

MINUTES

7:30 PM

PRESENT:

P. Lubitz
J. Mathieu
S. McNicol
E. Niemann
L. Sensus
M. Syrnick, Alt #1
D. Banisch, Planner
T. Decker, Engineer
D. Pierce, Attorney

ABSENT:

R. Dodds
D. Haywood
T. Kratzer
J. Strasser

CALL TO ORDER

The meeting was called to order by J. Mathieu at 7:37 PM.

NOTIFICATION

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

EffiSolar – Block 38, Lots 17, 18 and 19.01 – County Road 519 – Preliminary Approval – Public Hearing

D. Pierce stated the hearing is a continuation of the hearing opened on October 13, 2011. No further notice was required.

J. Giunco, attorney for the applicant, and R. Roseberry, engineer for the applicant, were present for the matter this evening.

J. Giunco stated the applicant is seeking the development of the site for a solar field. R. Roseberry was previously accepted as an expert in civil engineering by the Board.

R. Roseberry was sworn in by D. Pierce.

R. Roseberry stated he has prepared all the exhibits before the Board this evening. He stated he will be referring to a colored rendering of the landscape exhibit dated October 13, 2011.

J. Giunco marked it as Exhibit A-1.

J. Giunco marked the overall dimension plan as Exhibit A-2.

R. Roseberry stated Exhibit A-2 has a revision date of October 13, 2011. The applicant's professionals had a meeting with the Board's professionals earlier this week. As a result of the meeting the property line was revised which reflects the comments from the professionals. He stated the property currently exists as Block 38, Lots 17, 18 and 19.01 and is owned by B. O'Donnell. The current lot size is 151 acres. As a result of the proposed subdivision, the development will end up with three lots. Proposed Lot 17 will subdivide the open area on the westerly portion of the site. A new lot will be created that will intersect with proposed Lot 19.01. Lot 19.01 will contain 29.69 acres. Lot 18 will contain the existing residential structure and agricultural accessory building and any open land which fronts on Route 519. It will contain 37.24 acres.

J. Giunco marked the color coded subdivision exhibit as Exhibit A-3. Lot 19.01 is in yellow, lot 17 is in green and lot 18 is in blue.

R. Roseberry stated the solar facility will be on Lot 17, which is 84.5 acres. It consists of the central portion of the property with access through the northerly property line. The current access to the property is adjacent to the Methodist Church. The flag stem is 12'. The property is served by two entrances. One entrance is through the Methodist Church lot which goes straight back to the house. The second entrance is gated and several hundred feet south of the church. It intersects with the existing driveway. The applicant is not proposing to use the driveway adjacent to the church. He stated the property itself is more sloping than the Perrotti property. The northeast corner is the highest with the southeast being the lowest. The front of the property is relatively flat. It is moderately sloping in the location of the panels. The elevation on the property is from 496' to 332'. There is 160' change in elevation. The property is southerly facing which is ideal for the installation of the solar panels. Surrounding the site is a lot of woods. The properties to the north and south are owned by the State of New Jersey. The Locketong Creek borders the property to the west. The areas to the south and north are wooded. To the northeast of the site are existing residences. There are environmentally constrained areas on the southerly portion of the property. The property has some steep slopes which are identified on the plan and are not touching the proposed solar facility area. The panels in the solar field are 4.5' high. They are placed at a 15-20 degree tilt. They are spaced at 6.5'. The width of the full perimeter access will be a minimum of 20'. The internal access will be 20' wide throughout the property. Inverters are generally spaced throughout the property. The applicant has designed the site for full maneuverability throughout the site. The fire officials have been met with and have reviewed the plan. The fire officials have requested the addition of a few more gates and they have agreed to install the gates, all with Knox boxes. There will be a vinyl coated 8' chain link fence installed around the perimeter. The fence will be installed first. The landscaping will also be installed based on the first growing season. The original submission subdivided the homestead off and left the remaining open area as part of the overall project. EffiSolar purchases their properties. It will be subdivided and sold off. EffiSolar will provide that the farm field will remain a farm field. The area in the west will be part of their open land calculation. It is a good idea to subdivide it off and offer it to the municipality as open space. J. Giunco stated the property will be offered to the governing body and if the governing body rejects the property, it will be retained as open space by the applicant.

J. Giunco stated the applicant is seeking several variances one each for lot, impervious and building coverages. R. Roseberry stated the request for the variance for minimal lot width was eliminated because the lot was made larger. The request for a variance for the impervious coverage is no longer needed because the lot is larger. The variance for building coverage is needed due to the existence of existing features. The tennis court is 13' from the proposed property line. The flag stem for Lot 17 will be on Route 519. Lot 19, the dedicated open land will not have any frontage. Access to Lot 19 can be achieved through the open lands to the north and south. The applicant is seeking a design waiver to have the driveway within the proposed flag stem. The applicant intends to retain as access the existing driveway on the property. The applicant will provide an easement for access for Lots 17 and 18.

J. Giunco stated at the conclusion of the construction of the solar facility there would be an easement access over the existing driveway. Since EffiSolar will be the owner they can create that easement. EffiSolar will provide a copy of the easement for review by the Township consultant. He stated effectively, the flag stem is to provide frontage to the front street. R. Roseberry was in agreement with the aforementioned comments by J. Giunco. R. Roseberry stated currently the property is served by an overhead power line that goes from the house to Route 519 through the easement. The power will be transmitted underground to the transformer. The transformer will step up the voltage to match the current on Route 519. The point of interconnect is north of the church. The wiring will be overhead to the transformer on Route 519. The applicant has added substantially more buffering from the original plan submitted, which is indicated on Exhibit A-1. The applicant has requested an additional variance because they are creating Lot 19.01 along the westerly property line. The lot is measured at the narrowest point which is 242'.

D. Pierce stated the applicant will need a variance due to the lack of frontage for Lot 19.01.

J. Giunco asked R. Roseberry if he felt if the Board granted the variances for the lot depth on Lot 19.01 for frontage on a street and for the existing tennis court, would it upset the zoning scheme. R. Roseberry stated it would be a benefit to grant the variance. Two of the variances are being created because of the subdivision creating substantial open land. The tennis court is an existing situation and won't be impacted by the adjustment of the lot line. J. Giunco inquired if the granting of the variances would adversely affect the health and welfare of the community. R. Roseberry stated not at all.

R. Roseberry described the landscaping. He provided cross-sections of the landscaping. The applicant looked at the residential property closest to their property in the northeast corner. There will be supplemental plantings on the easterly property line. There are several tree rows that dissect the property. They are a mix of scrub growth and deciduous trees. The applicant will be retaining those tree rows. They will be supplementing those rows which are closest to the property line with evergreen and deciduous trees. There are planning a full perimeter buffering on proposed Lot 18 with the same type of materials to the north, east and southerly side. Around the pool, the plantings could be lower in growth. They propose more of an ornamental buffer around the pond by installing 8-10' tall plantings, which will block the view of the transformer, fence and panels. They will be installing a buffer along the tributary to the Lockatong Creek and supplementation along the westerly boundary. He stated he has spoken with one of the gentlemen who lives in the center of the property, E. Hall and they had a discussion about the visual impacts to his property. The applicant has agreed to provide an additional tree buffer along his westerly property line on the applicant's property. The buffer will be installed right up to his property line. D. Banisch stated the plantings will be subject to a site inspection. The understory landscaping planting in the existing hedgerow might do a more effective job than they can tell now. E. Hall may or may not choose to open the view in his yard. He is suggesting the applicant plan the buffering in the hedgerow in the field and then consult with E. Hall to see what he would want. J. Giunco stated the applicant was agreeable to the comments made by D. Banisch. R. Roseberry stated he has prepared six cross-sections of the effectiveness of the landscaping. R. Roseberry stated the dimensional plan indicates that the fence is 40' from the property line. R. Roseberry, describing cross-section AA, stated it is a view from Lot 8.01, which is the closest to the property line. The sight line was measured at a 30' elevation. It depicts a view looking into the site from the west. The cross-section shows an existing wooded area and shows how the 6-7' evergreen trees will supplement the view. The proposed landscaping will fill in the gaps and effectively block the line of sight from the property into the applicant's property. The evergreen plantings will be American Holly, Eastern Red Cedar and White pines. The mixed shade tree plantings are Red Maples, American Horn Beam and Sweet Gums. R. Roseberry stated Section AA was also taken from the same property. It depicts the view from a southerly direction. The view shows the existing hedgerow which crosses the site. It is lower in height than between the property along the westerly boundary. Section BB is the sight line from the church. The trees will be supplemented by evergreen trees. The elevation drops 4' from their fence. The panels will be out of view from 100' and require no buffering. It is a distance of 1500' from Route 519 and the beginning of

the panels. Section CC is the area of all the residences. There are no existing trees. The applicant is proposing to install 6-7' evergreen trees which adequately block the site from the 30' sight line. The applicant intends additional trees along the westerly property line of E. Hall.

J. Giunco stated the applicant is willing to install additional landscaping if when the applicant meets with D. Banisch and E. Hall. R. Roseberry stated there is a view if he looks straight down the highway. He stated the supplemental landscaping will be sufficient. D. Banisch stated the condition will read "as directed by his office". He will take his cue from E. Hall and the other neighbors.

R. Roseberry stated the last cross-section identifies the structures on the state property. It is already a heavily buffered area and will be screened by the existing buffer.

J. Giunco asked if the buffering proposed achieves the ordinance's intent to block the solar field from the public, Route 519 and the residences from the site. R. Roseberry responded yes.

R. Roseberry stated the staging area is larger on the revised plan. The construction area is south of the pond and is the closest proximity to the entrance. He stated this project is a one phase project. Since the original staging area is in the planned developed area by the pond, the staging area will be moved immediately to the south. In regard to the installation of the posts, R. Roseberry stated they will be driving the posts into the ground. Some areas will require them to be screwed and drilled. He stated the wiring on the existing poles will need to be upgraded. The upgraded wires will be on the existing poles. R. Roseberry stated the hours of construction will be 7-7 with noise generation from 8-6 with no work on Sundays. The applicant agrees to no drilling on Saturday.

M. Smith requested construction does not start until 8:00 AM on Saturdays. J. Giunco stated the applicant will not start construction on Saturdays until 8:00 AM.

J. Giunco stated the applicant is in agreement with the engineer's review letters. The applicant will be modifying the plan so the lot in the front is one lot rather than two lots.

J. Giunco stated the applicant is in agreement no deliveries will take place half hour before school and a half hour after school.

J. Mathieu opened the hearing to the public.

M. Smith inquired if the property would be maintained as a farm. R. Roseberry stated it is currently being used as an agricultural use. It will initially be owned by EffiSolar. There will be a possibility of it being sold. It would be an ideal farmette to continue the agricultural use. M. Smith inquired if the development complies with the open space requirements of the ordinance. J. Giunco responded the proposed development plan creates Lot 19, which is part of the open space, which contains 29 acres. The farm field is restricted for development. He stated the purpose and intent of the ordinance satisfies the open space requirement of the ordinance. M. Smith inquired if the access road for the construction will be beefed up. J. Giunco stated 4' will be added to the driveway until the construction is completed and then the additional 4' will be removed. The driveway will revert back to the 12' original construction. M. Smith inquired why the applicant was using the flag stem. R. Roseberry stated the applicant does not have easement rights adjacent to the church. M. Smith stated the church was granted that as part of the property. The flag stem went out to the road. R. Roseberry stated the applicant looked at the easement. J. Giunco stated the applicant is not satisfied that they have the absolute right via document to use that easement. M. Smith inquired about any construction signage. J. Giunco stated the applicant is not proposing a sign per se. R. Roseberry stated signage will be provided to give guidance during construction. The sign will be present during construction. The applicant was willing to put the hours of

operation on the sign. M. Smith stated J. Errickson has a variance on his property and stated his hours of operation begin at 8:00 AM and starting at 7:00 AM might ruffle some feathers. J. Mathieu stated it is a pre-existing non-conforming use that has those hours. T. Decker stated the hours are a temporary condition for construction.

I. Smith stated Route 519 is narrow near her house and there are no shoulders only ditches. She does not think a fire truck will have an easy time to getting into the facility. She sees regular trucks having a hard time. She commented on backing out of her driveway and the curve in the road and the difficulty of visibility. There might be a lot of traffic and accident problems. R. Roseberry stated there is no proposal to remove any trees in the area to add visibility. The staging area is in the site. Any vehicles will be directed into the site in the staging area. Everything will be stored in the interior of the site. The applicant has agreed to widen the driveway for two-way vehicles and has no objection to advance warning signs on Route 519. I. Smith stated it is a dangerous curve and there will be vehicle delivery problems. R. Roseberry responded the applicant will work with the Township Engineer.

J. Giunco stated there will be no lighting in the staging area. He stated the applicant has agreed to add additional warning signage to alert potential drivers.

E. Hall, owner of Lot 38, Lot 19, stated he was concerned about the deterioration of the value of his property from this activity. It is becoming a very permanent site. He has had discussions with people involved with EffiSolar and they seemed very cooperative, helpful and trying to do things right. He confirms he had the discussion mentioned earlier in the testimony with the applicant or its professionals. They stated they will install in the buffer a mix of deciduous and evergreen trees. He is pleased with the line of sight cross-section. He is concerned about that the sound from the transformers will be louder than the permitted 65 decibels. He has heard the transformers in other locations and they seem louder. He stated the sound from the transformer would adversely affect his property. He had visions that there would be a berm here and the applicant stated it was not necessary. He is understood that new lot 18 will be deed restricted. J. Giunco responded the portion around his property will be deed restricted for agricultural purposes. R. Roseberry stated the closest transformer to E. Hall's property is 1200'.

J. Giunco stated at 1200' the transfer should not be heard. It is his understanding that the 65 decibels is 1 meter from the machine. The level decreases at a distance. He stated DEP has a requirement of noise at the property owner's line of a maximum of 65 decibels during the daylight hours and 55 decibels in the evening. The applicant agrees the noise generated from the transformers will not exceed the ordinance requirements. J. Mathieu stated a condition of approval should be that if any of the transformers exceed the noise level that is permitted by ordinance, it will be remediated.

R. Roseberry stated there will be double fencing around the transformer and a containment system under the transformer for leakage.

M. Smith commented on not permitting idling of the trucks. T. Decker stated the Township can work with the applicant's engineer which will alert people to the sight distance but also address no truck idling. M. Smith stated the approval will have established hours and limits but what prevents them from not complying with their approval. T. Decker responded his inspectors are on the site on a routine basis. There is an open line of communication with the general contractor. M. Smith inquired about jake braking. D. Banisch stated to J. Giunco, to a certain extent, he believes that the applicant will agree to the recommendations and conditions in the report. J. Giunco stated he agrees.

D. Banisch stated the applicant has addressed the fundamental issues in the report. He inquired if the applicant would oppose if the Township would direct the dedicated open land to a private land trust. J Giunco stated the applicant would have no objection.

T. Decker stated he would like to get on the record testimony regarding reflective glare and glint. R. Roseberry responded this site is very well protected. There would be glare and glint on the east/west horizon. The solar panels are not reflective in nature. They are intended to absorb and not reflect light. The panels will be oriented to the south. The worst case for glare would be when the sun is rising and setting. The glare would only be in the opposite direction. There are no residential properties in any of the directions and no one will be impacted. R. Roseberry stated the panels are designed to withstand a wind velocity of 90 mph. In regard to the flag staff the existing driveway crosses the property line. They are not proposing to change or extinguish the easement but leave it as it is. In regard to the airstrip, R. Roseberry stated it is licensed through July of 2012. The property owner is willing to send a letter to the DOT that they will be abandoning that license. J. Giunco stated the applicant is agreeable to the abandonment being a precondition before construction. D. Banisch stated ground markings may be necessary between the time the applicant submits the abandonment request and the commence of construction activities. J. Giunco stated he will satisfy any conditions that may be imposed. He is not familiar with the particular details for abandonment.

In regard to the church's request to park overflow vehicles for their event at Preacher's Rock, the applicant is in agreement to allow the parking. R. Roseberry stated even if the property was sold, the overflow parking would be on their flag stem to Lot 17. D. Pierce stated that easement would have to be provided for in the deed.

T. Decker inquired if the comments in his letter are acceptable and if the applicant is willing to comply with them. R. Roseberry responded yes.

F. Floyd stated he has met with the applicants, as late as this afternoon. He inquired if the applicant has added the additional gates. R. Roseberry responded yes. F. Floyd stated he has no objections and they have addressed his concerns.

D. Pierce inquired what was the current setback for the tennis court. R. Roseberry stated it was 34' and is being proposed at 9'.

J. Mathieu closed the public hearing.

L. Senus inquired what is to become of the existing residence. J. Giunco responded it will be on Lot 18 with additional land being added.

S. McNicol inquired if they have received their LOI. T. Decker stated they have demonstrated proof that they have applied for their LOI. R. Roseberry stated they have applied for a General Permit #7. S. McNicol stated there are solar panels in the 300' stream buffer. R. Roseberry stated it is permitted under Permit by Rule in areas that are currently farmed. S. McNicol inquired how many solar panels. J. Giunco suggested the area is what would be approved not the number of panels. The number of panels can vary. D. Banisch stated before the plan was revised it was 58,000. R. Roseberry responded 56,800 more or less.

P. Lubitz inquired if the proposed new driveway could be limited to access to the solar complex. His concern is that at some future date if the farm is sold, there would be an enormous amount of traffic that would impact those neighbors across from the driveway. The farm use should be through the existing driveway. D. Banisch stated the problem is that their easement next to the church on Route 519 contains a gap in the easement. There are a couple hundred feet missing of depth. J. Giunco stated he does not think the applicant can do it effectively and assure subsequent owners access. P. Lubitz stated he is concerned about the property owners. J. Giunco

stated a stop sign could be added. P. Lubitz stated there would be headlights shining into the residences. J. Giunco stated it is an existing condition to some degree. M. Smith suggested replacing the pine trees in the front of his house. J. Giunco stated the applicant cannot meet that request. P. Lubitz stated in regard to the access on the side of the church property, can the applicant, for future owners, talk about granting an easement for an existing condition. J. Giunco stated the applicant can attempt to reach an agreement but if no agreement can be reached, it is not an issue. He stated the applicant will make an effort and a good faith negotiation. J. Mathieu stated the applicant should make a documented effort.

D. Pierce inquired if the Board is requesting the applicant ask the church for the right for the farm on Lot 18 to continue the use on the church driveway for access and to memorialize in a formal easement or for the applicant to seek to acquire additional land to complete the flag stem out to Route 519 to provide access. J. Giunco stated the applicant is not willing to acquire additional land and would be willing to seek confirmation of the easement rights for Lot 18. T. Decker stated if you were to extend the flag staff to Route 519, it would encompass a good chunk of the church's parking lot. J. Giunco stated the applicant is prepared to seek the easement and if successful will use it for the access for the residence. If they cannot obtain the easement, the applicant will provide proof of their efforts.

M. Syrnick inquired how wide does the driveway have to be for access. T. Decker stated the solar ordinance requires the access to be 20' wide and as long as Chief Floyd has been satisfied with emergency access, the Board has been in agreement. There is a requirement for a common driveway needs to be 16' wide. The applicant is proposing to go 16' during construction and down back to 12' after construction. For all intensive purposes, it would only be serving the one farmhouse. F. Floyd stated his main concern is in the facility.

E. Niemann inquired about the gradient towards the stream. R. Roseberry responded the high point is 496' in the northwest corner and 332' in the stream bed in the southwest corner.

S. McNicol inquired if the pond has a dam or anything the Township needs to worry about in the future. T. Decker stated he did not evaluate the pond for stability. R. Roseberry stated he has look at the pond but no review of stability has been done. It is a man-made pond and well fed. D. Pierce stated if there is a dam it is not in the Township's jurisdiction but under the DEP.

D. Pierce stated the application requires a variance for Lot 19.01 for lot depth, Lot 18 for front lot setback and requires design waivers for eliminating the required berms, allow the width of the access drive to be 12', providing one means of ingress and egress, sign location and to allow the open lands to be subdivided and not retained as a single lot.

R. Roseberry stated the geotech survey indicates 18" of topsoil which will be dispersed through the site from the trenches for the conduit.

It was moved by E. Niemann, seconded by P. Lubitz and carried to grant preliminary approval with the following conditions:

1. Lots 19.01 and 18 shall be subject to deed restrictions prohibiting further development. In addition, the use of Lot 18 shall be further deed restricted to use for agricultural purposes with the existing farm residence.
2. Lot 17 shall be subject to a deed restriction prohibiting the use of that lot for any purpose other than the proposed commercial solar facility or agriculture.
3. Submission of plans revised to show or include:
 - a. Provision of open land and constrained area information in tabular form on sheet #2;
 - b. Information identifying all variances required;

- c. A lot area summary table on the Minor Subdivision Plan;
 - d. Revisions to the Minor Subdivision Plan to address deficiencies in the bulk requirements;
 - e. The limits of the conservation easements and location of conservation easement markers;
 - f. A note specifying that all utilities are to be installed underground with the exception of the existing utility poles;
 - g. Revisions confirming the changes to the lot lines as testified to during the public hearing and demonstrating that other variances are necessary;
 - h. A note reciting the deed restrictions set forth in conditions 1 and 2 above;
 - i. The identification of soils that are classified as prime farmland and/or farmland of statewide significance;
 - j. A note specifying that the maximum panel height permitted is 4.5 feet;
 - k. Notes containing excerpts from the Decommissioning Plan Report summarizing decommissioning procedures added to the plan set;
 - l. A note stating that the facility must be in compliance with the latest version of the National Electrical Code;
 - m. A note stating that the security fence and gates must be installed before commencing construction of the solar facility;
 - n. A note specifying that all demolition and removal of debris must be in compliance with the requirements of the New Jersey Department of Environmental Protection and all other applicable laws and regulations;
 - o. A note stating that parking off-site and along the roadway is not permitted and that all parking during construction shall be on-site;
 - p. A note stating that no idling on county roads is permitted during construction of the facility;
 - q. A construction staging plan showing a detailed construction and decommissioning schedule;
 - r. Notes reflecting the conditions of the shared driveway access;
 - s. A note stating that no soil is to be removed from the site; that all soil excavated shall be dispersed on site and that all shale excavated shall be used to enhance the internal roadways;
 - t. A note indicating that the facility shall not be used for advertising except for the sign identifying the operator of the site and that no sign except that identification sign will be visible from the property line;
 - u. Revisions of the zoning tables on Sheet #1 and the Minor Subdivision Plan to be consistent with each other;
 - v. Revisions to the zoning table on Sheet #1 to address the setback requirements for accessory buildings;
 - w. Revisions of the Minor Subdivision Plan to show the lot circle and add the lot circle requirement to the zoning table;
 - x. Revisions of the Minor Subdivision Plan to set forth the metes and bounds description for the "Deed Restriction Line" and include notes identifying the conditions of the deed restriction;
 - y. Revision of the Minor Subdivision Plan to show all variances required;
 - z. A detail depicting the installation of an additional 8 foot high fence with a man gate around the proposed transformer;
 - aa. To comply with all of the comments set forth in the October 7, 2011 review letter from Van Cleef Engineering Associates and the October 10, 2011 review memorandum issued by Banisch Associates; and
 - bb. A note stating that no grading is permitted in areas of soils that are classified as prime farmland and/or statewide significance except for the purpose of installing roads and equipment pads and as authorized by NJDEP permits.
4. The applicant shall temporarily widen the existing access driveway to 16 feet wide during construction by adding four feet of gravel along the entire length of the driveway, with the gravel to be removed after the construction of the solar facility.

5. The applicant shall provide secondary containment for fluids that could be leaked from the transformer, with the design and capacity of such secondary containment to be approved by the Board's engineer and planner.
6. Hours of construction shall be limited to 7am to 7pm Monday through Friday and 8am to 7pm on Saturdays, with noise generating activities limited, per ordinance, to the period from 8 am to 6pm.
7. The applicant shall conduct drilling for installation of the racking system only Monday through Friday; no drilling is permitted on Saturdays.
8. The applicant shall not engage in any construction activities on Sundays.
9. This approval is subject to the review and approval of subdivision deeds, the conservation easement, access easement and parking easement for the benefit of Block 38, Lot 18 by the Board's professionals.
10. This approval is subject to the recordation of the subdivision deeds, conservation easement, access easement and parking easement for the benefit of Block 38, Lot 18 within 190 days of the date of this approval.
11. The construction of the proposed facility shall occur in the following phasing sequence:
 - a. Signs shall be installed first;
 - b. After installation of the signs, the interior road shall be constructed;
 - c. After the interior road is completed, the applicant shall install the perimeter security fencing;
 - d. Once the security fencing is finished, the applicant shall install the landscaping unless construction is commenced after the growing season in which event the applicant shall complete the installation of the landscaping during the next growing season immediately following the start of construction;
 - e. The Applicant shall complete the installation of the landscaping before the issuance of a Certificate of Occupancy. Alternatively, the Applicant shall post a performance bond to cover the installation of the landscaping, in an amount approved by the Township engineer prior to securing the issuance of a Certificate of Occupancy; and
 - f. Once the signs, road and security fencing is complete, and subject to item d above, the applicant may then begin the installation of the solar panel racking system.
12. Receipt and submission of a Freshwater Wetlands Letter of Interpretation for review by the Board's engineer to confirm that it is consistent with the approved plans.
13. The applicant shall install temporary traffic control signs that designate the construction entrance and state the permitted hours of operation, and signs that state the prohibition on idling and warn of the approach to the construction entrance, all subject to approval by the Board engineer as to location and content.
14. The applicant shall install supplemental plantings to buffer the view from the residence on Block 38, Lot 19. The additional landscape buffer plantings shall be subject to review and inspection by the Board's planner and supplementation with additional plantings as deemed reasonably necessary by the Board's planner. A note to this effect is to be added to the plans.
15. The applicant shall submit copies of all NJDEP wetland permit approvals and approval of the wetlands transition area waiver before issuance of a building permit.
16. The applicant shall comply with the requirements of the Kingwood Township Conservation Easement ordinance, including:
 - a. Recordation of a Conservation Easement that shall be subject to review and approval by the Board's professionals;
 - b. Installation of Conservation Easement markers; and
 - c. Submission of a baseline documentation report before the issuance of a building permit;
17. Submission of a Maintenance Plan that shall be subject to review and approval by the Board's planner and engineer.
18. Receipt and submission to the Board of a determination from the NJDEP confirming that proposed installation of solar facilities and fence in Riparian zone are permitted activities.
19. Submission of a notice of intent to engage in activity within the riparian zone authorized under a Permit

By Rule.

20. The applicant shall install an additional eight foot high chain link fence with a man gate around the proposed transformer pad with high voltage warning signage to be approved by the Board engineer.
21. Submission of an Emergency Response Plan to be approved by the Fire Company.
22. The applicant shall obtain a street address for the facility from the 911 coordinator.
23. The Applicant shall be responsible for the repair of damage occurring during construction to areas in the right-of-way and beyond. (i.e., the public road) caused by the applicant's employees, agents, contractors, vendors and/or invitees.
24. The Applicant shall, prior to issuance of a building permit, complete any further investigation and remediation recommended by Phase I Site Assessment in conformance with Technical Requirements for Site Remediation.
25. The project shall be subject to the review and approval by the Kingwood Volunteer Fire Company.
26. The applicant has proposed to convey Proposed Lot 19.01 to the Township. In the event that the Township does not accept title to proposed Lot 19.01, then Lot 19.01 shall be maintained by the applicant and all successors in title as open lands pursuant to the deed restriction required under condition number 1.
27. The applicant shall enlarge the temporary staging area with the size to be approved by the Board's planner and engineer.
28. Receipt and submission of County Planning Board approval.
29. The applicant shall submit a copy of the geo-technical report for review by the Board engineer.
30. The applicant shall document that it has made a good faith effort to obtain and record an access easement from the Methodist Church for the benefit of Block 38, Lot 18. If the applicant is successful in obtaining such an easement, the easement, and a deed restriction requiring Lot 18 to use that easement for access to the public road, shall be recorded after review and approval by the Board's professionals.
31. Receipt and submission of approval from Hunterdon County Soil Conservation District.
32. Receipt and submission of approval from Delaware and Raritan Canal Commission.
33. Installation of an exterior electrical disconnect/emergency shutoff switch to de-energize the entire system, to be plainly marked with a reflective placard.
34. Submission of a 2 year maintenance guarantee for the landscape buffer plantings and vegetative cover.
35. Subject to a post installation inspection of the landscape buffer plantings and vegetative cover by the Board planner and supplementation of the plantings with additional plantings of similar quality to address any areas of deficiency identified.
36. The Applicant must attend a pre-construction conference with the Township engineer.
37. The Applicant must provide 48 hours notice to Township engineer in advance of commencement of construction activities.
38. No maintenance shall be conducted after dark except in the case of emergency.
39. The Applicant shall provide site specific training for the Kingwood Township Volunteer Fire Company before the facility becomes operational.
40. The Applicant shall submit one copy of all revised plans in electronic format.
41. The Applicant shall attend on site conferences with the Board planner before and also during landscape installation and shall supplement the landscaping in accordance with the recommendations of, as reasonably determined by, the Board planner. A note to this effect is to be added to the plans.
42. No fill material shall be used on site unless approved in advance by the Township engineer.
43. All parking, including during construction, shall be on site; no parking or idling shall be

permitted on the public road.

44. The applicant shall install additional access gates with the number and location to be approved by the Kingwood Township Volunteer Fire Company.
45. The applicant shall install knock boxes at all access gates.
46. The noise levels at the property line shall be in conformance with the noise ordinance. In the event that the transformer or inverters exceed the noise ordinance limits, the applicant will promptly correct that condition subject to review and approval by the Township engineer.
47. No grading shall be permitted in areas of prime soils and soils of statewide significance except for the purpose of installing roads and equipment pads and as authorized by NJDEP permits.
48. No soil shall be removed from the Property.
49. Submission of a cost estimate for landscaping subject to review and approval by the Board's professionals.
50. The Applicant shall remove any staging area fence upon completion of the perimeter fencing.
51. There shall be no security lighting allowed in the staging area.
52. All components of the facility must be designed to withstand winds with a 90 mph ground level wind velocity.
53. Subject to the de-compaction of the staging and other areas as deemed necessary by the Board engineer.
54. The Maintenance Plan shall be revised to provide that the Applicant shall promptly remove any and all trees falling on adjacent properties.
55. The Maintenance Plan shall be revised to provide that no pruning or trimming of landscape plantings for shading that would open up visibility of the solar arrays will be allowed.
56. A landscape architect or certified arborist shall be on site to supervise the installation of the landscaping.
57. No deliveries or contractors shall be permitted to access the Property during the following times:
 - a. Mon-Fri: from ½ hour before start time for Kingwood Elementary School to ½ hour after school start time for Kingwood Elementary School
 - b. Mon-Fri: from ½ hour before dismissal time for Kingwood Elementary School to ½ hour after dismissal time for Kingwood Elementary School
 - c. Sat: from ½ hour before start time for events at for Kingwood Elementary School to ½ hour after start time for events at for Kingwood Elementary School
 - d. Sat: from ½ hour before end time for events at for Kingwood Elementary School to ½ hour after end time for events at for Kingwood Elementary School
58. The Applicant shall make a preconstruction announcement to the contractor regarding the need for compliance with local laws, including speed limits, and the parking and idling restrictions contained in this resolution.
59. The Applicant shall submit proof of abandonment of the existing airstrip before obtaining a building permit and shall comply with all requirements of the Federal Aviation Administration, and any other governmental agency with jurisdiction, regarding the abandonment of the existing airstrip.
60. The maximum panel height permitted shall not exceed 4.5 feet.
61. The Applicant shall provide a certification from all contractors and subcontractors that no employee, if they were residing on the Property, would be required to provide a Megan's law certification.
62. The Applicant shall provide Board professionals with print copies of all revised plans that are submitted in electronic form.
63. The location of all emergency shut off switches shall be approved by the Board planner, Board engineer and first responders.

64. The Applicant shall submit a list of materials of construction of the solar panels.
65. The Applicant shall comply with the Decommissioning Plan.
66. The use of lead acid batteries to store power generated by the facility is prohibited.
67. The use of solar panels containing cadmium telluride is prohibited.
68. The applicant shall submit revised landscaping plans subject to review and approval by the Board's planner and engineer.
69. The applicant shall submit revised grading and drainage plans that confirm the perpetuation of the existing storm water drainage patterns, subject to review and approval by the Board's planner and engineer.
70. The Applicant shall install landscaping to screen proposed transformer, subject to the review and approval of the Board planner.
71. The Applicant shall submit plans revised to include notes listing each condition of approval.
72. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998. In the event that the calculation to be performed under the growth share ordinance determines that there is no growth share obligation associated with the proposed development, then the development fee ordinance shall be applicable. The development fee ordinance requires a developer, pursuant to 132-13 of the Kingwood Township Code, to pay a development fee to the Kingwood Township Affordable Housing Trust Fund.
The applicant shall pay fifty percent (50%) of the estimated developer's fee, if any, to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.
73. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. This memorializing resolution shall not be released to the applicant unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
74. The applicant shall have two (2) years from the date of the adoption of this memorializing resolution to obtain a construction permit and complete construction of this project. If during said two (2) year period, or extension thereof as granted by the Board pursuant to N.J.S.A. 40:55D-52, a construction permit is not obtained, or if such permit is obtained but work not completed within 24 months of the issuance of the permit, all relief granted in this memorializing resolution shall expire and automatically become null and void.
75. Approval of this application by the Planning Board shall not and is not to be considered as an approval of any other requirements or approvals of permits as may be necessary to allow construction.
76. The within approval, and the use of all property subject to the within approval, are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or department shaving jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or

condition of the within approval and any approvals(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon property application.

77. The Kingwood Township Planning Board reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
78. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statutes, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
79. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the application, its successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

All members present voted **AYE** on **ROLL CALL VOTE**.

ADJOURNMENT

It was moved by P. Lubitz, seconded by S. McNicol and carried to adjourn the meeting at 9:31 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschach, Secretary