is the depth where the highest levels of contamination can be expected.

The report also states that seven (7) monitoring wells were installed to monitor ground water at the spray fields. It is our understanding that groundwater was regularly sampled and the groundwater quality was found to meet acceptable New Jersey Ground Water Quality Standards.

**Recommendation:**

The dark grey to black soil layer should be sampled at various locations on site for USEPA target compound list/target analyte list (TCL/TAL) and Extractable Petroleum Hydrocarbon (EPH) parameters to assure that if chemicals of concern are present, they are properly addressed before the area is disturbed by construction activities. A report and testimony shall be provided presenting the results of this testing and, if necessary, a plan for site remediation shall be implemented, prior to any final plan approval.

**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. **Not Satisfied. A revised Environmental Impact Statement was not provided.**
  
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. **Partially Satisfied. A site visit was held on January 27, 2017 with representatives from the Township, as well as, the applicant/owner to discuss the old farmhouse. The existing farmhouse is now shown to remain on the proposed plans. Testimony shall be provided to summarize the discussions of this site visit, as well as to indicate what will become of this property? What, if any, improvements will be made to the site around the farmhouse? At a minimum, we recommend that the driveway apron be improved to the same standard as the proposed solar access drives.**

**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. **Partially Satisfied. Some improvements have been made, but existing features to be demolished are still shown on the proposed site plan and landscaping sheets; a separate demolition plan has not been provided clarifying which existing features (trees, buildings, etc.) are to be removed; the Overall Site Plans do not show all proposed features, including landscaping and buffer areas; and plan legibility still has to be addressed in greater detail, particularly on the landscaping plan and the environmentally sensitive area/disturbance plan labeling.**
  
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. **Not Satisfied. Graphic scales are not provided on the individual sheets and various insets. Also, the status of any NJDEP submissions is unclear.**

3. All yard and setback dimensions shall be drawn from the edge of the road Right-of-Way. **Satisfied.**

4. A Demolition Plan should be provided indicating what existing features (buildings, trees, drainage features, driveways, etc.) are to remain or be removed. **Not Satisfied.**

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. **Not Satisfied.**

6. The applicant shall provide testimony to clarify the frequency and times of proposed site visits (i.e. for maintenance, equipment checks, etc.). **The applicant's engineer provided testimony at the January 9, 2017 Board meeting indicating that the site will only be visited a few times per year on average.**

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. **Not Satisfied.**

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. **Partially Satisfied. Underground lines are depicted on plan, but last run between inverter 3 and the utility pole in R.O.W. is proposed overhead. Is this a typical installation configuration? This proposed line will be running overhead through a row of mature evergreen trees, are there any concerns about damage due to tree and or weather effects?**

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. **Partially Satisfied. A signage plan was provided, but the signs do not address the requirements outlined in the above comment.**

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. **Testimony was provided by the applicant's engineer at the January 9, 2017 Board meeting indicating that there would be no fire, vibration, noise or glint/glare impacts as a result of the solar installation.**

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. **Testimony was provided by the applicant's engineer at the January 9, 2017 Board meeting indicating that the project had a useful life of at least 20 years and that this project was a utility scale PV production project intended to supply power back to the grid.**

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. **Not Satisfied.**

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. **Not Satisfied.**
  - b. Section 100-21M(5) — Performance standards. **Not Satisfied.**
  - c. Section 100-21M(6) — Safety regulations. **Not Satisfied.**
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. **The applicant's engineer should provide testimony to clarify the status of any applications to outside agencies.**
  15. **The notes and details for the gravel drive shall be coordinated. The proposed geotextile should be of a non-woven type to permit infiltration and shall be required in all areas of the site. In addition, the detail on page C220 should specify 4-inches of #57 stone as indicated in the note on page C110 and not an 'aggregate road base'.**
  16. **A detail should be provided for the 'drive stabilized entrances' (asphalt driveway aprons). The section should consist of a minimum 6-inches of dense graded aggregate and 2-inches of HMA 9.5M64 Surface Course.**
  17. **Since it appears that the existing farmhouse is now proposed to remain, the plans should be revised to reflect the existing septic and well locations to ensure that the proposed solar installation does not impact these facilities.**
  18. **In addition, the plans should be revised to clearly delineate which features around the farmhouse will remain and which will be removed?**
  19. **The plans shall be revised to provide revision dates for either each sheet, or the entire plan set to ensure that plan versions and submissions are not confused. The Board must be confident that plans that are being presented are the of the most current and complete revision.**
  20. **The "Sheet List Table" on the Cover Sheet C000 should be revised to accurately reflect all plan sheets.**
  21. **In order to expedite future reviews, we recommend that the Applicant provide a response letter addressing each of the review comments and how they have been addressed.**

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

Engineer Pantel wanted to approach the discussion of Engineer Burr's memo as only talking about items they disagree with or want to comment about. If a comment is not made on an item then that means the applicant will comply. Engineer Burr expressed that there are a lot of open ended issues with the plans and at the last Planning Board meeting the applicant stated they would address the prior issues, and yet the revised plans do not address all the prior noted issues the applicant agreed to address.

**Discussion:**

The applicant has not sent out plans to the fire company. They will do this and cc the board. The applicant is submitting to the DEP, and we will be provided a copy when the submittal takes place. Board member Grisewood asked for discussion about the buffer being 150 feet and not 300 feet. Engineer Pantel stated that is the variance that is being discussed with the DEP. He stated that the actively farmed fields potentially permit a reduction in the C1 corridor from 300' buffering to 150'. The applicant is aware that the tributaries on the property drain to the Musconnetcong. The applicant will provide a tree survey. A fence discussion took place. After the board's suggestions, the applicant agreed that the fence will be 8' high with no barbed wire and that it will have vinyl on it rather than paint. The applicant will contact police and fire for input and cc the board. The applicant will contact emergency management for input and cc the board. Board member Keady noted that the applicant proposes no Fire Company access or turn-around for the west solar field. He asked what happens if kids decide to throw something into the field that causes the

project to catch fire. Although Pantel stated he never heard that question asked before, Mayor Bush stated that is why we seek the opinions of our Fire Company, Police Department and emergency management.

Board member Grisewood requested identification of what changed in the updated Letter of Interpretation (LOI) and Engineer Pantel responded by referring to sheet C110 which shows the use in the flood plain as increasing. There is no buffer impact in the areas of development. The applicant does not think there are vernal pool areas because the last review did not show any. A letter from the DEP will come to us identifying the change.

Engineer Pantel talked about some changes on the site. On the east side south end is an existing swale. The planted area was moved to the street side of the swale. This is identified on the plans the board and professionals received. The existing swale heads north and drops to the driveway and spreads to the lawn in front of the house. All agreed that it needs to be channeled into the storm inlet on Cyphers Road from the spring house. Sheet C054 shows the existing house and tree row and the existing swale which is about 150' west of the road. The flow heads north and hits the drive and then goes across the front yard into the inlet to a five foot pipe. The goal is to use the swale behind the spring house which needs to be enlarged some and to channel the flow to behind the spruce tree row and into the storm inlet on Cyphers Road. Engineer Burr asked for some additional details such as more riprap and some additional information on drainage. The applicant agreed to supply the detail.

At 8:55 pm Chairman Rader called for a 5 minute break. Mike Keady made the motion and Dan Bush seconded the motion. All in favor. Motion carried.

At 9:05 the meeting was called back to order.

Engineer Pantel stated that Crest Engineering has worked on the Geo-technical report and it will be forwarded to the Planning Board.

The Stormwater design was revised and some small bio-retention basins were added. More details and discussions need to take place. The geo technical report is needed. 15 to 21 borings were done on site. Board member Keady expressed concerns with impervious surface. Attorney Cole expressed issues with the Highlands Councils request for a Phase I as a condition of their approval and would rather it be a condition of Holland Township. Planner McKenzie stated that if the report is available then submit it and let the board review it as it could affect the design. Attorney Cole believes that the environmental issues do not pertain to the actual solar project yet Planner McKenzie offered the board that the applicant is before them with a site plan and other agencies are requesting the information so it is pertinent and the board should review them. Board Engineer Burr also reminded the board that the Highlands Council is looking at a Phase I Carbonate Rock Environmental Study to see if a Phase II is needed. Planner McKenzie state that it is all relevant and can affect the Stormwater design and lining of the swales etc. Engineer Pantel stated that he would be able to provide a copy of the Crest Report. The applicant will work with Maser on the buffering and will be creative with the entrances to the site. A kilowatt discussion took place and the applicant wants to be respectful in keeping the existing vegetation, however, the application is a solar project and trees and vegetation can affect the project. This then went into a soil conversation with the applicant's Engineer stating that the property, a brownfield, has been cleared by the State of New Jersey and a letter is on file stating this. More conversations took place and a discussion included the concept that the soil samples WERE NOT tested properly as the upper most levels were not tested. The tricky part is that the LSRP on the project signed off on the project and the DEP accepted it. Engineer Burr had an on staff LSRP from Maser review the report. Concerns are being expressed regarding the disturbance of the land. No one knows if it could be problematic because there is no data available saying what the soil is that has not been tested or what it is not. The on staff LSRP from Maser suggests more testing of the property. Attorney Cole stated that the contours of the solar project are within the RAO and the DEP accepted the Owner's LSRP report. The DEP deemed the site clean based on the supplied LSRP report. There was never a legal challenge. Engineer Burr stated that the LSRP from Maser reviewed the supplied report and saw a missing element of what was tested. It's this element or missing layer that has people concerned. Board member Grisewood suggested having the LSRP attend a meeting. Attorney Cole further stated that the major concerns were away from the site and that the applicant is not the title owner of the property but the lessee and do not have jurisdiction over the site. More discussion took place about the process and the report provided with emphasis on the top layer of soil not being tested. Attorney Bolig thanked everyone for their concerns, opinions and requests however, the LSRP was an agent of the DEP and not the property owner. The LSRP has a duty to fulfill the obligations the NJDEP imposes on them and are under stringent rules to perform. Attorney Bolig stated that while we all appreciate that new findings and potential errors have evolved the bottom line is that the DEP signed off on the document and that's the simple fact. The RAO should be on file.

More discussions took place about the farm house. Planner McKenzie stated that the field trip to the house was enlightening, however, she does not think that the farm house could be used as an affordable housing project because of the expense. A 4 bedroom COAH house would be desirable but the farm house is in need of major rehabilitation.

Witness #3 – Alex Lemus – California – the lessee of the property. He has some capital to bring to the farmhouse which might help qualify them or landscaping and rehabilitation with 25% being funded from the state. Planner McKenzie supported this discussion and suggested carving out a lot for the farmhouse. Part of the carved lot would be dedicated to the solar project and upon the decommission then the part carved out would just become part of the farmhouse property and the rest would just be open space. This is a reasonable option to explore. Mayor Bush stated that some other groups are also looking at the farm house and asked Secretary Kozak to send some contact information to Alex Lemus. For the record, Mayor Bush stated that the Township has no interest in the farm house, however, private historical groups have expressed interest and that is what is being looked into as options to preserve the farm house.

Exhibit A8 – Veridian Letter RAO dated April 10, 2015

Exhibit A9 – Veridian Letter dated June 17, 2010 – No Further Action letter

Each exhibit above has three pages.

Engineer Burr will find out the status of the project and verify the letters. He will also see if the LSRP is still working.

Material Data Sheets and details of equipment will be provided at a later date as the applicant has not made the decision on the equipment to be used. All agreed that this information can be provided at a future date.

The Crest report will help address the concerns about the project being pile driven. Secretary Kozak will forward to all the board members and professional once Engineer Pantel submits it to the secretary.

A discussion took place about the connection to the grid and sheet C104 shows the northern end of the driveway as having a convertor that will then need wires to be put underground to the neighboring lot to the system. It will go thru the Norway spruces but it will re-route following the driveway and then flow under the roadway to the other property leased by the applicant. JCP&L has agreed to take the power.

Witness #3 – Alex Lemus – Fiberville Estates held the original interconnection application, however, the interconnection agreement is now between Mill Road Solar and JCP&L. The PJM W1082 is in Mill Road Solar (it was amended to be in the name of Mill Road Solar). The applicant will provide this agreement to the board and Secretary Kozak will forward it to the board and its professionals as soon as it is received.

Many entities are involved with this project. UL products are used. Safety regulations exist. The fire company needs to have a say in this project and the applicant will reach out to the Fire Company with a cc to the board. There was a discussion about the emergency disconnect being outside the fence and emergency management will have to weigh in on that topic, however, the board thought that everything pertaining to the project should be housed within the fence. It was suggested by the board professionals that the applicant provide a list of all the deviations so as to identify the variance request associated to the solar ordinance as well as with all the other deviations to all the other variance requests. More discussions took place and there is a need for more clarification of the project from the applicant.

The letter dated February 13, 2017 prepared by Planner McKenzie was discussed and is as such:

**TO:** Holland Township Planning Board

**FROM:** Elizabeth C. McKenzie, AICP, PP

**DATE:** February 13, 2017

**SUBJECT:** Third 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

We are in receipt of a revised set of plans with corrected zoning information pertaining to the application of Mill Road Solar Project, LLC, for the installation of a major commercial solar energy facility on the above-captioned property. It is noted that the corrected zoning information still does not compare the proposal to the requirements of Section 100-21.M., which are applicable to this permitted use in the IND Zone.

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We are also in receipt of the very comprehensive updated report prepared by Maser Consulting and concur with (or defer to, as the case may be) all of their recommendations.

I would note that the American holly is considered by the Highlands Council to be native to Warren County. I am not sure why it is not considered native to Hunterdon County, but the proximity of the site to Warren County may make this species choice less problematic than it would otherwise be. It is suggested that the applicant check with the Highlands Council to see if there are specific reasons not to plant American holly on this site.

The purpose of this report is to alleviate some of the confusion surrounding the variances that may or may not be needed in connection with this application.

In addition, we wish to apprise the Board of the results of our on-site inspection of the historic house on the property and to present our thoughts and recommendations as to what should be done with it.

#### Variances

*Front yard setbacks.* The front yard setbacks have been measured from the centerline of the roadway. The applicant is correct that the IND zone establishes building setbacks at 200 feet from the centerline of the street rather than from the right-of-way line. It appears that the inverter pads (and the inverters that will be located thereon that are proposed within the building setback are not, in fact, "buildings" pursuant to the definition of that term in Holland's Land Use Ordinance. Consequently, ***no variance is required***

**for front yard setback.** Nevertheless, it is recommended that the pads be fully screened from view from off-site.

*Fencing.* The proposed fencing detail shows a 6 foot high fence topped by barbed wire. Although the Board has indicated that it would accept alternative fencing to that specified in the Ordinance, **a variance will still be needed for the proposed fencing design**, as a minimum 8 foot high fence is required. The Maser memo recommends black vinyl clad chain link fencing, and we concur in this recommendation. *All of the proposed fencing should be located on the inside of the perimeter buffer (it appears that it is).*

*Riparian Buffers for C-1 Waterways.* Holland's Ordinance requires that the riparian buffers associated with C-1 waterways be provided (300 feet 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)).

The Ordinance was written based upon standards established for the grant of a use variance for a commercial solar installation in the R-5 Zone, where the use is not permitted. Please note, as well, that there is an incorrect/incomplete reference to a section of the Administrative Code in Section 100-21.M.(2)(b).

In the IND Zone, the solar installation is permitted as of right. The NJDEP has jurisdiction over establishing the applicable riparian buffer or riparian zone (RZ) and for granting permits for deviations from the required riparian buffer (called a Special Water Resource Protection Area or SWRPA in connection with a C-1 waterway or tributary thereto). To determine the applicable buffer, an application must be filed for a Flood Hazard Area Verification, which will indicate the width of the required buffer or RZ, and/or, for projects involving Freshwater Wetlands, an application for a Letter of Interpretation (LOI) must be filed. The LOI will also indicate whether a SWRPA is present. All C-1 waterways are listed in the Surface Water Quality Standards. Additionally, all Highlands waterways, wetlands and water bodies are considered to be C-1 waterways. The applicant has submitted a letter from the NJDEP Division of Land Use dated January 17, 2017, approving an extension of the LOI issued in 2011, but requiring a 150 foot buffer (for

extraordinary resource value wetlands) from any wetlands on or adjacent to the property.

The **requirement in the Ordinance to comply with the 300 foot riparian buffer for all C-1 waterways will require a variance.** It is my recommendation that, given the permitted use status of the application, the Board would be wise to grant the variance subject to NJDEP approval of the encroachment. The NJDEP approval can be cited as a specific condition of both the variance and the site plan approval, with the applicant required to return to the Board with an amended preliminary site plan in the event there is any change in the NJDEP's current position regarding the buffer.

We will have to take a look at the possible need to amend the Ordinance to deal with this issue when/where the use is permitted as of right in the zone, as is the case here. But this is for another forum.

*Height.* It appears that the height limits applicable to the proposed installation will be met. Thus, **there is no need for the applicant to seek a height variance.**

#### Retention of Historic House

The applicant has agreed to retain the existing historic farmhouse on the site, and this is very much appreciated.

The issue with which the Township must contend now is how the building's restoration and long-term maintenance can be guaranteed. I participated in the on-site investigation and walk-through of the house on Friday, January 27th and have the following comments to share with the Board:

It is very clear that the house, while charming and with perfectly intact moldings, wide plank floors, and really great space and proportions, needs a lot of work: new heating system, second bathroom, new kitchen, maybe new plumbing and electric, removal of carpeting and wallpaper (moldy, but not possible to tell if black mold or just mildew), installation of new septic and maybe a new well or at least a pump. Roof is solid, no apparent leaks in attic. Exterior walls and soffits needs a lot of repair, though. I did not

venture into the basement, although Mr. LaFevre, who was with us, did investigate it.

I do not think that the applicant can be required to restore the building. There may be some potential for historic preservation funding, but we need to consult with an expert in this field as to how best to obtain this (and who should be the owner of the building in order to qualify for such funding). Alternatives would be for the owner/lessee to own the building and get the funding to rehabilitate it, for the Township to own it and get the funding (not the best idea, for obvious reasons) or for the house to be subdivided off on what could be a 1-1.5 acre lot and sold to a private owner for \$1. Presumably, the new private owner would then invest his or her own \$300K into the renovations, assuming he/she does not mind living so near the solar installation (which, for someone who loves to restore old houses, might not be so bad - it will be a quiet neighborhood).

While the house might be suitable as a large affordable unit if fully renovated to Code, I am doubtful that the benefits are worth the cost to the Township, both short-term and long-term, of assuming ownership of the building.

It is hoped that the building can be lovingly and fully restored and lived in, but if this cannot happen, then it may become a liability to the Township. The Board should explore with the applicant how best to accomplish the objective of restoring and maintaining this building into perpetuity.

#### Highlands Issues

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 the Maser memorandum, this information will affect the design of the stormwater management system.

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. In any case, any approval granted by the Board should be subject to compliance with NJDEP's findings on this issue. Should vernal habitat be determined to exist, requiring the 1,000 foot buffer, then the applicant should be required to return to the Board with an amended preliminary site plan.

#### Other Issues

***We had requested back in July, before the submission of the previous and current plan sets, 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 any other needed variances (or compliance requirements) can be identified. Upon receipt of this narrative, we may have additional comments.***

Planner McKenzie requests that the applicant identify what the applicant will not comply with and what they intend to do. She further stated that justification is needed as well as visuals. Different variance requests were talked about. There is a need to tweak the Solar Ordinance but that is something the township will do in the future and does not necessarily apply to the current project. The height is ok and there is no need for a variance. Planner McKenzie also talked about the old farm house and its need for some major TLC as well as maybe new electric, well, septic etc. The tax credit concept could be inspirational and the desire to preserve and restore a historic sentimental landmark is admirable. It benefits all. The Phase I Carbonate Rock study is needed and the engineer will determine if a Phase II is needed. This could all affect the design of the Stormwater Plan as it is a design issue which is site plan. The applicant needs to determine the vernal pool and vernal habitat issues. A vernal habitat creates a 1000 foot buffer and that changes the project. Engineer Burr interjected that the Highlands Council made the Phase I a condition in their letter but the DEP needs to have a say in this sooner than later. All recommend a narrative be submitted from the applicant regarding how each requirement of solar in the industrial zone and how they will meet the requirements. Details are needed with explanations and better testimony.

Board member Grisewood brought up the issue about the typos in the decommissioning plan. This document needs to be amended. Engineer Pantel said he would work on this and also review the costs shown in the plan to make sure it addresses the concerns of the board that the plan is right for Holland Township.

#### Public Comment

Jerry Bowers – abutter – Trenton passed a law about solar being inherently beneficial. In the law Solar developers were asked to stay away from farm fields and to stay on brownfields and parking lots etc. The applicant mentions that this was an actively farmed property but a brownfield. How is it both?

Engineer Pantel said it's a brownfield. Alex Lemus stated that the answer is in Holland Zoning as the property is a brownfield that had the right to Farm. The zone is Industrial and the property is a brownfield which makes the project allowable. Farming was a tax break for the owner. Planner McKenzie stated that the requirement is allowed in an industrial zone and normally that avoids farming however that is not the case in Holland Township.

Noreen Burner – an abutter. Had a question about Exhibit A5 and the Google maps. She needed clarification on the solar arrays in relationship to her house. Sheet C100 was also discussed as well as Exhibit A8 which developed into a conversation about saving the woodlands in one spot. Mr. Bilo agreed that new screening will not be as tall as what is being removed and that the property slopes up so it provides less screening.

Chris Schaffer – 13 Willow. Questioned if the applicant is doing away with detention ponds and if this is diverting the water. Engineer Pantel stated that the project is maintaining the existing drainage patterns on the site. A few small controlled basins are proposed. Sheet C100 was used to show the existing swale that runs parallel to Cyphers Road and then to the house so they will channel behind the farm house and follow down to Cyphers Road.

Joseph Becker – Vice Chairman of the Historic Preservation Committee – questioned hiring a monitor for demolition and the applicant stated they would allow one on the property.

Ted Harwick – questioned who sets the parameters of the fence and received the response that our ordinance does which means our Township is responsible.

The applicant was reminded that all information needs to be submitted 10 days prior to the scheduled meeting. The professionals need time to review the material and the public also has the right to see material submitted. The meeting was carried to the next scheduled planning board meeting of March 13, 2017. There is no need to further notice. All agreed to carry the meeting. The applicant will prepare a narrative to identify the variances, there will be more testimony about the variances so the board can make a better determination of what is being requested. Notice was given for five specific variances yet a new issue developed this evening. The applicant will provide proper notice if necessary. The applicant will have all revised material, narratives, documents, etc to the board secretary by March 3, 2017 for the meeting of March 13, 2017. A cover letter will also be submitted explaining what is submitted and what has been done. Meeting carried.

### **Sub-Committee Status and Updates:**

There was nothing new to report at this time.

### **Public Comment**

Joseph Becker asked if the Planning Board was involved with the widening project of Route 519 and was told that the Township Committee was involved. There is no estimated time of the project.

### **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 10:40 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*

Maria Elena Jennette Kozak

Secretary