

Holland Township Planning Board

Minutes of the Regular Meeting

May 8, 2017

The meeting was called to order by the Vice Chairman Keady:

“I call to order the May 8, 2017 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

Vice Chairman Keady asked all to stand for the Pledge of Allegiance

Identification of those at the podium

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

Excused Absent: Dan Rader and Elizabeth McKenzie, Planner

Let the record show there is a quorum.

Minutes

A motion was made by Mike Miller and seconded by Dan Bush to dispense with the reading of the minutes of the February 13, 2017 meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Scheibener who abstained. Motion carried.

A motion was made by Mike Miller and seconded by Dan Bush to dispense with the reading of the minutes of the March 13, 2017 meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Scheibener who abstained. Motion carried.

Conceptual Plan

There was no Concept Plan scheduled at this time.

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, February 13, 2017, and March 13, 2017 and continued to May 8, 2017. Additional information was submitted April 21, 2017. Board Action needed.

Attorney Cole, attorney for the applicant is present.

Vice Chairman Keady reminded everyone that the plans have changed and explained how the meeting will be conducted. The applicant's professionals will have its professionals explain the application using the revised plans. The professionals will speak one at a time with the board and its professionals asking questions and then opening to the public. There will be periodic breaks.

Notice was given regarding the scheduled public hearing. 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.

Attorney Cole introduced Witness #1. Christopher P. Rosati, PE, PP. Mr. Rosati was sworn in by Court Reporter Donna Macky. Mr. Rosati is a 1994 graduate of Rutgers University and holds a Bachelor of Science in Civil Engineering. He holds a New Jersey license and certifications in Professional Engineering and is a Professional Planner. He is currently employed at FWH Associates PA and is in charge of the Land Development staff. He has appeared before many boards in the State of New Jersey but has not appeared before Holland Township. The Holland Township Planning Board accepted Christopher Rosati as an expert witness.

Exhibit A10 – Color rendering overall site plan sheet 6 of 32

Exhibit A11 - Aerial Exhibits B2 L1.02 and B4 L 1

Mr. Rosati explained the new changes in the submitted plans with there being three arrays. Array A and B will be the largest and they will be on one side of the road with Array C being across the road on Cyphers to the east. Array A and B is on lot Block 4 Lot 1 with approximately 92 acres. Array C is on Block 2 Lot 1.02 and consists of approximately 65 acres. To the north of the site is the Musconetcong River. To the south of the site is zoned R5 (residential 5 acres). To the east of the site is an unnamed tributary and to the west of the site are woodlands. The power generated is to go to the grid. The total power is to be about 9 megawatts. The wires from the solar panels will be strung together and go to invertors which convert the power from DC current to AC. Once the power is converted, the power goes to transformers on a concrete pad. The question of code was brought up and the applicant stated that the electric at the transformer is no different than at a strip mall and that New Jersey construction codes apply to all projects in the state. The racks will be pile driven. The calculations and geotech can be provided at time of construction. There will be no new impervious coverage on the site. The entrance is offsite. The entrance will be paved some and then will have turf access roads thru the arrays. There will be roads around the arrays and thru Array B for maintenance. The on-site vehicles will be a small pickup truck or van. Heavy equipment is only on the site during construction. There will be a thirty foot turf access around each array. In regards to Stormwater, there is a change in use from the current farming of hay to a proposed solar field however; the aid of meadow mix seed grass under the panels will help diffuse the increased run off from the panels and to maintain the peak flow similar to the current conditions. The life span of the panels is approximately 20 to 30 years. There is a routine maintenance of 2 to 5 times per year with the site being monitored remotely at all times. Failures in the system alert someone of issues at all times. The monitoring shows where the problem exists and a tech will then come to the site to resolve the issue.

Grass cutting of the meadow grass is approximately 2 to 3 times per year. The grass cutting would take approximately a few hours per time.

Environmental constraints discussion. There is a dry stream between array a and b with a wetland pocket on c. The applicant is honoring the 150 foot buffer along the areas of concern. They are submitting a permit application to the DEP. They want to fill in a small man-made swale under array b. Our solar ordinance requires replacement of trees if you remove trees and the applicant is proposing planting 250 trees which is in excess of the ordinance requirement. Additional trees and supplemental plantings were added to the existing tree buffer on the south side of the tree line dividing the field away from Willow Lane. The applicant listened to the concerns voiced at prior public hearings and proposes to use native species in their buffering of the project.

The applicant had a meeting with the Highlands Council to review the proposed project. The applicant did incorporate trees from the Highlands Council tree list and are open to additional suggestions from the Highlands Council.

Planning Board Engineer Richard Roseberry, Planning Board Planner Elizabeth McKenzie and State of New Jersey Highlands Council prepared memorandums pertaining to the above mention project and submitted them to the Planning Board for consideration. The applicant also received copies of each memorandum and will address the memos.

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: May 5, 2017

**Re: Mill Road Solar Project, LLC – Technical Review #3
Preliminary and Final Major Site Plan
Application Block 4, Lot 1; Block 2, Lot 1.02
– 10 Mill Road Holland Township,
Hunterdon County, NJ
MC Project No. HLP-017**

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

- Plans, consisting of thirty-two (32) sheets, entitled “Preliminary and Final Site Plan – Mill Road Solar Project – Block 4 Lot 1 – Block 2 Lot 1.02 – Situated In Holland Township, Hunterdon County, NJ – Prepared for Mill Road Solar Project, LLC 14 Scenic Drive Dayton NJ, 08810” prepared by Christopher P. Rosati, P.E. of FWH Associates, PA, dated April 10, 2017, unrevised.
- Survey Plans, consisting of two (2) sheets, entitled “Boundary & Topographic Survey for Cyphers Road - Township of Holland – Hunterdon County, New Jersey” prepared for FWH Associates, PA – Mill Road Solar Project, LLC – prepared by Jack W. Shoemaker, PLS, of First Order, LLC, dated February 23, 2017, unrevised.
- Report entitled: “Environmental Impact Assessment – Mill Road Solar Project – Blocks 4 & 2 * Lots 1 & 1.02 – Holland Township – Hunterdon County, New Jersey”, prepared for Mill Road Solar Project, LLC – 14 Scenic Drive – Dayton, NJ 08810 as prepared by Kyle Weise of Trident Environmental, dated April 19, 2017.
- Report entitled: “Stormwater Management Report for Mill Road Photovoltaic System – Lot 1; Block 4 – Lot 1.02; Block 2 prepared for Preliminary and Final Major Site Plan – Township of Holland - Hunterdon County – New Jersey”, as prepared by Christopher Rosati, PE of FWH Associates, PA, dated April 12, 2017.
- Letter Report entitled: “Solar Ordinance Narrative” for Preliminary & Final Major Site Plans – Mill Road Solar Project – Mill Road Solar Project, LLC – Block 4 * Lot 1 – Block 2 * Lot 1.02, as prepared by Jarred M. Fredricks of FWH Associates, PA, dated April 20, 2017.
- Letter Report entitled: “Environmental Concerns Related to the Former Paper Mill Use – Mill Road Solar Project, LCC – Preliminary and Final Major Site Plan Application – 10 Mill Road (Block 2, Lot 1.02 & Block 4, Lot 1), Holland Township, Hunterdon County, NJ” prepared by Matthew Martello, M.S. of Trident Environmental, dated May 4, 2017.
- Letter summarizing the NJDEP permits which will be sought as part of this Site Plan Application, prepared by Kyle Weise of Trident Environmental, dated May 4, 2017.

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.

Since the previous hearing on this application, held February 13, 2017, the applicant has engaged the services of a new engineer for this project. This most recent submission represents a wholesale reconfiguration and redesign of the proposed solar facility and all associated improvements.

Summary of Plan Revisions:

- The solar fields on the west side of Cyphers Road (Arrays A and B) have been reconfigured to eliminate conflicts with the existing farmstead, retain a greater amount of the perimeter tree rows and maintain the required separation distances to environmentally sensitive areas on site.
- A solar field is now proposed on the east side of Cyphers Road (Array C), also within an open meadow hay-field area.
- Access to Cyphers Road is provided through existing farm access driveways which will be improved with asphalt aprons and a gravel surface 25-feet from the edge of the road.
- The existing farmhouse and accessory structures are proposed to remain, along with the existing driveway from Cyphers Road.
- The existing Norway Spruce tree row along Cyphers Road is shown to remain.
- Landscape buffer plantings are provided along the eastern, western and northern property lines to provide new and/or enhance existing vegetated screens.

Upon review of the above referenced documents versus our February 10, 2017 memorandum, the discussions at the previous Planning Board meetings, and our March 3, 2017 meeting with the applicant’s new professionals, we offer the following comments.

Zoning:

1. We defer to Board Planner Elizabeth MacKenzie 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.
2. 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. We understand that copies of the updated site plan have been submitted to the Township Fire & Police Departments for review and comment. Testimony should be provided by the applicant’s engineer to clarify whether any comments or feedback have been received from either department 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. Copies of any correspondence should be provided to the Township and this office.
2. The plans include a Soil Erosion and Sediment Control Plan; however, we have the following comments:
 - a. The plans provide a construction staging area which includes a temporary construction trailer and a temporary gravel area. A cross section detail should be provided for the gravel staging area to be utilized during construction.
 - b. The staging area is enclosed with fencing to minimize unnecessary site disturbance. 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.

3. 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's engineer has indicated that they will be applying to NJDEP for confirmation of both the riparian buffer and wetlands and wetlands transition area buffers on-site. Testimony should be provided to clarify the anticipated NJDEP permits that will be necessary and how the engineer determined that a 150 ft. buffer was appropriate. Copies of all correspondence shall be provided to the Township and this office.
4. Per Section 72-8 of the ordinance we note that driveways with profile grades in excess of 5% are required to be paved for the first 200-feet from the intersecting street and should not exceed 15% in grade. The proposed driveway entering Solar Array C is proposed at approximately 15%. The plan should be revised to provide a paved surface for the first 200 feet of driveway length, and to provide a more gradual profile grade if possible. The plans should also be revised to provide a vertical profile of this driveway to demonstrate compliance.
5. The applicant's engineer should provide testimony to clarify that there is enough room within the grass/turf driveway areas for maintenance and/or emergency vehicles to navigate the solar array areas as currently designed.

Grading/Drainage/Utilities:

1. Generally speaking, the plans propose very minor changes to the site grading. The extent of the work is limited to within the solar fields in order to accommodate the installation of the proposed solar panel rows and the vehicle circulation areas.
2. With regards to stormwater runoff, and drainage patterns; the provided stormwater management report indicates that post development runoff rates and volumes will be reduced from the pre-development to the post-development condition with the change from cultivated row crop fields to meadow grasses over most of the area. However, upon review of the existing conditions at the site, we do not concur with this conclusion. The actual existing ground cover should also be considered 'meadow-mowed for hay' (Curve Number 58 rather than 78) per the guidance provided in the USDA TR-55 Manual. The stormwater management report should be corrected and the stormwater design should be revised to address any increase in runoff resulting from the proposed improvements.
3. There will be minor changes to the existing on-site drainage patterns as a result of the proposed improvements. The existing site grading is largely proposed to be maintained in its current condition following construction. We do note that there is an existing swale to the southeast of the farmstead that dissipates uphill of the inlet along Cyphers Road just to the north of the farm driveway. We suggest that the applicant provide stormwater and grading improvements in this area to ensure that runoff is directed into the storm sewer system and does not adversely impact the site or Cyphers Road. The applicants engineer should contact our office to discuss the improvements to be made in this area. A site visit may be necessary.

Landscaping/Lighting:

1. Testimony should be provided regarding the condition and adequacy of the existing buffers along Cyphers Road (both sides). We note that very little new landscape buffering is proposed along either side of Cyphers Road.
2. 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 low-maintenance, native, noninvasive, shade tolerant grasses?
3. 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 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. The use of herbicides is not permitted as an acceptable maintenance practice.
4. The plan shall be revised to increase the number/mix of evergreens in the buffer areas that are directly in the view of surrounding single family homes, such as the section of buffer

that faces the rear of the lots along Willow Lane and the section of buffer that faces the rear of lots that front along Bellis Road.

5. The plan shall also include a note that the existing tree buffers will be supplemented with additional evergreen plantings in areas where the existing trees do not provide an adequate year round screen. Evergreens shall be of the same variety already specified on the proposed plant list and final locations shall be determined in the field in coordination with the Township Engineer's office.

6. The site as currently proposed will require removal of existing trees and woodlands that are depicted on plan sheet 23. 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. We note that the plan depicts a note indicating the removal of 34 trees by notation; however, the chart reflects the removal of 63 trees. This issue should be clarified. Where will the replacement trees be installed?

7. A number of the selected plant species are not in line with the Highlands Recommended Native Plant List (see attached). Testimony should be provided by the applicant to clarify whether the landscape schedule can be revised to incorporate native plantings recommended by Highlands? A meeting between the applicant's engineer/landscape architect and our office may help to facilitate this discussion.

8. 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:

We previously offered comments with regards to the former paper mill effluent spray fields Area of Concern (AOC) K, following our review of the various reports issued by Tetra Tech. In our meeting on March 3rd, 2017 with the applicant's engineer we explained the various concerns raised by the Board and the public with regards to the formal Spray Field uses on the subject parcels. The Applicant's environmental consultant has reviewed the various studies performed on the site and has provided a letter report addressing the five (5) environmental concerns raised by the proposed development and have based their conclusions on the previous environmental reports prepared related to the spray fields (AOC K)

The applicant has not addressed our concern (See Memorandum Dated February 10, 2017) that the samples that were tested as a basis of the NJDEP "Unrestricted Use" designation were collected below the dark grey to black soil layer that extends from the surface to 2.5-feet below grade. It appears that the on-site soils should have been sampled and tested at various locations from 0 to 6 inches below the surface to ensure that there are no surface contaminants present which would be disturbed with the placement of the solar panels, equipment and grading. Testimony should be provided to the Board to address these concerns.

Environmental Impact Statement:

1. The Township's Environmental Commission provided comments, dated October 5, 2016, on the previous Environmental Impact Statement. Upon review of the new EIS prepared by Trident Environmental we believe that many of the Environmental Commission's earlier concerns have been addressed at this time. A few outstanding items which have not been addressed in the resubmission include the following:
 - a. Scenic Resources – Provide photographic analysis of views to the property from the nearest surrounding roadways in all directions.
 - b. Groundwater Hydrology and Groundwater Quality – Provide information relating to any wells within 500 feet of the property including data from the Hunterdon County Department of Health and the NJDEP, in tabular form and identified on an area map.
2. The applicant's engineer should clarify if the updated Environmental Impact Assessment has been submitted to the Environmental Commission and whether any feedback has been received.

3. The applicant should submit a copy of the site plan to the Township Historic Preservation Commission for review and comment on the project in particular with respect the proposal to retain and subdivide the “John Fine” farmstead. Testimony shall be provided to summarize the proposed subdivision, 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 off Cyphers Road be improved to the same standard as the proposed solar access drives and the culvert crossing the farm driveway be reconstructed as part of the proposed solar improvements.
4. Based upon available mapping, it appears that a portion of the site is underlain by karst (carbonate) terrain. Pursuant to the previous Highlands Consistency Determination and recently confirmed by Highlands personnel, a Phase 1 Geotechnical Investigation is required for this project. The applicant’s engineer has indicated that this Investigation is currently being prepared and will be submitted under separate cover.

Miscellaneous:

1. Testimony should be provided by the applicant’s engineer to update the Board on the status of any outside agency submissions (NJDEP, Highlands, etc.).
2. The signature blocks provided on the Overall Site Plan (Sheet 6) shall be revised to reference the Holland Township Planning Board and not the Zoning Board. These signature blocks should also be relocated to the Title Sheet (Sheet 1).
3. The site plan should be revised to reflect the new survey that was prepared.
4. 4. The applicant shall provide Material Safety Data Sheets (MSDS) to the Board and the Fire Department for the various components of the solar facility.
5. The applicant shall provide testimony to clarify the frequency and times of proposed site visits (i.e. for maintenance, equipment checks, etc.), along with anticipated vehicle types and equipment.
6. Project and Owner identification signs have been proposed to be installed as part of the project as required; however, the details should be reviewed to ensure that all signs shown on the detail sheets are applicable to the current solar installation.
7. The plans contain a note that indicates “some” of the accessory buildings will remain and be subdivided with the main farmhouse. Testimony should be provided to clarify which buildings will remain and/or be removed. The plans should clarify this as well.
8. 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.
9. 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 clarify the intended use of the power created by the installation.
10. 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.

11. 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.
 - d. Section 100-21M(7) – Decommissioning and Disassembly.

12. Pursuant to Section 100-21M(6)(c), access roads for the solar facilities are required to be reasonably improved to support the weight of a typical emergency service apparatus. The proposed turf driveways are not provided in a reinforced section. We would recommend the plans be revised to provide a stabilized surface treatment (gravel, grass pavers, turf reinforcement matting, etc.). In addition, testimony should be provided as to the condition of the existing farm driveway connecting Solar Arrays A and B, and its suitability to carry emergency service vehicles. It's possible that existing vegetation and trees may need to be trimmed through this area and the surface may have to be improved to provide unrestricted access to Solar Array A.

13. The detail provided for the 'Asphalt Entrance Section' shall be revised to reference the most current NJDOT Superpave Asphalt Mix Designations (i.e. HMA 9.5M64 Surface Course and 19M64 Base Course).

14. The existing farmhouse and most of the farm buildings are proposed to remain; however, 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.

15. 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, the Highlands Council and NJDEP.

16. 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.

MEMORANDUM

TO: Holland Township Planning Board

FROM: Elizabeth C. McKenzie, AICP, PP

DATE: May 8, 2017

SUBJECT: Fourth 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 significantly revised set of plans for the above-captioned project. The plans are a substantial improvement over those previously submitted in terms of accuracy, completeness and legibility. It is likely that the Board (as well as its professionals) will find the plans easier to review and evaluate as a result of the applicant's efforts.

The applicant is still proposing the installation of a major commercial solar energy facility. The original submission for this project did encompass the land on both sides of Cyphers Road; those plans were subsequently modified to show all of the development occurring only on the west side of Cyphers Road. The latest plan iteration is now using both sides of Cyphers Road once again. This arrangement appears to provide more flexibility in the layout of the solar panels on the site (so as to preserve existing vegetation, for example).

The applicant's efforts to provide an accurate zoning analysis and a Solar Ordinance Compliance Narrative are also noted and appreciated. Although the applicant commits to compliance with all of the Ordinance requirements, the Maser report rightly notes that further documentation and descriptive material is still needed (although not necessarily all at this stage) to demonstrate compliance and fulfill the requirements.

We have reviewed in detail the very comprehensive report prepared by Maser Consulting and concur with (or defer to, as the case may be) all of Maser's recommendations.

The Highlands Council has also reviewed the revised application and appears to be much more satisfied with this new iteration than had been suggested by the tone of its initial Consistency Review letter. Nonetheless, there are still some outstanding conditions set forth in the Highlands Council's May 4, 2017, letter report that need to be addressed in further submissions to the Board and to the Highlands Council (submission of Phase I and possibly Phase II Environmental reports; submission of complete Landscaping Plans for the properties on both sides of Cyphers Road to the Highlands Council for review, with such plans showing the preservation of the buffer screen provided by the existing row of Norway Spruce; submission of plans for riparian zone restoration and enhanced meadow plantings for both properties for review and approval by the Highlands Council; relocation of Solar Array "C" outside of the stream buffer area on Lot 1.02, Block 1; pursuit of all land use permits required from the NJDEP, with copies of all correspondence to be sent to the Highlands Council).

Although the Maser report indicates that native species consistent with the Highlands Council's recommended native planting list are not

being used in all cases, the Highlands Council's letter seems to acknowledge the use of its recommended native planting list in the revised Landscaping Plan, so this issue may now have been resolved.

Variances

Front yard setbacks. **No variance is required for front yard setback.**

Fencing. The applicant now proposes to comply with the fencing requirements of the Ordinance. **No variance is required for the height of the fence.** It is still recommended that black fencing be used.

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. All Highlands waterways, wetlands and water bodies are considered to be C-1 waterways.

The NJDEP has already indicated to the applicant that it will be requiring a 150 foot buffer (for previously disturbed 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.

According to the Highlands Council's letter, the applicant will be pursuing land use permits from the NJDEP, and the Highlands Council will be coordinating with the NJDEP on such issues as the status of the man-made (and potential vernal) pools on the site.

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.***

Landscape Buffers.

The applicant should confirm compliance with required landscape buffers. ***If, as the May 3, 2017, letter from Mr. Cole suggest, there are a couple of areas where the buffer requirement cannot be met, then variances are required.*** Testimony must be provided as to why the solar arrays cannot be rearranged to achieve the required buffers.

Retention of Historic House

We had previously apprised the Board of the results of our meeting with various stakeholders on the site of the existing historic farmhouse on the site. The applicant is prepared to keep the farmhouse and perhaps subdivide it for sale to a third party. This is very much appreciated, but I also concur with Maser's recommendation that the condition of the existing well and septic system needs to be verified.

Conclusion

This application is moving along nicely. The Maser review letter does identify a number of corrections, additional submissions and

testimony and exhibits needed (the analysis of scenic views, for one), and I concur with these recommendations.

Dan Rader, Chairman
Holland Township Planning Board
61 Church Road
Milford, NJ
08848

RE: Application for Consistency Determination – *Amended Site Plan*
Mill Road Solar Project, LLC
Block 4, Lot 1, Block 1, Lot 1.02
Township of Holland, Hunterdon County
Consistency Determination: Consistent Subject to Specified Conditions

Dear Mr. Rader:

The Highlands Council had previously issued a Consistency Determination (CD) in October of 2016 for the above referenced project. Highlands Council staff had determined that the project was Consistent with Specified Conditions. Through recent correspondence with the planning board professionals, the planning board secretary, and the applicant, the Highlands Council was notified that the site plan as submitted in 2016 has been amended and resubmitted. We are therefore amending our CD to reflect changes in the project and to evaluate impacts to Highlands Regional Master Plan (RMP) resources.

On April 28, 2017 Highlands Council staff met with the applicant's professionals to discuss the changes in the site plan and resource impacts. Electronic copies of the site plan, stormwater reports, surveys, Environmental Impact Assessment and additional documentation were provided. As a result of the meeting, Highlands Council staff conducted a site visit on May 2, 2017.

The project, located in the Planning Area of the Township of Holland, consists of a portion of a larger New Jersey Department of Environmental Protection (NJDEP) brownfield-designated former industrial site, which manufactured paper products for nearly 100 years. The portion of the site that is the subject of the application currently contains hay fields, but historically these fields were used for the spray irrigation of water from the paper manufacturing process. As a result, the surficial soils are considered contaminated as part of the greater facility, thus allowing the property to be designated as a brownfield. The Mill Road Solar Project proposes to develop portions of the currently agricultural areas into an approximate 8 megawatt ground-mounted photovoltaic system, within approximately 30 acres of Block 4 Lot 1, and approximately 6 acres of Block 1, Lot 1.02. The proposed improvements to each lot will also include the construction of equipment pads, electrical conduit, access drives and security fencing.

The amended site plans as presented differ from the plans reviewed in 2016 as follows:

- Reduction in the number of panels on Block 4 Lot 1
- Elimination of proposed perimeter roadways;
- Preservation of the farmhouse and outbuildings;
- Efforts to minimize visual impact and avoidance of sensitive resources;
- Greatly improved clarity and simplicity of plans;
- Improved landscaping plan, using Highlands Council recommended native planting list; and
- Inclusion of solar arrays on Block 1, Lot 1.02.

Highlands Council staff has completed the review of the amended proposed project for consistency with the Highlands Act, the Regional Master Plan, and the Township of Holland Draft Highlands Area Land Use Ordinance. Highlands RMP resources potentially affected by this project include Carbonate Rock Area, Highlands Open Water Buffer, and Critical Wildlife Habitat, Uplands Forest, and Prime Groundwater Recharge Area. Discussion of each follows:

Carbonate Rock: The entire project is located within a mapped Carbonate Rock Area. A phased geologic investigation is required by the Draft Highlands Land Use Ordinance for proposed projects within a mapped Carbonate Rock Area. A Phase I Geological Investigation shall identify the geologic nature of the materials underlying the site. Based on the results of the Phase I investigation,

the Municipal Engineer shall determine whether a Phase II Investigation shall be required. The purpose of the Phase II Investigation is to delineate and define potential karst areas noted or suspected in the Phase I Geological Investigation, to evaluate the effects of the proposed development on such areas, and to propose methods of protection and mitigation if needed. The applicant's professionals indicated that they are finalizing a contract for the Phase I study.

Highlands Open Water Buffer (HOW): Highlands Council GIS mapping depicts multiple waterbodies, some natural and some created during site operations (spray irrigation) across the property. The RMP provides a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Water Buffer feature. The features on the site are as follows:

A tributary to the Musconetcong River runs south to north through Block 1 Lot 1.02, the proposed location of Solar Array "C". This stream is deeply incised and lies at least 25 feet below the agricultural field at some points. The array is proposed to be located within portions of the HOW Buffer. The RMP states that proposed disturbances shall only occur in disturbed areas. Any proposed additional disturbances must demonstrate every effort to avoid, minimize and mitigate all adverse impacts so there is no net loss of the functional value of the buffer, and in no cases shall the buffer be reduced to less than 150 feet from the edge of the HOW feature. The site visit revealed that the buffer is highly disturbed and significantly disconnected from the stream and likely non-functional due to the elevational difference between the field and the stream. However, the array is currently proposed to be located approximately 100 feet from the edge of the stream.

- On Block 4, Lot 1, Solar Array "B" is proposed to be constructed over two small swales which are remnants of the prior use. These bermed areas have no discernable connection to streams or drainage on site, but were noted to be holding water at the time of the 2016 and most recent site visit and on historic aerial photography reviewed. Limited pond vegetation was noted, and a number of frog species and snapping turtles were observed. Although these pools may exhibit some vernal characteristics, they do not meet the RMP definition of a vernal pool, which must be a vernal pool certified by NJDEP. The applicant will be applying for an NJDEP freshwater wetland General Permit #6, to fill isolated wetlands, and at that time NJDEP will determine the status of these pools. These pools are manmade structures which, once active operations on site ceased, retained water and have become attractive to common freshwater species.
- Running between Solar Array "A" and "B" on Block 4 Lot 1, is an intermittent stream or drainage channel that runs south to north to a large wetland complex proximate to the Musconetcong River. The proposed arrays are located within the 300 foot Highlands Open Water Buffer, although they are located outside of the NJDEP 150 foot buffer. The buffer is highly disturbed and the channel was dry at both site visits.

Critical Wildlife Habitat: Potential habitat has been mapped by the NJDEP for rare, threatened and endangered species, specifically for the state endangered bobcat and vesper sparrow, state threatened brook snaketail, and species of special concern northern copperhead, coopers hawk, veery, wood thrush, and worm eating warbler. However, due to the highly disturbed nature of the site, the prior industrial use of the site, and the current agricultural use of the site, suitable habitat for these species was not noted in the fields. The tributary to the Musconetcong on Block 1 Lot 1.02 is unlikely to contain suitable habitat for the brook snaketail. The project as proposed would be constructed well above the deeply incised stream, in any event and would not impact the stream or potential habitat.

Upland Forest & Prime Groundwater Recharge Area: A small area of upland forest is proposed to be removed for the installation of Solar Array "C". This forested area is also mapped as Prime Groundwater Recharge Area. According to the applicant's professionals at the time of the site visit, this area of forest will not be removed. If this change to the site plan does not occur, mitigation for the forested area as well as the Prime Groundwater Recharge Area would be required.

The project, as amended, has been found "**Consistent Subject to Specified Conditions**", as summarized below. Please note that these conditions shall be incorporated into any action taken by the Planning Board regarding this project; however, the Planning Board may modify the wording of any condition, as long as the spirit and intent of the conditions remain.

Specified Conditions:

Condition #1: A complete landscaping plan as required by the Planning Board shall be submitted to the Highlands Council for review. The applicant shall submit the plan to the Highlands Council and shall provide the township a copy of the cover letter indicating date of submission

Condition #2: As appropriate, every effort shall be made to preserve the buffer screen of large Norway Spruce which extend along Cyphers Road on the eastern edge of the property.

Condition #3: The results of the Phase I Geologic Investigation and if applicable, the Phase II investigation shall be submitted to the Highlands Council. The applicant shall submit the report(s) to the Highlands Council and shall provide the township a copy of the cover letter indicating date of submission.

Condition #4: The applicant should continue to pursue land use permits from NJDEP. The Highlands Council will coordinate with NJDEP regarding the status of the manmade pools. The applicant shall copy the Highlands Council on correspondence with NJDEP including when permit applications are submitted.

Condition #5: The applicant shall relocate Solar Array "C" outside of a 150 buffer from the eastern tributary on Block 1 Lot 1.02. The HOW Buffer is already significantly disturbed, and likely of low value to the stream as a buffer; however, the applicant shall propose a riparian zone restoration and meadow planting plan which will incorporate invasive species management and enhancement of the Highlands Open Water Buffer, for review and approval by the Highlands Council. The plan shall include planting lists, management strategies and monitoring details. Additionally, the applicant shall provide an enhanced meadow and riparian planting plan for Block 4 Lot 1. A copy of the cover letter indicating date of submission shall be provided to the township.

Condition #6: Copies of the final approved site plans (one hard copy and one digital copy) and approving resolution must be submitted to the Highlands Council. The applicant shall submit copies of the plans and resolution to the Highlands Council and shall provide the township with a copy of the cover letter indicating date of submission.

Should you have any questions regarding this Consistency Determination, please do not hesitate to contact Ken Green, Resource Management Specialist and liaison to the Township of Holland at (908) 879-6737 or email to keri.green@highlands.nj.gov

Witness #1 – Christopher Rosati continued his presentation with addressing the Planning Board Engineers letter outlined above. He went to the comments about the EIS first.

Exhibit A-12 Photos taken by Rosati's office in March of 2017 depicting:

- Upper left photo: View toward existing farm;
- Lower left photo: View looking south on Cyphers Road;
- Upper right photo: View across from paper mill looking south;
- Lower right photo: View from Jonathan Fine Farmhouse driveway.

Exhibit A-13 Photos taken by Rosati's office in March of 2017 depicting:

- Upper left photo: View from Cyphers Road to Lot 18;
- Lower left photo: View looking south on Cyphers Road;
- Upper right photo: View of existing farm road which will be used as a connection road between Array "A" and Array "B";
- Lower right photo: Future access from Array "A" and Array "B".

Mr. Rosati stated that the applicant stated that they are not disturbing trees on Cyphers and the perimeter to the south and the tree line dividing the farm field. They are adding buffers to soften the lines. In regards to the wells within 500 feet the applicant agrees that can be a condition of the resolution. The applicant will modify the Stormwater plan and will work with Maser. There will be no discharge to the wells and they will provide the proof to Maser. They are showing a future subdivision of the farmhouse as everyone wanted to save the house because of the historic value to the township. The barns and the out buildings will be included in the "possible future sub division". The restoration is not part of the application nor is the project that of the applicant. The hope is that the Township will take that project over. The possible future minor sub division would create a separate block and lot for the farm house, barns and out buildings. This potential minor sub division is NOT before the board and is NOT part of the application.

As for the arrays, the ordinance has requirements. There is no vibration generated from the invertors but there does exist a slight hum similar to the fan in a laptop. The applicant will meet the township ordinance requirement relating to decibels. The panels are designed to absorb sunlight rather than reflect and there is little glint. The signage on the property is for Emergency information and not

advertising. Soil will not be removed from the site. The fence will be black vinyl coded chain link and will be around the perimeter of the project as well the common roads. There is no change to the drainage as the minor modifications to the existing topography will have the arrays following contours. The applicant wants to keep it simple. There is not a lot of earth work or pipework. They will use meadow grass mix. The row panels are 12 feet between the rows. The proposed construction staging area will have an office and parking for people to work. The area will be fenced in. A stone path will exist and then it will be a meadow grass mix. For safety, a 30 foot access road will exist around the perimeter. An ambulance as well as safety equipment can maneuver the project. During construction there will be a lot of activity which will compact the road which creates a base for the road network. The applicant will see "cracks" in the road and reinforcement can take pace during construction.

The decommission plan is for 20 to 30 years. Everything proposed in this application can be removed in the future and the land returned to farmland. No one knows what the future will bring. The panels could change and the project could also remain with different panels. Technology changes and only time will determine what changes will be made. The underground conduit is all underground but never exceeds a 4 inch diameter.

Mr. Rosati stated that a lot of changes from the prior submittal to the current plans being discussed tonight evolved from what was being asked of the applicant. The revised plans are a better plan. Array C was added since the applicant lost the area near Willow Lane. Whatever the applicant is not discussing in the memos is because the applicant is willing to work with the professional and satisfy the request.

The Planner's memo is friendly but also reminds the board that the 150 foot buffer is a variance from our ordinance and even if the DEP says it is acceptable, the township needs to grant the C2 Variance. The variance would be associated with Block 4 Lot 1. Solar Energy is considered Inherently Beneficial in the State of New Jersey. There is not a financial hardship for the township if the variance is granted. The project is clean energy. Proposed additional plantings are an improvement to the site. There will be no negative impact on the township if the solar application is approved. The property would basically look the same. The land could be converted back to farmland in the future. The neighborhood is not damaged by the application being approved for a solar project. All the workings are internal to the site. More discussion took place about the board needing to address the variance for the 150 foot buffer. The water quality was taken into consideration and there is no impact since the application is honoring the state's desire for clean energy. Mr. Rosati expressed that Planner McKenzie's statement:

"This application is moving along nicely. The Maser review letter does identify a number of corrections, additional submissions and testimony and exhibits needed (the analysis of scenic views, for one), and I concur with these recommendations."

helps the board to see that granting the variances is acceptable.

Board comments:

Mike Miller had some comments about the pilings supporting the arrays and the height of them allowing for access for a lawn mower. Mr. Rosati stated that the arrays are about 2 feet above the ground and slanted allowing for mowing to take place.

Dan Bush wanted to remind everyone that the house referenced in this project is not something that is currently owned by the township nor will the house be owned by the township. It will continue to be a private entity owning it.

Mike Keady had some additional questions about the solar arrays and the power generation being approximately 9 megawatts and how it is distributed in the township. Mr. Rosati explained that the 9 megawatts project is what is needed for this project and that the 24,606 panels are close to the original presentation. The applicant believes this is the best layout for the project as well as satisfying all the comments and concerns expressed in prior public hearings.

Tom Scheibener asked about plans for the old mill and no one present was able to answer that as the mill is not part of this application.

Dave Grossmueller questioned how to get the power off the site and Mr. Rosati explained that it will go underground to a power easement but that the applicant is still working out the details with the power company.

Mike Keady asked about construction and the electrical connections being buried. Mr. Rosati explained that each panel has wires that go to an inverter which changes the current from DC to AC. Once converted then the connection goes under ground to transformer or main connection. The ditch is about 4 inches and can be wider to house fewer conduits.

Ken Grisewood asked about landscape compliance. Mr. Rosati said that they are compliant and exceed many of the requirements. The applicant will work with the board engineer. They are aware of the

requirements and concerns. More discussion took place about the screening and buffering and the need for additional modifications

Tom Scheibener asked about planting even more trees than what has been stated in testimony and the applicant will work with our engineer.

Carl Molter discussed some of the proposed trees and the engineer will look at that with the applicant to make sure the applicant is following our requirements along with outside agencies.

Dave Grossmueller offered his opinion that he did not think a 300 foot riparian buffer is needed and that the board could grant that variance.

The public portion of the public hearing was opened and all were reminded to only ask question to what was discussed by Mr. Rosati.

Jerry Bowers of Bellis Road stated that the presentation was good but asked for more clarification about the vertical shield. He also wanted to discuss the old building. He also asked about decommissioning and if there were safe guards that can be put into place to ensure that we do not have an "old mill" situation on or hands in the future? Mr. Rosati said that the applicant will fill in some eyebrows but that the DEP is involved with that. The applicant is willing to supplement the hedgerow if our engineer thinks it is necessary. The decommissioning is something for the attorney to discuss.

Noreen Burner – an abutter questioned the view from the Musconetcong and the existing hedgerow. She still thinks larger trees are needed.

Ken Vogel of Bellis Road questioned the site and the megawatts. He also stated that he agrees with Ken Grisewood on the need for different trees. He explained how he worked on the solar ordinance and was able to provide some history. He did ask that screening requirements be viewed from all angles. He also offered his opinion that the plans provided are better than prior submittals but that he thinks the planning board should enforce the demolition of the old mill within granting approval for this application.

Jim DeFalco of Route 627 questioned the turf access road maintenance and was told it is just like mowing the meadow grass. He also questioned the material of the frames and was told they will be galvanized steel.

Ted Harwick of Bellis Road questioned the mowing under the panels and how much will be mowed. Mr. Rosati explained that someone with experience will know how to mow under the panels and that the meadow seed mix is put down just after construction stops. Ted Harwick also expressed concerns over an 8 foot fence on the wild life. The reason for fencing was explained but that the board asked for the height.

At 8:50 pm the board took a 5 minute break.

At 8:55 pm Vice Chairman Keady called the meeting back to order.

Attorney Cole brought up Witness #2.

Witness #2 – Richard Ivins who was sworn in by Donna McKay. Mr. Ivins is a graduate of New York University, Villanova University, Stevens Institute of Technology and the College of New Jersey. He is the President of Pur Power Engineering. He is a license PE in New Jersey and has appeared before many boards in New Jersey but not Holland Township. Although the board had no questions for Richard Ivins he was accepted as an expert witness.

Mr. Ivins began his discussion with the fact that the panels can still have a life expectancy past the 25 year warranty. The panels are made in the USA. Technology does keep improving. The production is limited by the power the applicant can export which is dictated by the utility grid and connection.

Board questions

Dave Grossmueller asked if the fence was needed and yes it is from a safety standpoint.

Engineer Burr asked if there was a mechanism that can be put into place to make sure decommissioning actually takes place. Mr. Ivins stated that the question was excellent but guarantees are difficult at best. Most of the material can be recycled and that is some motivation. He has never seen an upfront guarantee.

Public Questions

Jerry Bowers expressed how we have a special sensitivity to decommissioning as the Old Mill stands as an eyesore for all to see what happens when something just sits there and how the township is left with the visual ugliness. Who bears the financial responsibility? Mr. Irvin could not answer that question.

Board questions continued...

Many members wanted to know who then is responsible. Decommissioning is required. Enforcement of anything is thru the zoning officer. There is no mechanism in place to force someone from a financial standpoint to do something. There are triggers within the system.

Ken Grisewood asked if this is a site plan application can the Planning Board require the demolition of the buildings. Attorney said that the answer is yes and no. The brownfield portion of the project is not before us in the submitted application. Discussion can take place but the applicant is also not the owner of the land. To make it a condition of our resolution is probably not something we would want to do and to deny the application based on that is really not something we should consider.

Attorney Cole wanted to talk about tree replacement.

Witness #1 Mr. Rosati came back to discuss some tree replacement. Approximately 29 trees will be 12 inches in diameter and about 250 trees will be added in buffering. The applicant will be compliant. Engineer Burr agreed that the applicant has satisfied many concerns expressed and is willing to work with the engineer. A few outstanding issues needing to be addressed are:
The fire company... On May 8, 2017 Chief Welsh responded...

Maria Elena,

After review, the Holland Fire Co. has no comment to offer regarding this solar field proposal. Thank you!

Tom Welsh

911 Coordinator.... Sergeant Sean Gutsick attended the meeting but had to leave. He asked that the planning board remember the requirement for a street address. This is what is posted on the website.

Dear Applicant,

The Holland Township Police Department 911 Coordinator uses GPS coordinates when assigning your street or house number. These measurements are standardized to assist emergency vehicles in quickly responding to calls.

In order to obtain a number for a new house on a township or county road, please submit the below application with a site plan showing the house(s) and driveway(s) location for a private or public road. There is no fee for obtaining a house number for a private or public road.

Once your application has been submitted, the Holland Township Police will notify you of your new house number or street name. As the homeowner or contractor it is your responsibility to place your house number conspicuously so first responders can easily see. Clear and well posted house numbers will always help emergency responders get to your home.

If you have any questions regarding this process please contact me directly at (908) 995-2804 ext. 221.

Respectfully,

Sergeant Sean P. Gutsick
911 Coordinator

Sergeant Gutsick will need to work with the applicant on establishing the best suitable address that will work for all emergency personnel to know where the location is.

The police....

Chief Harris responded in an email dated May 3, 2017

I have no concerns.

The Highlands Council requirement of a Geological Study is being worked on and the applicant will submit it. There will be no lighting of the exterior. The weight limit of the access roads was discussed and the applicant said that the vehicles that go on the access roads are light duty vehicles with maybe an ambulance. They did not anticipate a Fire Truck but definitely believe the access roads would withstand the Brush Truck being on them.

Engineer Burr talked about Stormwater and the applicant agrees that the ground water report needs to be tweaked. The applicant agrees to work with Maser. Less post construction run off will be addressed.

More discussion took place about the paving near the entrance which is like a driveway. Again the applicant and our board engineer will work on this. The spray fields and the odd soil were discussed. Trident submitted a letter addressing the concerns of the Environmental Commission. There are concerns that the borings were not completed properly but the LSRP of record acted within the purview of his job. The LSRP followed the rules in deviation during field investigations. There is no inappropriate conduct of the LSRP on record. Soil log discussion took place and Mike Keady wanted it on the record that he does not feel confident that an answer has been given regarding the soil on the location. Engineer Burr will review the report provided by Crest Engineering. Concern over the toxicity in the soil is paramount. Dave Grossmueller offered a solution to the concerns by suggesting that the applicant be required to double up the protection by the stream during construction. It is a common practice. You use hay bales with the fencing. Everyone agreed that this was a great way to protect the mitigation of silt from the property. The applicant agreed that they would work with Maser on accomplishing this.

Attorney Cole reviewed the application and stated that the environmental concerns have been addressed, the design plan for soil erosion was discussed, the decommissioning plan will be a recorded deed restriction with the county but that no bond will be presented now, the brownfields allow for this project to exist, the current tree line is maintained, additional plantings will be added, the applicant is following required ordinances, the property will be better than the current state, and they will get the proper address filed (Cyphers Road).

Tom Scheibener asked if a plan existed regarding the old mill and Attorney Cole brought up the fact that the Mill site is not part of this application. Mr. Rosati did agree that the Mill is on the same property as Array C but it has nothing to do with the solar application. A discussion took place about the Mill being a safety hazard etc. That issue needs to be address with the owners of the property and is a separate issue from the application. The applicant is leasing the land and not the buildings. A discussion took place about requiring the applicant to provide their lease agreement and Attorney Bolig wanted it on the record that all financial information would be redacted from the lease agreement.

Public Comment:

Noreen Burner asked questions about who will water the trees and who maintains them. Engineer Burr stated that a maintenance plan will be provided. A performance Bond and Maintenance Bond will also be provided.

There were no other comments from the public.

Engineer Rosati stated that the applicant has agreed to work with Maser and will provide additional information such as the Carbonate Rock report. All items discussed can be conditions of approval. Outside agency approval can be a condition as well. After additional discussions, Mr. Rosati stated that the applicant as hoping for a decision this evening.

Attorney Bolig asked the board to first vote on the variance relief. This relief is for the C2 Variance of the 150 foot buffer being proposed vs the 300 foot buffer required by the DEP (which is considering the proposed 150 foot). The application promotes renewable energy and there is no negative impact to Holland Township. All this has been provided in testimony and the Board Planner also supports granting the variance. A motion was made Duane Young and seconded by Dan Bush to grant the variance as requested. At a roll call vote, all present voted in favor of the motion. Motion carried.

At 10:05 pm Vice Chairman Keady called a 5 minute break.

At 10:10 pm Vice Chairman Keady called the meeting back to order.

Attorney Bolig reviewed his notes and if the board is in favor of moving forward with drafting a resolution to approve the application with conditions then he will review his notes to also include the board professional memos, the Highlands Council memo's, testimony from the meeting as well as the standard conditions of resolutions. A motion was made by Dan Bush and seconded by Duane Young to approve the preliminary site plan for a solar project and some conditions would include: the board memos prepared by the professionals, the 911 coordinators request for an address on Cyphers Road, Flood Hazzard verification, wetlands permit application, fencing to be black vinyl chain link with a height of 8 feet, super silt fence comprised of silt fence and staked hay bales, proper maintenance bonds, phase I geological study, all outside agency approvals, application for minor subdivision of "fine house"

farm house, outbuildings and barns must be made within 12 months from memorializing the site plan approval, visual well and septic on fine house, copy of lease agreement with redacted information, NJDEP approval and if change needed then the applicant has to come back to the Planning Board, all other regular standard board conditions. At a roll call vote, all present were in favor of the motion with the exception of Tom Scheibener who abstained. Motion carried.

Attorney Bolig was authorized to move forward with preparing a draft resolution to be memorialized at the next scheduled meeting.

Sub-Committee Status and Updates:

There was nothing new to report at this time except that the Highlands Council Subcommittee is working with the Highlands Council Planner to move forward with various tasks including the Land Use Ordinance, The Land Use Inventory and the Zoning Map.

Public Comment

There were no public comments at this time.

Executive Session

There was no Executive Session scheduled at this time.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 10:35 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak

Secretary