

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING
7:00 pm**

October 26, 2022

Chairman VanVliet called the meeting to order.

A Prayer was offered followed by the Oath of allegiance

Chairman VanVliet stated “Adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Ledger and The Express-Times and by posting a copy on the Bulletin Board in the Municipal Building”.

Present: Members Clymer, Coyle, Palitto, Sazanov, Weeks, Mayor Mengucci, Chairman VanVliet. Also present were Attorney Bryce, Engineer Wisniewski, and Planner Ritter.

New Business:

Minutes –August 24th and September 28th, 2022 - Motion by Member Palitto, seconded by Member Clymer to adopt. Roll call vote:

AYES: Members Clymer, Coyle, Palitto, Sazanov, Weeks, Chairman VanVliet.

NAYS: None

Bridge Development Partners, LLC – Block 99, Lot 6 – Strykers Road Warehouse Complex – Final Hearing.

Attorney Smith – Mr. Chairman, my name is Bob Smith, licensed attorney in the State of New Jersey . I am here tonight representing Bridge Development Partners. As you know, this is an application for the logistics center. It received preliminary site plan approval and variance relief on November 29 of 2021, almost a year later and we’re back to get final site plan approval. There have been some relatively minor tweaks to the plan, generally at the recommendations of your professionals. In order to go forward tonight, our first requirement is a completeness determination. There are four waivers being requested so then, we can be deemed complete. Checklist Item 38 – parking spaces within 100 feet of off-site being proposed, Checklist Item 39 – existing off-site loading showing dimensions and locations, Checklist Item 58 – completeness of site improvements by item and quantities of each to be constructed and Checklist Item 62 – presence of wetlands and compliance with critical NJDEP regulations. I’d ask that you allow

me to call to give you a little testimony on the checklist items our engineer, Mr. Brett Skapinetz, and ask that he come forward and be sworn so he can give testimony.

Attorney Bryce – Do you swear and affirm that the testimony you are about to give the Board is the truth, the whole truth and nothing but the truth?

Engineer Skapinetz – I do.

Attorney Bryce – State your name and spell you last for the record.

Engineer Skapinetz – Sure. First name Brett. Last name Skapinetz – s-k-a-p-i-n-e-t-z.

Attorney Bryce – Thank you, sir.

Attorney Smith – Mr. Skapinetz, for the record by whom are you employed and what capacity?

Engineer Skapinetz – Dynamic Engineering Consultants in Chester, NJ where I am a director.

Attorney Smith – Okay, and you have been the project engineer on this project?

Engineer Skapinetz – I have.

Attorney Smith – Are you thoroughly familiar with it?

Engineer Skapinetz – Very much so, yes.

Attorney Smith – Why is it appropriate for the Planning Board to grant the request of waivers?

Engineer Skapinetz – If we look at them; 38 and 39 I'm going to group together and then they are related to the existing proposed parking and surrounding the and loading surrounding the site, that is visible in the aerial photo that we have. We're not impacting any of those spaces in any way so, we're looking just for a full waiver, with respect to those two items because, generally speaking, the information in the aerial shows what's surrounding this. When it comes to the 58 and 62; I'll call those temporary waivers, we're requesting, 58 in that we do intend to, should the Township Board grant the approval, we understand that the investment is required for the proposed improvements and we would provide that for the purposes of bonding, and then, 62 is related to affected from wetlands confined to the DEP, we have filed for the Letter of Interpretation with DEP; we're just waiting for it to come to and we anticipate that in the coming months.

Attorney Smith – Chairman, Mr. Skapinetz is available to the Board for questions if there are any.

Chairman VanVliet – Those items you mentioned, we had extensive discussion on them in the original preliminary hearing coming up and I think we agreed to just about to all of those during that performance so, as long as you agree to make that a condition of an approval,

Attorney Smith- We have no problem with that, Mr. Chairman.

Chairman VanVliet – Let me just check with my professionals. You're good with that? George, no problem.

Planner Ritter – No problem.

Chairman VanVliet – Okay.

Attorney Smith – Thank you, Mr. Chairman.

Chairman VanVliet – You're quite welcome. As far as we had that discussion, we've already been through it, I'll entertain a motion to deem it complete. Do I hear a motion?

Member Weeks – I'll make that.

Chairman VanVliet – Do I hear a second?

Member Clymer – I second it.

Chairman VanVliet – Beth, may I have a roll call please?

AYES: Members Clymer, Coyle, Palitto, Sazanov, Weeks, Chairman VanVliet.

NAYS: None

Attorney Smith – Thank you, Mr. Chairman. So, going forward with the final approval in the context of the two reports that we received; Ruggerio Plante Plan Design LLC dated October 24th, 2022 and also received Collier's Engineering dated October 25th, 2022, with your indulgence, I'm going to ask Mr. Skapinetz to (inaudible) on those reports if you would Mr. Skapinetz.

Engineer Skapinetz – Sure. Before I do that, I'll just give a quick overview, just to what Mr. Smith noted, with respect to the plan changes. If you recall from the preliminary, a couple just

higher-level changes that were made mainly with stormwater management was adjusted primarily to adhere to stormwater rules that were put into effect last year that included just reconfiguration of basins; both open basins as well as some underground water quality basins that were placed within the parking and loading area of the site. That's shown in the plans. Another item was the Highlands; were there was discussion about the prime recharge area which is located on what is called the southern end of the site closer to the river, there was a discussion about that before the Board about how much we were disturbing. We went back to Highlands to provide more detail area of that prime recharge area. It clearly showed that we're falling underneath the allowable 15% disturbance; we're at 10% right now. Another main topic was sanitary sewer. If you recall when we were discussing about capacity in between the granting of preliminary and now, we've run through the calculations, received sign off on Lopatcong Township on our TWA application that is now sitting with Phillipsburg, been reviewed, just waiting, we're basically going through the formality of some developer agreement paperwork with them to get their signoff and submit it to the DEP. Highlands, as I just mentioned was; I did talk about the prime recharge area and we have made our resubmission to them. We did communicate with them as of yesterday. They were waiting for Collier's report primarily with regard to their comments on stormwater management. We don't have a formal answer from them now, but I will say that from a stormwater management standpoint as you noted in Adam's letter, that they're through conformance with respect to the stormwater management ordinance in town as well as DEP that it follows with our new design and hopefully, we're hopeful that Highlands feels the same way along with the meeting of the prime recharge area. Lastly, the, just want to make note, that we have to resubmit to other agencies as I just mentioned we did make the submission to the DEP for a letter of interpretation though we're expecting there's no impact. We expect any wetlands or wetland buffers and then we've also did our resubmissions to the county and soil conservation and got back to us at soil conservation which they have some comments with regards to stabilizing the basin during construction which we'll take care of in, you know, in resubmission to them. So, generally speaking, from when you look at it from preliminary versus final, all the changes to basins, that's the main thing you'll see. One other point to note is that we can look for some additional trees that we're adding to the plan about 30 more trees; evergreen trees were added. We also increased in height from 7 to 8 feet, to 8 to 10 feet and the berm in the back, if you noticed, if you recall from the plan, there were a couple berms that were added as we're doing soil movement, we going to create the berms and provide additional screening for the residents to the rear. One of the berms, the one closest to the building, was raised by about three feet; based on our reconfiguration of the soil calculations. So, and adding additional soil, raised it up and essentially, those between the landscaping and the basins, those will be the main things you would see as far as changes in design.

Attorney Smith – Have you had an opportunity to review the Planner's report dated October the 24th, 2022?

Engineer Skapinetz – We have, yes.

Attorney Smith – Is there anything in that report which we disagree?

Engineer Skapinetz – No, there is not.

Attorney Smith – All right and it requests, not to characterize them, but they are relatively minor requests and we will agree to conform to those requests, correct?

Engineer Skapinetz – That’s correct, yes.

Attorney Smith – Have you had an opportunity to review the Colliers Engineering Report dated October 25th, 2022?

Engineer Skapinetz – Yes, I have.

Attorney Smith – Okay, and similarly, we thought the comments were exceptionally reasonable. Do you disagree with any of them?

Engineer Skapinetz – No, and though there was some testimony to be requested, which I just touched on, mainly being the Highlands and our status with them, which I just went through and I think that was, I think that was primarily it, unless there is anything else that the professionals wanted to run through.

Attorney Smith – So, Mr. Chairman, we are in total agreement and we’ve done, I think, everything that the professionals want us to do. They have some tweaks that they want and we’re happy to do it. Unless there’s questions, I think that concludes our case.

Planner Ritter -Just for the record, just to clarify my letter, we indicated that the, and they have agreed, the applicant will need to supply the electrical facilities for electrical vehicles on the site. I listed in my report 20 spaces they have to provide; the number is actually 16. So just for the record, it should be 16.

Chairman VanVliet – That’s becoming a statement

Planner Ritter – Well, it is. I put the wrong number in the report. I had 20 listed; it should be 16.

Engineer Wisniewski – State Statute now.

Planner Ritter -Yes.

Chairman VanVliet – And, you agree to comply with that?

Attorney Smith – Absolutely, we only obey the law. That’s one of our primary principles.

Planner Ritter – Yeah, so that’s it; everything’s fine.

Chairman VanVliet -Adam, do you have anything?

Engineer Wisniewski – Sure, I’d like to speak to some of the problems that we had. As Mr. Skapinetz indicated, you know, the primary visions here to make the site compliant with the current stormwater rules statewide and Township stormwater ordinance and the statewide stormwater rules so, that was achieved with the revisions to the plan. There is one question outstanding and not to get into the weeds with the Highlands, but they are sort of questioning some of the, try to qualify this; explain this correctly. I guess the conclusions of the ability of the site to recharge ground water as most of the Board members likely know, Lopatcong is famous for sinkhole activity, so, in general, as we’ve seen in many recent developments residential, commercial, warehouse any type of development, we don’t typically recommend that groundwater recharge be practiced on site developments. Understanding that’s the case, we will work with the Highlands to kind of explain that situation and understanding what their feeling is in terms of how their requirements can be addressed on the site, to kind of meet the spirit of what they’re looking to achieve as well as to make sure that sites that are developed, are safe and, you know, don’t pose a threat to users of properties and/or (inaudible).

Attorney Smith – So, Chairman, if I can, this is something I actually, I’m doing this a long time, I look very young, but I’ve been doing it a long time, in this application, I learned a new word, that is karst in Lopat; one of your blessings or curses which is that you have a lot of karst which is limestone and the problem with groundwater recharge is what happens to the karst.

Engineer Skapinetz – Too much water, it turns into sinkholes.

Attorney Smith – Right, so we’re going to work together with Highlands and Mr. Wisniewski to have the appropriate solution.

Engineer Wisniewski – So, that will be ongoing, especially prior to construction. Mr. Skapinetz already spoke to that, but I just wanted to repeat that and our geotechnical department or group, our firm, reviewed the report and they’re in agreement with the conclusions of the geotechnical consultant to the developer indicating that, you know, groundwater recharge is not recommended on the site and generally, has poor infiltration based on the existing soil samples.

Member Weeks – Another area down by the bend, is definitely an area that you should watch out for. All right, it's been there; it's happened there.

Engineer Wisniewski – The Township basin, right? Sink hole.

Member Weeks – Yeah, the town basin and up above the house, all right, we have, you know, filled in some. That area be very careful with.

Chairman VanVliet – Board have any questions?

Member Sazanov – I have a couple of questions. Is there a Plan B or is it something necessary at this point, but it's just an ongoing

Engineer Wisniewski – To address sinkholes?

Member Sazanov – Well, yeah, I mean

Engineer Wisniewski – Yeah, so,

Member Sazanov – 18:50

Engineer Wisniewski – Yeah, the site is going to be regraded significantly to accommodate the building. Also, the recommendation is always in the Township is sort of a rule that every stormwater facility is lined to prevent water infiltration into the ground so that sinkholes don't form. So, that's already on the plans. That's built into the design. So, that's the plan to address the potential for sink holes.

Member Sazanov – When exactly did you reach out to the NJDEP about, you said there was a letter out recently.

Engineer Skapinetz – I think it was the letter of interpretation application on the wetlands.

Member Sazanov – When was that?

Engineer Skapinetz – It was filed a couple months ago and then there already been communication with the wetland's consultant; they're planning on meeting on site next month.

Member Sazanov – Henceforth, since the letter, you've been, you have had communications sent to them?

Engineer Skapinetz – There’s been, yes.

Member Sazanov – And, next month?

Engineer Skapinetz – It is my understanding, yeah, I don’t think a formal date has been scheduled by the communications been trying to plan for next month.

Member Sazanov – Okay.

Engineer Wisniewski - Just to clarify Mr. Sazanov, just to elaborate on that. The letter of interpretation is documented and filed with the NJDEP to identify and determine where wetlands exist on the site, whether any regulations apply to those areas on the site and/or whether there’ll be disturbed during construction. I believe in this case, the likelihood they won’t be disturbed but the DEP files a later of interpretation and they interpret yes or no and these are the standards that apply to those areas

Engineer Skapinetz – And, just add, just a little bit more color to it. We, those wetlands were flagged by our wetland’s consultant. That’s done first in the survey. So, if you look at our plans and our survey, those wetlands lines is there and you’ll see it, it’s about moving offsite and it’s associated with the river which is offsite; it’s on the county land off our southern end so, tacking on the buffer too, that buffer extends basically to our property line, generally speaking, it’s not impacted by any of the proposed grading or other (inaudible).

Member Sazanov – You mean creek, when you say river?

Engineer Skapinetz – Yeah, Lopatcong Creek, yes.

Member Sazanov – Just wanted to clarify.

Chairman VanVliet – Open for discussion. Okay. I’ll entertain a motion.

Attorney Bryce – Open up to the public for questions.

Chairman VanVliet – I’ll open this to the public for questioning on the testimony that the engineer has just given. Yes, ma’am.

Judy Liptak – Judy Liptak 47 Kyle Drive. Can I make a statement first that the microphones are not working properly. As a person who is handicapped, I’m finding it very difficult to hear in here. So, I’m asking just to hear there is no sewer approval yet from Phillipsburg?

Engineer Skapinetz – The TWA?

Judy Liptak – Is there a letter?

Engineer Skapinetz – The TWA application has been signed off by Lopatcong Township.

Judy Liptak – Correct.

Engineer Skapinetz – The application is with Phillipsburg and there are, essentially, developer agreement documents that are underway and in the process of being completed. Once that's done, those agreements are taken care of, we expect the application be signed and then we will submit to the DEP.

Judy Liptak – So, the answers, no?

Engineer Skapinetz – They have been officially signed off.

Judy Liptak – That was the question, thank you.

Chairman VanVliet – Any further questions? Seeing and hearing none, we'll close the public portion on this.

Attorney Bryce – You can see if anybody wants to make a statement on the application.

Chairman VanVliet – I've been informed that we have to allow a statement now to be made on this application.

Attorney Bryce – I'm just going to have you raise your right hand. Do you swear and affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Donna Schneider – I do.

Attorney Bryce – I know who you are but please state your name and spell the last for the record.

Donna Schneider – Sure. Donna Schneider – S-c-h-n-e-i-d-e-r. 26 Meadowview. My statement is as such, I'm not understanding.

Attorney Bryce – You're just giving testimony.

Donna Schneider – I'm just giving testimony, all right, okay. Can I ask a question of Bridge? It's not about the testimony, that I've heard tonight but you're asking for statements so

Attorney Bryce – You can make a statement.

Donna Schneider – Your property on 22, the Bridge Point Development, is that fully occupied?

John Porcek - Mr. John Porcek who is the principle on Bridge. I would have to have him sworn.

Attorney Bryce – It is a little bit beyond what this application is for – if the applicant wants to entertain that, it's up to them.

Donna Schneider – Okay, that's fine. That's fine if you don't want to do that.

Attorney Bryce – Raise your right hand. Do you swear and affirm that the testimony you are about to give this Board is the truth, the whole truth and nothing but the truth?

John Porcek - John Porcek spelled P-o-r-c-e-k.

Attorney Bryce – Okay, thank you sir. The building off of 22 that's in Lopatcong, is fully occupied and we're also building buildings in Phillipsburg. They are still under construction right now.

Donna Schneider – Okay, so every building that you built is completely occupied?

John Porcek – The ones I just mentioned (inaudible).

Donna Schneider – Okay, thank you.

Chairman VanVliet – Anything further? Seeing and hearing none, we'll close that portion of the statements. Okay, at this point, I ask for a motion to approve all the stated conditions from both professionals' reports. The applicants agree to conform with all of those situations so, I'll entertain a motion to approve the application. Do I hear a motion?

Member Coyle – I'll make a motion.

Chairman VanVliet – Do I hear a second? I'll second it. Roll call Beth, please.
AYES: Members Clymer, Coyle, Palitto, Sazanov, Weeks, Chairman VanVliet.
NAYS: None

Chairman VanVliet – Thank you very much. It’s been a long and arduous task – good luck. Our next applicant is Avantor Performance Materials, LLC – Block 5, Lot 4 – Solar Application. Good evening again, Mr. Peck. I’m glad you came because I’d have missed you.

Attorney Peck – It’s good to see you as well, Mr. Chairman. Good evening, everybody. For the record, Mark Peck, with the Florio, Perrucci Law Firm on behalf of the applicant, Avantor Performance Materials, LLC. We’re here seeking preliminary and final site plan approval with bulk variance relief to install a ballast mounted solar facility on property located at 1071 to 1085 River Road here in the Township otherwise known as Lot 4 in Block 5 but before we get going, we were deemed complete I believe at the meeting last month on September 28th. We have published and served all the necessary notices and I just provided the final piece to of the notice affidavit to Ms. Dilts so, the Board has jurisdiction.

Attorney Bryce – That’s fine and for the benefit of the record, and for you, Mr. Peck, with that notice issue, Mr. Clymer is disqualified from sitting on this particular application but is interested as an owner within 200 feet.

Attorney Peck – Sure, very good and speaking of the property, the lot in question itself is approximately a 30-acre parcel located between River Road and the Delaware River and the Township’s ROM Zone and it’s right where it abuts with Phillipsburg; the Avantor Facility spans both Phillipsburg and Lopatcong. In Lopatcong, solar facilities in the ROM Zone are permitted as an Accessory Use and the proposed facility here will supply a portion of Avantor’s needs like 10/15% so, it is accessory to the principle use and the solar facility itself will be approximately 4 acres and it will be constructed over a capped landfill on the site and as such, anything that maybe approved here tonight, is subject to DEP approval; they want to make sure, you know, you’re messing with a landfill, they want to make, you know, absolutely sure it’s okay so, they said they (inaudible); regulatory assurance. This project does require two variances. The first is from Section 243-75b3d which is all the electrical wires servicing, the ground mounted solar system are to be underground, you know, because of the cap landfill we’re not doing much in the way of excavation that’s why it is ballast mounted and the second is from Section 243-75b3c which requires 8 feet high evergreen screening along the roadway and we’re not proposing that screening. Tonight, we have as our witnesses Michael Thomas. He’s the site engineer from T&M Associates and he’ll lead you through the site plan and answer any technical questions and then we have John McDonough who’s our planner and he’ll address the various proofs and we’ve also received and reviewed the September 23rd planning review as well as the October 23rd engineering technical review and we’ll, of course, be addressing those in the hearing. So, without any further ado, I’d like to call Mr. Thomas as first witness.

Attorney Bryce – Mr. Thomas, I’m sorry, do you need to do something?

Mr. Thomas – Just going to bring the exhibit.

Attorney Bryce – Raise your right hand please. Do you swear and affirm that the testimony that you're about to give this Board is the truth, the whole truth and nothing but the truth.

Mr. Thomas – I do.

Attorney Bryce – Mr. Thomas, just state your full name and spell your last for the record.

Mr. Thomas – Sure - Michael Richard Thomas – last name spelled T-h-o-m-a-s.

Attorney Bryce – Thank you, sir and while Mr. Peck's doing that, why don't you give the Board the benefit of your credentials.

Mr. Thomas – Sure. I'm a licensed professional engineer in the State of New Jersey. I have about 18 years of practical site development experience. I also work on the water resources side. There's some H&H as well. I've been doing this work for a little while. I've presented in front of many boards across the State of New Jersey as well as solar projects including other types of projects such as a Class A office building, retail. We also do a lot of health care facilities.

Attorney Bryce – License is current?

Mr. Thomas -Yes.

Attorney Peck – Move Mr. Thomas as an expert in the field of civil engineering.

Chairman VanVliet – I believe we can consider him well qualified.

Attorney Peck – Very good. Thank you. Michael, you're familiar with the site in question?

Mr. Thomas – If it's okay with everybody, I'd just like to provide a handout of the exhibit that we are presenting tonight. Thank you. If you want me to, I'll mark the

Attorney Peck – Yeah, if you could mark that as A-1 with today's date.

Attorney Bryce – It's a colorize site rendering; is that fair?

Attorney Peck – Mr. Thomas, could you explain what A-1 is?

Mr. Thomas – Sure, so this is a colorized rendering of our site plan inclusive with some of the other existing proposed features we have on site such as, the electrical wiring and other features that are on the planning sheets.

Attorney Peck – Can you describe the property and surrounding properties?

Mr. Thomas – Sure, so, Plan North on our plan here is to the right of the page so, it's part of the Avantor existing industrial facility. The site is pretty much adjacent to the Delaware River and then just to the west of the site there is a Norfolk Southern right of way which runs through there. Just to the north of our site we have the Aqua existing facility that is there and to the south of our site, there's more of the Avantor existing industrial facility as well as the SSC existing concrete plant which is adjacent to where our landfill is. So, what's sort of interesting about this project, it was previously when we were here for our completeness hearing is that the municipal boundary line bisects Avantor's existing property and they have a few lots that they own and we are doing this as one (inaudible) solar project if that makes sense even though a portion of the solar is going to be located in Phillipsburg, the other portion is to be located within Lopatcong. The portion that's located within Lopatcong, we're proposing solar over an existing landfill whereas on the Phillipsburg side it's a canopy solar arrays over the existing parking lot and the loading areas as well. So, just to give a little bit of background; the environmental constraints on the site so we want to make sure, obviously, that what we are putting here, was not in violation of an existing environmental constraints so one of our scientists walked the site especially in this particular area because it is grass just to verify there was no existing wetlands and then we provided an affidavit along with our application package which verified that. So, I'm going to talk a little bit about an existing landfill that's there today so that landfill has been, it's been permitted by NJDEP. It's been there for a few years now. It's been capped.

Attorney Peck – What do you mean when you say capped? What does that mean?

Mr. Thomas – So, essentially, there is a level of contamination that's underneath the landfill and to prevent any kind of, I'll call it, escape of gasses or other types of materials outside of that, that cap, it's essentially a barrier between that and where the top of the landfill is.

Attorney Peck – So, it's like a hard plastic type of cover.

Mr. Thomas – Correct. In some cases, landfills include only just something simple like gravel or something to this effect but it is all administered through the landfill folks over at NJDEP permitted through them. We have an application for this particular project into them right now. I was able to finally get in touch with them today. We were struggling a little bit back and forth with getting some feedback from them but they were able to get back to us today and said that the application is under their review. They are about to issue us a review letter within the next

week. I asked them, quite blankly on the call, if there were any fatal flaws that they had identified on the plan and they said no there were not. There were a few technical comments they wanted us to address. I'll know a little bit more about that when I receive the review letter and we can obviously share that with the rest of the board professionals if necessary and with regard to what I'm talking about

Attorney Peck – And, nothing can proceed until we're able to secure an approval from the Board here tonight; nothing can proceed until DEP issues its approval saying that this meets all their requirements for installing this over the landfill, correct?

Mr. Thomas – That's correct. So, we're applying for a major landfill disruption permit from NJDEP so, obviously, we have to have that in-hand before we can do any work over this existing landfill. So, any other permits that had submitted for this project included the Soil Conservation District. We did receive approval from them in August of this year; in the middle of August of this year. We also had submitted to the Warren County Planning Board. We did get a review letter back in late August of this year and we did submit back to them in mid-September and Phillipsburg as well. We have our completeness hearing scheduled for tomorrow night and then hopefully the regular hearing would be scheduled; it's the 21st.

Attorney Peck – The 21st.

Mr. Thomas – 21st of November. So, everything is in motion right now. All the permits have been submitted. We are in, obviously, for all the comments that we have been resubmitting back to the agencies as they've been coming in, so, I'll just give a little bit of background about the solar arrays and, generally speaking, what we're trying to do here so, because there is an existing landfill there, we're not allowed to pierce the existing cap that's there. They have a series of events that are located across the landfill that allow methane gas to essentially, escape from it. The cap itself is really not allowed to be pierced unless there's other provisions associated with it, so, protective measures and other things in place, that wasn't really the intent of what Avantor, applicant wanted to do here. They didn't want to disrupt the landfill. They didn't want to penetrate the landfill in any way, shape or form. So, what we're proposing here is a ballasted systems that lays otop of the landfill and a ballasted system consists of large concrete blocks. More specifically, they're approximately 9-foot by 5-foot from a length/width ratio and those blocks are quite heavy so, we had to do structural calculations on it to verify that not only that the blocks can withstand any kind of wind or hurricane related forces but also that it wouldn't crush what's going on underneath and all this has been submitted to NJDEP. It's under their review right now to make sure that it's in compliance; in accordance with their requirements. One of the other things too, from a weight point of view, that's kind of unique about this site is, obviously, we have to leave the site open for emergency vehicles to access around the perimeter of it so what we've designed here; what we essentially reserved, if you will, is an emergency, a

vegetative access way which is about 20-foot wide, it runs around the perimeter of where the array is and that will allow an emergency vehicles for instance like a fire truck or something similar in nature to essentially to traverse around the perimeter. We did design the truck turning templates that we have on here for the largest size fire truck that we could find and we've checked a few different townships around the way to find really the largest one that we could find and has an equivalent training radius to about a W-250 that's out there so, we wanted to make sure it was conservatively designed to traverse around the site so we're leaving that area reserved or untouched, but what we're also doing here is a little bit unique in that the solar array it's a passive installation that we're talking about here and generally speaking, it's not, there's really not going to be anybody out there for most of the time. There will be some maintenance that comes out to the site, you know, could be up to like maybe 4 to 8 times a year is probably typical. The array itself is monitored remotely so they have that ability to make sure that things are working normally and operating the way that they should and if there is a problem then somebody can come out to the site as necessary but generally speaking, it's a passive system; you're not going to see a lot of vehicle traffic out there. Maintenance vehicle, like a truck or something like this; a pickup 4x4 and needs to get out there, they can certainly do that as necessary but it's not going to be frequent. So, given all that information, generally speaking, what we typically do on ground mount arrays like this is we allow the grass to actually grow a little bit higher and the reason why we do this is because the ballasted system are these blocks along with the posts that are associated with the ground, they have an impervious surface that's associated with them. State of New Jersey, several years ago, more than 10 years ago, classified solar arrays, essentially, as non-impervious surfaces with the exception of there foundation systems, posts and nails that's underneath that's associated with it. So, in this particular case, for this project, there are really two types of impervious surfaces; the first are the posts and the other is the actual ballasted blocks themselves. So, offset that impervious, that we're putting on this grass facility, we're allowing the grass to grow a little bit higher to a meadow type of condition. The meadow grass that we're proposing is frequently used for ground mounted solar installations similar to this and it's like a wild flower mix, if you will, and it grows somewhat high; it gets up to, can get up to, about two-foot tall before you have to cut it and the maintenance of it is quite minimal; it's usually recommended to cut it down once to two times per year depending on how fast it's growing. So, what we're actually providing here is kind of like a different land cover than what is there today. A little different; there's a short cut grass that's there today; this new grass is going to grow a little bit taller. It's not going to shade the arrays; it's going to get up to about 18" to 2-feet but it is going to be a different land cover. By having that different land cover, it actually slows down the runoff on the site from a stormwater management point of view. So, that helps offset the new impervious that's being proposed. Other things that are kind of unique about the landfill is that, as I mentioned before, we're not proposing anything that's piercing the cap so, our electrical conduit that we're proposing on here is actually going to be resting on the landfill so, we're using a product called dura-blok and I don't know if you guys have seen it before, but I'm sure if you've ever been to any kind of party that folks were having

with a large number of people, they put the electrical wires that are running on the ground they put it inside this kind of dura-blok and you know, vehicles run over on top of it; it can handle the weight of a H20 loading on a tractor trailer or something to this effect and nothing will ever happen to it.

Attorney Peck – And, that explains the one variance that we’re seeking where, you know, we can’t bury the lines and that’s because it’s on a capped landfill and it has to be in this dura-blok.

Mr. Thomas – Yes, yeah, so, in this vein, we are requesting, technically, a variance even though we’re not actually disturbing ground. To do this and the nice thing about this, is that it allows the system to be a little bit flexible. So, for instance, if an array needs to be taken offline or if a dura-blok needs to be removed because for whatever reason or something to this effect, you could do that relatively easily with this system that’s being proposed; this ballasted type system. These systems are very, very common on top of roofs, you know, you see ballasted type systems on roof tops; roof top structures are very common. This is just like a much larger roof that were talking about here. So, some of the things Mark had mentioned, a little while before that, the system that we’re proposing, combined with the one in Phillipsburg is intended to offset about 10 to 15% of what the energy output is coming from Avantor. We had an interesting finding that happened about a week ago, was we had submitted for an interconnection application to JCP&L and this is a net meter project that we’re proposing so there’s no direct connect into the actual grid. It’s just essentially, designed to rewind the meter that’s within the existing facility. However, the existing circuitry that’s out there today does not have the capacity to really handle what we had originally submitted to, as part of this project and I know there we’re some concerns about some of the arrays that were located to the south of the site which, let’s see where my hands over here, that they’re located within existing storm sewer easements that are running out to the Delaware. We had discussed that a little bit during the last completeness hearing so, given the fact that the circuitry is not really had, at least today, doesn’t really have the capacity to handle and there was concern about those specific arrays which were located a little bit further to the south, the applicant is agreeable to, essentially, removing those specific arrays that were on the south end. The ones that I’m referring to, is just on the south side where, we have our emergency vegetative access drive.

Attorney Bryce – So, those on the far left are being taken out?

Mr. Thomas – Yes.

Member Weeks – All but the (inaudible) right. The two structures

Mr. Thomas – Yeah, I’ll just give a quick overview of what we’re providing. So, we’re, as part of this system and I don’t know how familiar everybody is with solar systems or if you guys

know how they generally work, but when the sun hits the arrays, hits the solar silicate, excites the silicate, essentially what it does, it creates a current up from that excitement and that current is a direct current so it's a DC current and it goes to an inverter. That inverter switches it from DC to AC. From that point, as it twitches it, it then goes over to a switch gear and from that switch gear pad, which is located to the south of our site where those few arrays where that we were just talking about, that allows that electricity to be safely distributed into an existing network. So, where are we connecting into? It's not shown on this page, but we have a separate print out of the site plans that were submitted

Attorney Bryce – So, we'll mark this as A-2.

Mr. Thomas – it's part of the original submission and the sheet that I wanted to show you was the Utility page; Sheet 12 of 30. You want me to mark this?

Attorney Bryce – Yeah, mark that A-2 just to be sure.

Mr. Thomas – So, it's a little hard to see on this but on the colorized exhibit, you have a series of electrical, I'll call it, above ground wiring when it's laying on the ground which runs from a north to south direction and then it would connect into the proposed switch gear pad which is located on the south side. From there, it would connect into an existing overhead electrical pole which runs in a southbound direction and that continues to where my name is right now on Sheet (inaudible) of 30 and then there is an existing transformer down at its interconnect. So, that's where our point of connection is for the Lopatcong side. It's a little bit different on the other side with Phillipsburg but I just wanted to bring that out so everybody is aware of this and that's a 5 KB line that we're proposing overhead to that point of connection.

Chairman VanVliet – When you say you are running cables on the ground, are they going to be encased in tack conduit or are they just laying out there?

Mr. Thomas – Yeas, so everything is intended to meet the National Electric Code with regard to wiring that's there. The dura-blok itself is pretty self-containing and it is intended and designed for vehicular type so like any kind of large vehicle, including tractor trailer; I mean each 20-loading type of vehicle can ride over it without it dismembering or ripping it apart or doing anything like that.

Chairman VanVliet – I'm more concerned with the exposure of the actual wiring.

Mr. Thomas – Yeah, so all the conduit

Chairman VanVliet – Is this connected to the cable or

Mr. Thomas – No, it is, I know there was a question is it sheaved and then within the conduit. I know there was a question about some of the, you know, electrical shock that came in one of the review letters; I think it was from the entire completeness hearing, but everything is being designed in accordance with both National Electric Code and some other specifics about that and most solar systems are designed this way. It has a rapid shutdown associated with it so if there is like a loss of power that does something to this thing, the arrays would turn off. It, essentially, just turns off. It doesn't just continue to generate electricity while there is a loss of power and there's also grounding that's built into all of these; all these components. So, all these things and this is very, very typical for solar installations like there's nothing like surprising really with what I'm saying but I just wanted to make sure that there's an understanding that there are safeguards built into the system, you know, to prevent any kind of fire, any kind of emergency, any kind of electrical shock or something to this effect.

Chairman VanVliet – If a shutoff would occur, in relationship to the actual panels that are constantly generating electricity

Mr. Thomas – So, I believe it's at the inverter and also at the switchgear monitor so,

Chairman VanVliet – but the wiring connecting the panels themselves will be live at all times.

Mr. Thomas - No, like I said, these invertors have these shutdowns sort of built into it so, essentially, will not allow the system to generate any more electricity so,

Chairman VanVliet - Is there a switch there to turn that panel off in that wiring or does that go to the inverter?

Mr. Thomas – No, there's no shutdown at the panel itself; it's done at the inverter location.

Chairman VanVliet – If there's some fire or any emergency and our personnel go there, are they aware that these panels are live?

Attorney Bryce – Let me see if I can straighten out the question. Let's call it Panel A – call the inverter B – there's a fault and it shuts down at B; is there still juice running from A to B?

Mr. Thomas – No, that's essentially what I was trying to say so, once this shutdown goes in, it's no longer live.

Attorney Bryce – Is that because there's no, the circuit closes and there's no flow?

Mr. Thomas – Correct, yes. All these things are, this is nothing, I've been providing testimony for projects that are similar to this since about 2010 when all this has been built into the system, these emergencies shut down systems, so on and so forth so essentially prevent a fire from happening or something to that affect. So, all this is done, like I said, in accordance with the national (inaudible) so there's no, these systems have to be employed so that fire does not happen.

Member Weeks – There is a trip leg in the panel somewhere – if that's what you're trying to say.

Mr. Thomas – Correct.

Member Weeks – So, so, am I correct?

Mr. Thomas – Yes.

Member Weeks – All right, so the panel becomes, you can't produce anything going out of it?

Mr. Thomas – Correct, yes.

Member Weeks – My question is, you've got grass that's two-feet tall let's say, all right, you've got electrical laying on the ground, how is the gentleman going to cut that grass once a year?

Mr. Thomas – So, typically what happens with the solar array, you can cut underneath it if you want. If you choose not to, that's okay, I mean you don't have to cut it underneath. It is generally recommended to cut it once per year just for the seasonal growth of the wildflower mixture is working properly and so on and so forth, but yeah, they would have to use a combination of mowers and whatever

Member Weeks – What are you going to do to let the mower know where that cable is, is my question? All right, how are you going to protect the mower guy?

Mr. Thomas – Right, so again, all the wiring that's on here; all the electrical wiring that's resting on the dura-blok and the other pieces that are associated with it, everything is protected with a protective coating that's on the outside of the electrical wiring so there's nothing that's buried.

Member Weeks – I run the sidearms for the town; they don't care if they get stones, they break them, all right, you know what I mean; they take wood and shatter it.

Attorney Peck – Would the mower deck be set at a level higher than being for like how low the grass be cut?

Mr. Thomas – It would be cut to essentially the level it is today. So, that would be the recommended

Member Weeks – But not maintained at that (inaudible). Are you going to set something in place to say this line is the electrical; here's the stake – 10 feet?

Mr. Thomas – Sure, sure.

Member Weeks – That's what I'm asking.

Mr. Thomas – Yeah, and if necessary, you know, it's possible obviously where there's you know left the lines that are running around (inaudible)... So, if everybody kind of follows my hand here, so this is on the very, very north side, you see the electric lines that we're showing here kind of running around the perimeter, on the outside connecting the various invertors, and then the systems themselves, the electrical wiring is essentially right underneath the panel and that connects into I'm pointing on the western side of where everything is, that we connect into the various inverter (inaudible).

Member Weeks – Is the roadway to get down that electricity up higher. Have you thought of it that way? I just don't want somebody to go in there and cut that. I know what they can do, all right, and I'm saying it is good or it's bad, I'm asking, all right, is there, should it be raised up above the grass height of normal?

Mr. Thomas – Yeah, so, underneath the panels so, the electrical wiring that connects the panels, the idea is connected underneath where the panels are so,

Member Weeks – But by how wide? Then you say it's laying on the ground. Laying on the ground says how high?

Mr. Thomas – So, the part that's laying on the ground is the perimeter electrical conduit that runs

Member Weeks – They're still going to cut there.

Mr. Thomas – Correct, yes, but that will also have dura-blok on it

Member Weeks – And dura-blok is how high?

Mr. Thomas - It's probably about 68".

Member of the Public – What color is the ... bright orange?

Mr. Thomas – It's typically black, but they do make it in various colors, so, it can be something other than

Member Coyle – Sir, how long was the land capped?

Mr. Thomas – I don't know the exact, the exact time, but it's been there for I believe about 10 years.

Member Coyle – How long does that last? Is there usually a time when it doesn't work anymore?

Mr. Thomas – The capped landfill?

Member Coyle – Mmhmm

Mr. Thomas – It's monitored so, so typically most landfills and most capped areas, you have bi-annual certification or annual certification where they have to essentially verify that it is still functioning in a way that... if any adjustments need to be made or anything like that. That's not part of this project though, so the landfill then the ongoing bi-annual monitoring of that landfill that's between the, I guess, the land filler and the DEP. So, that's you know, that continuance is whatever agreement that they did when the landfill was already originally created.

Attorney Bryce – What's the diameter of the cables that are on the ground?

Mr. Thomas – It depends. So, it's similar in nature to electrical conduit that's underground so, usually the banks that they usually create are three to four inches of conduit and its usually PVC piping that they put underground and they usually put it in a bank of like maybe two or three sometimes four, you know, conduit in there. In this particular case, it's going to be approximately the same size so you can expect it out to like three to four inches thick.

Attorney Bryce – Okay. What would be a reasonable condition, just to put this issue to bed that, they maintenance contractor will flag the areas before they go through with a big blade.

Mr. Thomas – Sure. I apologize, I'm trying to find it.

Attorney Bryce – Don't worry about it because I think that we covered that. We'll have it flagged as a condition.

Attorney Bryce – Could we return actually to A-1. Could you give some of the bulk dimensional aspects of the solar field, like how large is the lot itself, how large is the solar field going to be and setbacks; things like that?

Mr. Thomas – Sure. With regards to some of the setbacks that are associated with it so, the main contender that we have here were, you know, for nearby properties is River Road and then also the Aqua property is located to the north. So, our closest array is about 102.29 feet away from the property line where Aqua is located and then to River Road, that distance is 114.97 and then the other property which is kind of to the south of us, I'll call it to the south and to the east, that's the concrete facility or about at least with our arrays, but we're going to be removing those, the closest distance was about 54.65 but those arrays are going to be removed.

Attorney Peck – So, is that all compliant with the ordinance?

Mr. Thomas – Yes.

Attorney Peck – And, how large will the solar field itself be?

Mr. Thomas – So, the arrays themselves, what we have proposed here, the individual, I'll call it isles in between where the arrays are located, there's a 15-foot separation distance between arrays. The arrays themselves are aligned in a direction, so true north is moving on the right side of the page here. So, the arrays, essentially, are perpendicular to where north is and that's the way it kind of works in the northern hemisphere because the sun is mostly towards the equator so, the arrays are tilted towards where the sun is right so, tilted towards the equator. Most solar arrays are designed in that same manner. So, the reason why the array looks the way it does here because it follows that true north and that way it is pointing towards the south. As mentioned earlier, we had seven total pads; those are 8-foot by 17-foot in size. The switch gear that we're proposing itself, is 11-foot by 27-foot. The typical array dimension that we have shown up here is about 95-feet long. Some other dimensions, it's about 14 ½-feet is the width of the array itself and again, that's tilted so, that's the tilted way and then in additional to that, you know, the system itself, like I said, is going to be reduced in size just a little bit from where we are. The one thing I do want to point out as well, is that I mentioned earlier that there's some existing piping and we'll call it manholes and other types of features that are located in the landfill to allow for, you know, the off gasing off the landfill and such. We are avoiding those, those specific locations so, we're not modifying those in anyway shape or form keeping a distance away from those areas. The isle widths that we have designed in 15-foot were done so on purpose; for two reasons, 1) is to allow for a maintenance vehicle to enter inside in between arrays, but also at the same time to prevent any kind of shading from one array to the next. The site, generally speaking, drains from a north to a south direction so, it's pretty generally sloped. We don't really have to worry about regarding the site or doing anything like that because and worry about

shading from panel to the next because it is generally sloped but the site itself, the landfill, is a bit in a bowl that's there today where the slopes around the perimeter of the landfill are steep kind of going down into the site about almost 10-foot at some points and then it is more gently sloped when you're in the landfill itself.

Attorney Peck – Have you had the opportunity to review the Colliers October 23, 2022 Technical Review Letter?

Mr. Thomas – Yes.

Attorney Peck – Do you want to quickly just go through that and address any comments?

Mr. Thomas – Sure. So, one of the comments on here had requested us to obviously submit something to the Township Fire Official. We haven't done that yet but we can absolutely do that; that's not a problem and have them review whether our truck turning exhibits that we provided as well as any existing fire hydrants that are nearby the site. There was a comment that talked about the easements and the concern with putting the arrays over those existing easements but we're in agreement to essentially, removing those southerly arrays

Attorney Peck – So that's referenced in 2.02?

Mr. Thomas – That's correct.

Attorney Peck – Three southernmost arrays.

Mr. Thomas – That's correct. There was a comment that talked about the existing entrance driveway into the site so, there is an existing, we'll call it broken asphalt on cracked gravel driveway that enters the site, and just for everyone's education, the site is, there's a perimeter fence around the site as well, but at the entrance where it is located, I'll call it to the south and to the east of where the array is located. There was a request to, essentially, to upgrade that to something that meets the Township ordinance requirements which is a 6-inch minimum DGA with 2 inches of asphalt requested and we have no issues with providing that. There was some comments that were requested regarding solar emergency sending patrol including the location where the construction driveway is. So, since we are going to be improving that driveway, we can certainly accommodate the driveway, we can certainly accommodate the construction driveway there. We did get approval from, as I mentioned earlier from the Upper Delaware Soil Conservation District so, you know, we can provide a construction driveway there as I mentioned. There was a question about staging and how this is being staged so we do have an area that is reserved on the Phillipsburg side for laydown material and I'll refer back to the site plans that were submitted and because of the long lead times that are associated with a lot of

materials right now including steel and other things, our folks needs to or electrical folks they need to place the orders for some of this equipment now so that they arrive in a reasonable amount of time which was the soil erosion floor plan on the Phillipsburg side. It's sheet 15 of 30 of the submitted site plan set but there's an existing, I'll call it a, truck turn around area which is located kind of to the north closer towards North Main Street or River Road and that area has generally been reserved for laydown of material, equipment and so on and so forth, so that maybe also a spot where like for instance, the ballasted blocks may be located and so on and so forth. That was the primary area that we were looking at for staging. In addition to that, I think there was a question on, I think that did it.

Attorney Peck – So, you are on grading, drainage and utility, Section 3.

Mr. Thomas – Yep, so we had discussed previously the stormwater management and, you know, how we sort of arrived at the answer that we did with regard to that. There is a, they talked about the closed depression and I'll switch back, again, to the other exhibit. So, on the southeastern corner of the proposed array, there's an existing drainage feature which is nearby to there and there was some concern when we had the completeness hearing and also in the review letter about the impacts that we might be doing to that array and it is more likely now, again, given with the response we received from JCP&L that even the closest array that's to that existing feature may be removed from the site so, that should hopefully eliminate any concerns at least in and around that area so, we wouldn't have any issues with eliminating that, so to speak, and leaving the existing apron that's over there in place. In addition, we talked about the driveway and improving it to the new dense grated aggregate which we have no problem with. We talked about the stormwater runoff. We talked a little bit about the permits and the status of that right now. The 30-foot-tall pole detail and the methodology for the depth of installation of the new utility poles that may or may not be replacing and just as a side note, there's some existing poles that are out there today which are not in bad condition but we have to leave the option open for replacing it, if necessary, you know, and it's mostly dictated by JCP&L.

Engineer Wisniewski - Sorry, not to cut you off but just to touch on them, all those poles will be installed outside of the landfill.

Mr. Thomas – Correct.

Engineer Wisniewski – Right. Okay.

Mr. Thomas – Yeah, and we can certainly provide the depth and some more details.

Attorney Peck- We'll update the details.

Mr. Thomas – Yeah, we can provide that. That’s no problem. One question that talked about the maximum height to make sure that the arrays that we’re proposing at its worst-case scenario, is less than 8-foot in height and we can certainly provide that detail and update, that’s no problem. This system is, some systems that we do design are terraced but this is not one of those systems, it follows the contours of the existing landfill so, there’s really no changes in grade to make the arrays taller than they would otherwise be from the existing grid. Frequency of visits and so on and so forth, we talked about this a little bit. It’s really not necessary to come out to the site unless it’s necessary but it’s probably typical for a maintenance vehicle to come out there at least six times a year, you know, something like this and sometimes more, if necessary, just to make sure that everything is working properly, if there is any kind of damage that occurred or if there is something that fell on the arrays or something to this affect, they can deal with that or if the grass needs to be cut so on and so forth. So, it’s, but a, it’s a passage system so the number of trips out here is practically nothing. With regard to, I’ll just touch on this a little bit, glint and glare solar arrays so, it’s kind of, I guess it’s maybe kind of a misconception about solar arrays, so, solar arrays are designed to absorbed sun light not reflect it back. That’s how they’re made and all of them are made this way pretty much. If there is any kind of glass surfaces which is really not in this case, it wouldn’t be reflecting back into any type of residential area or nearby property or so on or so forth. So, in this particular case, glint and glare is not really applicable to this type of installation or this type of system.

Attorney Peck – And, this doesn’t create any, any noise, odor, any other nuisance characteristics?

Mr. Thomas – Yeah, no, odor actually not, you know, the buzzing noise that you hear sometimes from the invertors, or from the switchgear or the transformers is really typical of what you would hear on any transformer or something to that effect and all of these pieces of equipment are set back quite a distance away from where the property lines are so we’re going to be absolutely in compliance with the DEP criteria with regard to that. The age of the arrays and commissioning or decommissioning and all the rest of this so, most solar arrays I would take like maybe 10 years ago, 12 years ago, the average life span of the array could get up to like 25 years; maybe 30 years. The newer arrays can go much longer than that, so, it’s usually what we say is about 30 years as the average span, but it’s very typical of this, you know, the technology is getting better and the arrays are lasting longer and they also have more wattage on these individual arrays, so, 30 years or longer is probably more typical now than that and this system kind of makes it simple to either replace or decommission because it’s ballasted and everything is above grade so it makes it simpler to take things down if necessary.

Attorney Peck – Does that conclude your direct testimony?

Mr. Thomas – Yes.

Member Weeks – In between Aqua’s property and your property, there is a road in the back, okay, behind that, I just want to make sure that none of your (inaudible) road because that goes back to Township property back there.

Mr. Thomas – Yeah, so, this headline, which you see, which is a little bit darker, that’s existing.

Member Weeks – It’s already existing, so where is your new lines going to run? The same place, or it’s not going to change, is that what you’re telling me?

Mr. Thomas – Yeah, so our, our proposed line, so we have the above grade electric line, which again, it running around the western perimeter of where the array is, that’s out of the way and then we’re tying in with new overhead electric, you know, I’ll call it to the north or to the south and to the west of where the array is.

Attorney Peck – Are there any other questions from the Board or Professionals?

Chairman VanVliet – George?

Planner Ritter – Well, I just wanted to go over a few things in my letter, not that there is a great deal in it. I guess the first thing, just for the record, it appeared on the original set of drawings that the setbacks for the front yard we’re drawn from the center line on the road; they should be drawn, even though there’s not a right-of-way out there, as far as I know, they should, they ought to be measure from at least, you know, offset 25-feet from the center line before you draw it. You’re all right; I don’t think anything encroaches, but I think the way they’re drawn, they were drawn from the center.

Mr. Thomas – Yeah, so, this is a bit of an unusual lot. I’m not going to lie about it in that the right of way line, or the property line, actually encroaches in the middle of the existing roadway that’s there today. So, we, we’re actually in the process of getting a few more ducks in a row to just verify exactly where that is to make sure that it is in fact where it’s been on all these historic documents. However, we can certainly measure it from like a curb line or edge of payment or even 25-feet as suggested; I don’t think that’s an issue.

Planner Ritter – Yeah, well, I’ll defer to the town on that. I’m not even sure this is the right time to bring it up, but normally, as part of the subdivision, we’d be looking for a dedication to get the road in a right-of-way. Would you be willing to consider that at this time? To actually work with the township engineer and get that road in a the right of way?

Attorney Peck – We can consider that and, I can’t, you know, I can’t, it’s, that’s not something that I discussed with the client so we’re just not in a position to, but we can certainly accept, as a

condition, that we would work with the Township to address historic surveying issues relating to River Road.

Planner Ritter – And, then for this application, measure the front yard setback from

Attorney Peck – Just on our final plans?

Planner Ritter – That’s right so, you provide for, even though it might not be a dedicated right of way that you measure

Attorney Peck – We can easily do that.

Planner Ritter – Yes, right, thank you. The only other issue, major issue, I had, was just landscaping; 1) the requirements on all the solar fields, is that they do provide some landscape buffering along property lines, along highways. The applicant is proposing none in this case. Clearly, this doesn’t about any residential and quite frankly, on the roadside, the opposite side of the road, is all county property and parkland. The only question I have is not whether this requires buffering all the way around; I don’t think it does, but clearly along the road, it seems to me that it would be appropriate to provide some buffering even if it’s nothing but street trees to try to bring a canopy in and try to close that up. The applicant’s own picture shows how open that area is, and I think some landscaping running along the road as either as a line of trees or shrubs of a, you know, have a potential height of 6 to 8-feet would be a nice addition along that road and would not be excessive to make him do that and so, I think it’s something the Board should consider, as actually having some landscaping established along the road and not left as just a total open field because remember, all the traveling is going to be above and looking down on this thing. It’s going to be noticeable. So, that’s my one question there. All the other information here is very minor and doesn’t relate to specific traits; just minor things that go on the drawing.

Mr. Thomas – So, with regard to landscaping, I know our planner will provide some testimony with regard to it, as well, so, one of the things that we are providing, in addition to the meadow area within the solar array itself, is along the, I’ll call it the edge of the roadway, so, we are proposing meadow grass, essentially, right at the edge

Attorney Peck – Flowering meadow grass.

Mr. Thomas – Correct, yeah, and again, this is the same meadow grass that’s intended to grow up to about 2-foot tall but there’s a few things that I did want to make aware of here. What’s kind of unique about Avantor, you know, around the perimeter, they do have slats on the fence that run around the perimeter. This is kind of the one section of the roadway that doesn’t have that.

One section of the site that doesn't have that, like for instance, if you look at the, adjacent to the Aqua development, they have the white slats over there and it you get closer towards Phillipsburg, they have the slats over there and I believe a brown color, it's the one section that's not and to your point is well taken about the u-shape here, the arrays though as they're going to be laid down here are not going to impact, I'll call it, the view-shed of the background into the more mountainous region that's in the back and so, on and so forth and we are, we are providing essentially, meadow grass which is on the flip side, on the other side, Avantor side of where the fence is located right now.

Planner Ritter – I understand that and agree with you, I would hate to see a slat fence out there; having it open is a much nicer detail to the fence than actually having a solid fence. I'm not suggesting we build a barrier; I'm just suggesting that we put some landscaping in there that defines the roadway as compared to the open field. That could be simply street trees.

Attorney Peck – Yeah, we could do that except as a condition that we'll work with the Board Planner on you know, having some landscaping in the form of street trees along River Road.

Member Weeks – I don't know if I like the meadow grass along the side. You want to put it right up to the road; that meadow grass gets 2-feet tall when it gets tall enough and it rains, it falls into the road 2-feet. So, it's got to be back.

Mr. Thomas – Well, it's not going to be, yeah, it's going to be on the Avantor side of the fence, not on the, yeah, yeah, not on the roadway side, so, that was the intent behind it, but there's one thing that is important, one of the main reasons why we didn't put like larger plantings, trees, things like this, is because it could pierce the cap. We just don't want to do that and that said, as we get closer towards the fence line, I don't see any issue, you know, we could put some kind of, I'll call it screening, if you will. What that might consist of a little bit closer to the fence line so, it doesn't actually, adversely impact the cap itself.

Planner Ritter – Well, that's fine; just behind the fence line will be fine.

Attorney Peck – Okay, so, we'll work with Mr. Ritter on that.

Member Sazanov -This shown northeast wildflower mix, is this what you mentioned as prairie grass? Is this throughout?

Mr. Thomas – So, on the exhibit that I handed out, what I'm showing, right now, it's kind of the darker green area is where we intended for that to grow.

Member Sazanov – Okay.

Mr. Thomas – So, it's just within those areas and we do need, just to make sure it is clear, for the emergency access, vegetative access around there, that does need to be cut as it is today just so I can maintain that access that's through there.

Member Sazanov – Was it chosen simply for (inaudible) showing this or was it, (inaudible) was that taken into consideration?

Mr. Thomas – Yeah, so, the (inaudible) mix that we had shown here, is very commonly used on ground mounted larger arrays similar to this for the very reason that it creates that meadow type of condition that's also somewhat pleasant to look at, right. So, but it is composed of a lot of components to it, the mix itself, so and it's pretty popular for these types of solutions and it's also more readily available as well.

Chairman VanVliet – Adam, do you have anything?

Engineer Wisniewski – I think we covered everything.

Chairman VanVliet – Questions from the Board, if not I'll open this to the public to ask any questions of this gentleman.

Mr. Clymer – I have a question. Am I allowed to ask a question?

Attorney Bryce -As a citizen, you are.

Mr. Clymer – Just touch, if you can, on the noise level again and which units are going to create the noise level

Mr. Thomas – Sure, so again, we have seven invertors that we're proposing. They're mostly located on, I'll call it, on the western side of where the array is and the further away, they're set back, they're set back further away from where the roadway is and also where the Aqua facility is. If everyone's aware, there is the railroad track which is right behind it which, obviously, makes a lot more noise. The proposed switchgear pads located on the south right here. There may be a need to relocate that closer towards the array given that the southerly section is not going to be used, I mean we're not going to utilize, in that area but, generally speaking, it's probably going to remain where we have it shown right now on the plan and again, the buzzing noises you might hear, this is very similar in nature to any other transformer that you might hear that's associated with an existing building, like this building.

Attorney Peck – Where do you live in relation to this solar field, if I may ask?

Mr. Clymer – I live up on the hill.

Attorney Peck – So, heading north past the Aqua?

Mr. Clymer – Heading

Attorney Peck – Or heading east?

Member Weeks – Delaware Street, if that helps.

Attorney Peck – Oh, okay, yeah, yeah, so, that's on the other side. The noise (inaudible) on the other side.

Mr. Clymer – What decibel level can you estimate that to make?

Mr. Thomas – So, I don't know the exact decibel level that this system is going to produce but what I can say, is at the property line, which is essentially, the NJDEP requirement that it will meet the decibel; so, it's 65 VBA during the daytime and 50 VBA during the nighttime and this system that we have proposed here, because it's the fact that everything is set back as far as it is, we'll be able, it will easily meet those requirements at the property line.

Mr. Clymer – That's pretty high and it's constant.

Chairman VanVliet – Only way to know is to take some sound levels.

Mr. Clymer – Can you do that and put a sound barrier around them so that it knocks that down?

Mr. Thomas – I don't see like during construction, you know, when they make the system live, they can do some readings. I don't think that would be a (inaudible).

Member Weeks – I think he's asking, can you put a barrier around it?

Attorney Peck – I don't think there as loud, I mean, they might be that loud next to the inverter, correct, but by the time you get to say River Road, that sound is going to be degraded significantly?

Mr. Thomas – Yeah, so all sound, follows the (inaudible) so as the distance gets louder, the sound dissipates quite substantially.

Mr. Clymer – I understand but you just said that it would be to the limits required at the property line.

Mr. Thomas – Correct, and that, those are the State of New Jersey requirements.

Attorney Peck – But they're not going to be those 65 decibels at the property line.

Mr. Thomas – No, they'll be equal to or less.

Attorney Peck – They'll be underneath.

Mr. Thomas – Correct.

Mr. Clymer – Do you have an objection to putting a sound barrier around them to ensure that it's not going to disturb the residents?

Attorney Peck – We do, because, don't think it's actually necessary. It's not going to be loud. I mean you've heard like a transformer humming on a pole walking down a street but that's like when you're like underneath around that block you get, you know,

Mr. Thomas – 200/300 feet away

Attorney Peck – feet away, you know, that's, those pads are how many feet from River Road that are going to make noise; the closest one?

Mr. Thomas – So, at the closest one, the closest one that we have to where the roadway is, is about 240 feet or so.

Attorney Peck – And, that's the closest one.

Mr. Thomas- Correct and this one that's on the northerly side here is about 160/170 feet away.

Mr. Clymer – That's my concern. I'm for the project. I think it's a great use of the land. I don't have a problem with that, but I just don't want to be hearing the humming for 24/7.

Attorney Peck – Understood. Do they make noise at night?

Mr. Thomas – No. When there's no sun on them, yeah, the panels don't make any noise. The invertors still make a little noise but, you know, one thing is, just maybe a point of comparison, sound (inaudible) enclosures are more typical on generators. Generators have produced like a lot

more noise, especially, emergency generators and as they get closer to a property line, it really necessitates like an enclosure around it to essentially (inaudible) the sound and in this particular case, these are so far away from it and you just don't make anywhere near the noise level that a generator would make so, just as a point of comparison.

Member Weeks – Just for comparison, are they the same in general set up, I won't hold you to exact, it's an idea as what Bridges property has on it right now? I mean would we be able to say that the noise would be comparable, you know what I mean?

Attorney Peck – Oh, the existing solar facility there? Are you familiar with the solar facility on Strykers Road?

Mr. Thomas – I'm not, no.

Attorney Peck – It's a ground mounted facility, same so, would you say that this, the noise emanating from this facility would be similar to another ground mounted facility of, you know, the same size?

Mr. Thomas – Sure, and I'm not going to say that the system does not produce any noise during the daytime because

Attorney Peck – But, is it similar to, you know, another facility; that the typical ground mounted facility, the sound levels, compared, is it an apple-to-apple comparison at the time the newest level would approximately the same?

Mr. Thomas – Yes, only this is actually a much smaller system then we typically do for ground mount. Ground mount is quite, much larger than this in size; 200 acres or more sometimes.

Member Weeks – So, you would be able to, may be able to get a comparison of what the sound would be like coming from there if they choose to go and ask, all right, Bridge, the property (inaudible) you would be able to say how far out that goes before the decibel gets down to it.

Engineer Wisniewski – I guess it would make sense, the residential development behind the solar facility, that's what Garry's mentioning.

Chairman VanVliet – We've never had any complaints about the buzzing or anything like that.

Attorney Peck – And, this is only 4 acres.

Chairman VanVliet – I'd be very careful if we're going to look into sound walls. There are a lot of other things involved in that.

Mr. Thomas – Generally speaking though, the State of New Jersey requirement is 65 DBA during the daytime and 50 DBA nighttime. That's what we are required to do.

Chairman VanVliet – It sounds like a lot of energy but looking to background forest noise is about 62/63 decibels of a night level; it doesn't do anything for the quality of the sound it just affects the pressure of the sound. I'm not an expert, but

Attorney Peck – Is, well, are there any other questions from the public?

Judy Liptak – 47 Kyle Drive – We're making sound comparisons, so how sound carries, yes, can you compare the sound of keeping this 24/hr. tractor trailer traffic at a warehouse; that sound?

Chairman VanVliet – You're getting way off the subject.

Judy Liptak – Why, we're comparing sound; I'm trying to say, I don't think it's the same level; decibel level and I find it

Chairman VanVliet – Do you have any facts and figures on that?

Judy Liptak – It's more about, we're concerned about the decibel levels where we live, when we're a Planning Board member but when Overlook got up and spoke about sound decibels we didn't make those comparisons. So, that's my statement.

Chairman VanVliet – You're out of order, sit down.

Attorney Peck – If there's no other questions from the public,

Chairman VanVliet – Seeing and hearing none, we will close this portion of the questioning of this witness.

Attorney Peck – Yes, thank you very much. Mr. John McDonough.

Attorney Bryce – Mr. McDonough, do you swear and affirm that the testimony you about to give this Board is the truth, the whole truth and nothing but the truth?

Mr. McDonough – Yes, I do.

Attorney Bryce – Mr. McDonough please state your name and spell your last for the record.

Mr. McDonough – Sure, my name is John McDonough – M-c-D-o-n-o-u-g-h and I'm the project planner.

Attorney Peck – And John, have you been accepted as an expert by this Board before?

Mr. McDonough – Yes, I have.

Chairman VanVliet – We'll continue to accept him.

Attorney Peck – We'll take notice of that and proceed. So, you're familiar with the site plan and the site?

Mr. McDonough – Yes, I am.

Attorney Peck – And, the variances; the two variances that we're seeking?

Mr. McDonough – Yes, very minimal relief that our applicant is seeking here, in fact, to put this solar array field in, bear in mind what you see on the board there, that Michael just entered, is a very small portion of what is a very large manufacturing facility in Lopat here is over 30 acres. It extends over into the Phillipsburg side as well another 15 or so acres so, it is a massive facility. It's developed and this is a nice pocket with this open field, with this land form to fit or retro fit this renewable energy resource and so, I think our applicant here has done a real good job of promoting our environmental goals of sustainability, renewable energy, taking some of the consumption load off of the site, putting it back into the site through the use of solar arrays which is exactly what many of our land use policies look to do, including your own, in your master plan here. So, certainly, this facility, this accessory facility is going to benefit a permitted use in the zone, manufacturing is allowed here in the ROM District. The user, we are not dealing with a use variance, but we're dealing with a user here that happens to be a fortune 500 company that not only benefits the public with jobs but also provides and services the pharma industry and also the health care industry as well, so this is going to benefit a beneficial use and a beneficial business as well, which is something of a staple in your community and advances that goal for a stable ratable base as well, so, again, enhancing an established business with a commitment to the community. Here, in the ROM Zone District, you're permitted uses, included manufacturing facilities and also include solar array so, both the principal use here, and the accessory use, are permitted in your zone district so, no relief in that regard. You regulate this particular accessory use under Section 243-75b where you have a whole series of performance controls that are met here from top to bottom but for two very minor deviations which have adequately been addressed through the vetting of the Board and the applicant as well, and I think you have good

stipulations on the record with respect to each of them. Number one, relief to allow above ground wiring so, as not to common, would dictate to pierce the landfill, so, we think there's a good solution there. I think the Council gave the Board good mitigated measure for flagging where those wires are so there's no hazardous condition for those who maintain the field. Secondly, you do have a requirement that there be screening of these objects or this facility at 8-foot tall; slightly higher than a person. Here, again, we think it's a better planning alternative to go with a lower planting because that view shed along River Road is spectacular. You have this carpet of lawn which is now your landfill that exposes the mountain range in the back and I am a landscape architect as well; we like to terminate our views and focal points and that mountain range in the back there on the other side of the river is certainly a focal point that I think would be doing a disservice to the motoring public and to the surrounding area as well by going with taller plantings there. I think the intent is not to completely screen but to create a soft edge. I think your planner is given a good solution there to incorporate more of a diversity of plantings to go along with the wildflowers that the applicant is proposing here. I think we can work in, again, working with your professionals, some ornamental grasses here or some lower ground cover as well. I'll say knee high, maybe hip high but I certainly don't think we want to go any higher than that. We do want to maintain that uninterrupted view of the mountain range in the background so, anything higher, would be too intrusive and would defeat the purpose of what you're looking to achieve here so, again, a soft edge to separate the street from the site is adequately going to be addressed with the composition of plantings that are proposed here. The way we reconcile the relief that the applicant is seeking here, is under that balancing test; the C2 balancing test where we look at the benefits of the application as a whole and we waive them against those detriments; those two minor deviations that the applicant is seeking here. In terms of the project positives, as I said, the project is going to support a use that serves the bio-pharma and healthcare industries. Use itself, is going to promote the public good with environmental sustainability and renewable energy. The new solar arrays, as you've heard, are going to offset the demand of the consumption needs of 10 to 15% of the electric consumption needs of the Avantor facility. These arrays are, what I'll call, a low-profile. You do have a good example over there at the Strykers facility; Stryker Road facility which I worked on as well and can certainly attest that the construction there is going to be substantially similar to what the applicant is proposing here. The applicant has done a really good job of blending the buildout here with the surrounding landscape, again, low profile structures integrating very well to a site that requires absolutely no tree removal. This is not a forested site, but, basically, a blank sheet of paper that's readily there to accommodate the use that's before you. We always bring it back to the core purposes of zoning, we've got efficient land use here, we've got a variety of land uses and all of the above to promote those fundamental purposes of zoning. There's about two dozen of them in the statute but I think the main ones we've hit here; Purpose A. the promotion of the general welfare; Purpose C. to provide for adequate light, air and open space; Purpose D. to provide for good planning compatible with adjacent municipalities. As you've heard, we've got a site that actually straddles a municipal border here; Purpose G. to provide for a variety of uses

in appropriate locations. I think we could probably also put in Purpose H. to promote the free flow of traffic. This is a functionally inert not to mention visually innocuous facility here that is certainly not going to be generating any traffic or activity. Additionally, Purpose I. the promotion of a desirable visual environment. It's going to take what's there and make it better with that nice soft edge along the perimeter, Purpose M. as I said, is the planning goal for efficient use of land and then mostly importantly, Purpose N. as in Nancy which is right on point with what the applicant is proposing here "to promote renewable energy resources is a fundamental goal of planning that's right on point with what our applicant is doing here". Take all of that and counterbalancing it against the negative impacts associated with these very minor in fragments of your ordinance, I think the Board can certainly find that the relief if granted here, will not cause any impacts of a substantially adverse nature visually, functionally, physically, no substantially adverse impacts, again, we've got that nice soft edge here and preserving those views of the mountains in the backdrop, I think we can find here that the relief is a better zoning alternative to the property and in that regard, the relief is minimal and can certainly be granted without any substantial detriment to the public or without any substantial impairment to your zone plan. In conclusion, I believe based on all the testimony, the applicant has met its burden here. Statutory criteria for relief are met and approval is warranted and that's all I have on direct.

Attorney Peck – Thank you very much. Does the Board have any questions for Mr. McDonough?

Chairman VanVliet – George do you have any?

Member Sazanov – In terms of, you worked, actually, on the Strykers Road solar?

Mr. McDonough – I was the planner, not on the solar, on the one that just got approved this evening.

Member Sazanov – I would like to (inaudible) our own planners' thoughts about and versus where you are in relation to River Road and this back drop of Pennsylvania, I think you are referring to, although I think it would have behooved us to see such majesty, if it's so important. I think it would be respectful, I think to pepper the soft edge with a tree or three. I don't think that's too much to ask. I do respect that fact that you say

Attorney Peck – You know, we stipulated that we would work with Mr. Ritter.

Member Sazanov – Just wanted to make sure that

Mr. McDonough - I will certainly clarify that. The nice thing about a tree, really what I was trying not to achieve was the 8-foot evergreen along the front there. To create a wall effect. The nice thing about a tree, the canopy is overhead so, you can see through it and I

Attorney Peck – These are deciduous trees too, that will lose their leaves, you know, we'll work Mr. Ritter.

Mr. McDonough – Right, we don't want to block the view; that's the main thing. If we can frame it, we'll certainly work with your professional in that regard.

Member Sazanov – Okay, thanks.

Chairman VanVliet – No more questions from the Board. I'll open it up to the public. Do you have any questions of this witness on what he testified to?

Mr. Clymer – To your point Mike, I think the engineer mentioned that those units are 8-feet high, so, you're on the road and you look for the

Attorney Bryce – Is it a question for the witness?

Mr. Clymer – No, no, I'm making statement.

Attorney Bryce – No, we're at questions of the witness.

Mr. Clymer – The fact that those units are 8-feet off the ground, right, and you're at road level, and you said, maybe up to your knee or your hip, you're going to see right over top of that, you're going to see those panels

Mr. McDonough – Right, again, I don't think the view of these panels is so distracting from what is really the focal point in the back. So, the fact that we will not completely obscure the panels, I don't think it creates a substantially adverse effect from a visual standpoint.

Mr. Clymer – From the planner's standpoint, I think that's what we try to do is to create that buffer so, you don't have the look of the solar panels.

Attorney Peck – But, I think also, there's a, Mr. Thomas can address the grade change.

Mr. Thomas – Yeah, so, out there today, it's like a bowl. So, the landfill is like a depression in the ground. It's set down and I think at its highest point it's (inaudible) below where the roadway

is. So, these arrays that are going to be there, you know, even if they got up to 8-foot, you know, for the most part that's going to be even lower than what the actual roadway relation is.

Attorney Peck – And, also, we'll work again with Mr. Ritter, you know, Mr. Wisniewski with the landscaping and the buffering so, you know, to make sure that, you know, we can cover that.

Mr. Clymer – I prefer the buffering as our planner suggested.

Chairman VanVliet – Anymore questions?

Robert Bruce – 11 Harwich Road – I believe you testified that there's some fundamental aspects of planning. Did I get that correct?

Mr. McDonough – That's correct.

Robert Bruce -Okay, and one of them was to promote the flow of traffic.

Mr. McDonough – Correct.

Robert Bruce – And, another one was to promote the public good.

Mr. McDonough – Correct.

Robert Bruce – And, another one was to do so without substantial detriment to the public.

Mr. McDonough – That's the negative criteria, but I'll say yes.

Robert Bruce – Okay. I just want to put a flag in after the Planning Board.

Chairman VanVliet – Anyone else? Seeing and hearing none, we'll close the public portion.

Attorney Peck – Thank you very much, Mr. Chairman. That would conclude our presentation on the hearing tonight and I'm not going to belabor the point to the reasons Mr. McDonough basically just set forth. I would ask that the Board grant the relief that we request and approve the application. Thank you very much for your time.

Chairman VanVliet – All right, we'll open for public comment on this application. Hearing and seeing none, we'll close that public portion and move onto granting relief requested on this. Any questions on it. I'll entertain a motion to grant the waivers requested.

Attorney Bryce – So, this would be an approval for preliminary and final site plan with associated variance relief to 8-foot-high hedge row with the stipulation that they are going to coordinate with our planner as to that and also for not having varied lines, buried lines. So those are the two variances.

Chairman VanVliet – Okay, I'll entertain a motion for that.

Member Weeks – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Member Sazanov – I'll second it.

Chairman VanVliet – Beth, roll call please.

AYES: Member Coyle, Palitto, Sazanov, Weeks, Chairman VanVliet.

NAYS: None

Chairman VanVliet – That completes our business for the evening. At this time, I'll open to the public for any public comment they want to make. Please come forward.

Judy Liptak – 47 Kyle Drive – Read a statement to the Board regarding the approval of the Bridge warehouse.

Donna Schneider – 26 Meadowview Drive – Comments on Berry Plastics and what they are doing now. Commented on the mall, field behind the mall, Bridge warehouse; give it a second thought, not pretty.

Chairman VanVliet – Let me just clarify something here- we don't give a blessing

Attorney Bryce – We just say it is consistent with the Master Plan.

Chairman VanVliet – We don't control the zoning. This Board has nothing to do with zoning. That is strictly up to the Council or for redevelopment authority from the Council. No decision, I know of have been made on the mall property, what's to go there. The only thing we authorized was to do a study of redevelopment. We sent that back up to Council with our recommendation; as far as I know, it is all sitting still right there.

Attorney Bryce – This Board has a very certain charge which nobody seems to appreciate. Nobody seems to appreciate what this Board has done. So, people on Township Council are able

to exact zoning ordinances that get referred back here for the very judicial look to see whether or not it is consistent with the Master Plan. This Board said that that warehouse banned was inconsistent with the Master Plan. It is. So, when it comes a redevelopment plan, the only thing that this Board has to do is determine whether it is an area in need of redevelopment after a hearing; which it did. It is out of the Board's hands. We don't zone; we don't have any power. The only thing that we do here, is to say whether or not it is consistent or inconsistent with the Master Plan.

Chairman VanVliet – We don't meet in secret. We don't have Executive Sessions. The only time that we met without full public participation at one of meetings comes out when it is a personnel issue or a lawsuit. Anyone else? Hearing none, seeing none, I close the public portion and we shall entertain the motion to adjourn. Do I hear a motion to adjourn?

Member Coyle – I'll make a motion.

Chairman VanVliet – Second.

Member Palitto – Second.

Chairman VanVliet – All in favor signify by saying yes, any no's, any abstentions. Motion carried.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary

