

**OXFORD TOWNSHIP
LAND USE BOARD
MEETING JULY 26, 2022
www.oxfordtwpnj-org**

FLAG SALUTE

CALL TO ORDER: Mr. Ischinger called the meeting to order at 7:00pm

ADEQUATE NOTICE was given as follows: Notice was sent to the Express Times and The Star Ledger. Notice was posted on website and the municipal bulletin board in the Township Administration building in Oxford Township, New Jersey and notice was filled with the Township Clerk.

ROLL CALL:

Members Present: Mr. Ischinger, Ms. Koufodontes, Mayor Norton, Mr. McGuire, Mr. Ott, Mr. Niece, Mr. Ort, Ms. Taranto, Mr. Weiss (late 7:04pm)

Members Absent: Ms. Smorzaniuk, Ms. Hoffman

Also Present: Mike Finelli, Richard Schneider, Elena Gable

MINUTES: May 24 2022 Land Use Board

Eligible to Vote: Mr. Ischinger, Mayor Norton, Ms. Smorzaniuk, Ms. Koufodontes, Mr. McGuire, Ms. Hoffman, Mr. Ott

A motion to approve was made by Mr. Ischinger, seconded by Mayor Norton

Ayes 5, Nays 0, Abstain 1,
Motion carried.

Mr. Ischinger announce our new board member and Mr. Richard Schneider swore in Mrs. Suzanne Taranto.

Resolution 2022-39 -Preliminary investigation of Block 31 Lot 21.01 – To accept the Land Use board to allow our Planner to have the study done based on the Oxford Committees recommendation motion made by Mr. Ischinger and seconded by Mr. Mcguire

Ayes 9, Nays 0, Abstain,
Motion carried.

Oxford Textile Solar Farm Public Meeting:

A presentation was made by Mr. Bellon council for the developer for the property.

Mr. Bellon states he is sorry that it has taken a little longer to get here but this property has had some interesting challenges but we are happy to get here. This application is for preliminary final site plan approval. We are not seeking any variances or waivers. We have a few professionals to speak about the property.

Anthony Castillo – Engineer with was sworn in by Richard Schneider. Mr. Castillo professional background – I am principal with SESI Consulting Engineers I have been one for the past 12 years. I graduated from NJIT with a Bachelors in Civil Engineering and Masters as well and registered as a professional engineer in New Jersey and New York. I have testified in front of board like this in New Jersey and New York. R. Schneider asked if your testimony has been accepted as an expert witness in Civil Engineering Correct? That is correct. R. Schneider – does the board accept Mr. Castillo as an expert witness in Civil Engineering. Yes the board accepts so stipulated. You may proceed.

Mr. Castillo is going to start with a site plan rendering R-1. R. Schneider asked is this a part of the set of plans that was submitted to the board, Mr. Castillo said no this is not a part of the initial plan. R Schneider said let's mark R-1 as exhibit A-1 can you explain what is on A-1. Mr. Castillo said on this drawing is couples of things 1 is a depiction of what the properties are redevelopment and proposed on and the adjacent properties as well as depiction of the proposed areas of the utility solar array and the colored indication of landscaping areas as well.

Good evening, everyone I appreciate the opportunity to speak before you this evening to start with I liked to focus on the property and the property description itself and as mentioned before we are here before the board for the preliminary final site plan approval for this redevelopment proposal here. To start with the location 11 Founders St in town. We are looking to take a proportion of this 73-acre lot take an un crux proportion of lot 4.02 as depicted on this plan is bounded by Lower Demark Road to the west and bound by lot 4 undeveloped lots to the north and 4.03 undeveloped lot to the east and Axford Ave to the east as well and Port Colden Rd to the south. Portion of this property is developed with 1 main industrial building and 6 smaller buildings with associated asphalt, gravel driveways and grassy areas. In terms of the flood plan and flood plan areas want to note that according to the latest FEMA map panel the western and northern portions of the property is located in a Zone A flood Hazard area as depicted by FEMA.

Let focus on the redevelopment its self what our client would like to construct is a solar array with approximately 26 acres of solar panels with an associated a 15 ft line of gravel access road and approximately 4.2 acres of floating solar panels on exsiting morph features. At the front of the site with is access from Port Colden Road which included in this site proposal is a 24ft wide double swing gate with an informational sign at the entrance this will swing out to Port Colden Rd. Go back to zoning for a moment I wanted to clarify for one minute that this property is located in the Oxford Textile redevelopment area the properties exsiting use is industrial per the town zoning. This proposed property is in right with the ordinance with requirements in terms of setbacks in the township of Oxford. The solar Farm itself again is a utility scale solar farm the solar panels are aluminum structures and are clipped on to racks there are minimum 3ft ground level to no more than 7ft they have a tilt angel of approximately 15 degrees the solar panels will convert energy from sunlight to electrical energy DC current first then there are inverters as well to converts to energy. I want to talk for moment about Storm water run-off I wanted to clarify the because of the area of solar array we mitigating a substantial amount of impervious surfaces parts of the property. What we are doing is reducing amounts of run off we are increasing flow paths we reducing need to do any quantity control because we are in fact reducing big grades of run off will be quantity control for water flow off the property. That same goes for water quality because we reducing previous surfaces by building and such and we are also taking morphine surfaces that normally create by vestures of oils, salts and such we are moving them so we are reducing them substantially. The property is considered to be a brown field we are not required by DEP requirements to do any kind of collection or infiltrating to the land.

What I want to do this point is to quit my testimony and direct it to the planers letter and we are going to responded to the planers letter. In terms of operations. I want to clarify that there will be no trips so no vehicular travel on the property no traffic on this site perhaps the only thing that may happen once or twice a year is maintenance personal will come in a utility truck size of a small van they will come in and preform maintenance which beside from that there is no activity on this site. R. Schneider asked only twice a year and response was correct. Mr. Bellon also added there is grass on the site so they will cut it a couple times a year. But also, I want to clarify about one of the comments that was raised whether or not there will be snow removal and there will be no snow removal for this site. In addition to that because there are no employees on the site there will be no need to provide refuge or recycling. Another comment that had been raised questioning if there was going to be cannabis operation on site that was an option but that is not exercised in this brief element of the proposal before you this evening. Mr. Bellon said the reality is they put into the plan hoping somebody would come along and we they would build a building for them we set aside as 5000 square foot envelope in the plan but no one materialized. Just a question R. Schneider said that him and Mr. Finelli had an opportunity briefly discussed, so that there is a clear relative because the cannabis was at least referenced in the redevelopment agreement

my understanding is constant with what you just articulated that was offered by the town these is no present licensing wished to use the property. Just so that we are clear the solar arrays are now proposed to be located in the area that originally was at least reserved or potentially for the cannabis warehouse now the solar arrays will now take the located of where the cannabis may have gone is that correct. Mr. Bellon said correct. Mr. Finelli asked is there another area slated for should this project go forward a year from now 6 months from now or even 5 years from now do you have an area isolated or specified as the future building location. Mr Bellon said what happened is the true answer is no we need every square inch of the site for solar. When we were originally attracted to this site and when we originally did our studies and when we signed our contract to purchase the property we were originally going to put solar panels on 4.02 and 4.03 and designed a layout the project to us was 22 mega watt and all our calculations were based on that but in a perfect world but when our wetlands study can back 4.03 is completely unusable not just a portion of it all of it so our project went from 22/23 megawatts to 14 megawatts frankly we found a way to make it work. We need every solar panel we can get on this property so it turns out that nobody presented sale for the cannabis and frankly that is a very profitable enterprise and reality is that put pressure is on us to create as much solar power as possible. If someone comes along in the future and it makes more sense to reinstate that we would consider it but for now we have to do solar farm and we need as much solar power as we can get to make the project work. Mr. Finelli response ok.

Mr. Castillo discussed the fencing of the property they are going to remove fencing and put up a more effective screening. Ms. Elena Gable planner said you are going to remove the entirety of the chain link fence and put solid fence of the entire boundary of the essentially disturbed area. What type of fencing will you be putting in a board on board wooden fence and do you have any specifications pick out yet. Mr. Bellon said we going to replace the existing fence is only 6 feet fully extended we need 7 ft and has barbed wired on it so we are going to take it down and put up a brand new one. If the board decided that some portions need slates in it we are ok with that. Mr. Schneider said so stipulated conditions the existing fence would be replaced by a solid fence in which design would be decided by the township planner and/or engineer. Mr. Bellon said it is like a woven wired fence like a thach that is framed by wood tension track and it is usually place behind the landscaping and so it is not like you are looking directly at the fence. It is more attractive than a chain link fence. Ms Gable asked is this an agricultural fence detail in the plans. That is not a solid fence at all it is a pretty open fence. Mr. Bellon said don't mis understand what I said what I suggested was that if by the end of the night if the board decisions and wants portions of it in slates. We have done this at site before where people have felt the thach system is not adequate we will use generally expensive so will use it areas viewed to the public if you decided that is what you want, we will do it. Ms. Gable as would you be opposed to a board on board fence in certain areas? Mr. Bellon said I guess Board on Board not quite sure what you mean by that. Ms. Gable response wooden panels solid with slates thru it. Mr. Bellon said I guess we would generally speaking we have been fine on these sites. The kind of fence we are proposing tonight and then sometimes they want slates we used vinyl slates that are solid we can add color. This is an industrial facility and it will be here for 25 years we don't want to be painting it every year. Ms. Gable – I understand. Mr Finelli – in summary if I am looking at the detail now. if anyone wants to look at the last sheet D-1 shows the fence how are we leaving this that you will work with the town, planner, myself as far as trying to make this more opaque. Yes Mr. Bellon responded are exceptions in spots along the fence, the trenches along the fence that you feel it will make a difference. We plan not to do that in the undeveloped areas were the wild life it I prefer not to do that. Mr. Finelli said we are reasonable and plan not to do that as well.

Mr. Castillo the next the item is the emergency access. We would like the emergency personnel to review the plans soon as possible. Mr. Finelli ask you a question on that- Fire protection I notice there are no isles along the plan arrays there is a 5 ft separation clearly that's going to be for an individual walking and nothing bigger then that is your experience that there are no cuts or isle ways some how thru the massive arrays. Mr. Bellon said site this narrow no. We will sit down with the Fire Chief as a condition of the approval and we will work the issues. Generally speaking this a pretty narrow field with permitter access. Mr. Finelli said he will certainly defer to the Fire Department obviously that jumped out to me on the plans that there was no isles. It does have a permitter driveway that supplies good access. Mr. Bellon we will not argue with the fire chief if he wants something we will do it. MR. Castillo buffer areas the conclusion is that we basically came up with the maximized available remaining area on this site we just don't have the ability to loose panels.

With losing areas on the other side of 4.03. Mr. Bellon said we are working with what we got. Mr. Castillo following questions about a typical vehicle on this property. The typical vehicle we expect on this site is small vehicle. There is a 12 foot wide dirt road from Axford Ave and also a 15 foot wide round driveway we are certainly accommodate these vehicles we don't see an issue with that. Mr. Scheinder for this purpose you are referring to the July 25, 2002 report. Yes we are, I apologize for not clarifying that. I am following up on a comment about the double swing gate will have a informational sign with emergency contacts it swing out towards Port Colden Rd it is 7 foot high and will match the fence on both sides. Ms. Gable when the gates open does it go into the right of way at all - no it will not go into the right of way. When the gates are open towards the road they will not interfere with any traffic on the road - no they will not.

Mr. Castillo following up on a response to a proposed the Axford Ave entrance we are not at this time. Ms. Gable said you going to put in a 12 foot wide dirt road from Axford Ave that can be access by anybody is that going to create a security issue for you guys - a board member mentioned that there is gate link fence there already. Mr. Bellon said it will be fenced. Ms. Gable - So I thought there was on the plans the access road was meant for Axford Ave Mr. Bellon said there is fence there Ms. Gable the only access to Axford Ave is driving thru the site. Mr Castillo said you have to go around and come back up. Mr. Bellon said we are not encouraging people drive thru the site. Ms. Gable I was not understanding and thought there was a secondary access. Mr. Castillo said no there is not just a path. Mr. Bellon said that there is no curb cut there but if the Fire chief came to us and said I wanted a secondary access we will give to them and t. Mr. Castillo said since it is County Road we will have to speak to Warren County engineering to address that. Ms. Gable Thank you.

Mr. Castillo I would like to jump a little bit if I could. I want to discuss landscaping a bit as I mention before I wanted to show here there is a code for landscaping I just want to verbalize it a bit. We note that landscaping certainly is proposed her tonight is necessary to the route of various areas to redevelop it. We will have a 15 foot wide landscape buffer will pertain to installation to adjacent homes it will be a concern to clarify the buffer it will be a mixture of evergreens, Citrus trees and shrubs 75% will be evergreens. To really bring the point home about the view shed there is a question I would like to show you by switching exhibits. Mr. Schneider before you switch exhibits is the landscaping you described are reflected on the sheets in the site plan. Yes it is. Mr Bellon wants to make a quick point before we move from board to board we recognize we have done this a couples of times the land plan is a remnant and the reality is it is only as good as it is on the plan. What we say to the boards we make it a condition of the approval once that landscape plan is constructed and the facility is in place we will ask you and your engineer, planner and put together some people we will walk the site with you and the extent you find inefficiencies in the landscape plan remember the landscape plan is just a drawing and when we put the plants they don't look like what's on the drawing there will be holes maybe or not. We say to you we walk the site with you and extend the professionals want additional plants on site we will approve them you can put that on the resolution. They only we say to is that opposed to hanging around there and insisting it only good for a certain guarantee for as the long as the condition of the approval and for as long as we operate the solar field on this site we will make planting it is indefinite and a life time guarantee for the landscaping so that when something dies it not to bad to replace it that will be a condition of our approval and it will also go into our township developers agreement. It takes a little pressure off us in terms on what's on the landscape plan at the end of the day it can only be as good as we can try to make the other side that the practical reality when walk in you find things that are inadequate your people tells to put plants there we don't shy away from landscaping.

Mr. Castillo this drawing what we are trying to show here for the board is at 3 locations - at 1 the cross section across going left to right to that average person standing on the other side looking from across Port Colden Road from the site looking at the person and the site line the proposed landscaping what the fence will look like and solar panels look like the purpose of which is to illustrate to the board that in all of these 3 locations that you will not see an array of solar panels. Mr. Schneider said make this as A-2. Start with this as I began earlier the cross section A this is the Port Cold Rd profile so a person looking down into the site line with the proposed landscaping the privacy fence and the persons site will go across and over the solar panels. So again with the proper screening and landscaping you will not see the field of solar panels. That goes the same for Green St. the site line is above the fence and landscaping. Mr. Bellon this is not an unusual condition for us where you would have property and the looking down you will look over the top of the site. We have a site agreement that Mike was the Engineer was a part of across from Sunshine tree. Go over there and take a

look the property tilts down we have some mega watts back there because the property tilts down and the landscaping your eye looks over the top of it. Mr. Finelli said that is true. Mr. Finelli asked Mr. Castillo did you mention earlier if so I apologize I know you said the panels are fixed tilt and as far as the panel face and its typically faces south. Did you talk about that at all in the site in this direction. Mr. Castillo I appreciate you saying that and what we depicted on the on these cross sections we indicate that the tilt is looking in essence right north going south to the left. In conclusion the final section there was a question about Axford Ave and a person up at Valley view Estate the same condition applies. The solar panels in this particular view you would be looking from Valley View Estate looking down into the site one of the location of the proposed floating panels you will not see them. Some questions on comment number 17 & 18 on the willingness to meet with construction and follow discussions on any gaps and the willingness of our clients to make sure there is lifetime guarantee for this landscaping to make sure there is proper one in place. Item #21 question that was raised follow up with will there be irrigation proposed on the landscaping there is not. Mr. Ischinger asked can you address comment #21. The question had to do with grass plantings in order to provide a metal habitat beneath the solar arrays so speaking for the client we would be agreeable the 2 agencies we need to contend with is 1 the LSRP's requirements and #2 is the State of new Jersey. We are agreeable to it as long as those agencies are. Mr. Bellon on our other site the pollinators don't do well under the arrays we put the pollinators on the sides. Ms. Gable I have one question are you proposing I know we have discussed about what types of fence whether is was going to be a open fence or a solid fence and adding slates to the open fence by did you also agree to prove a fence interior to the required buffer. Mr. Bellon where is the fence in relation to the landscaping. A colleague responded the landscaping is on the outside the fence is inside. Ms. Gable aske is there any contamination issues with where the fence is drawn on to plans are there any contamination issue with the solid that needs to be blocked off from the public that they have no access to. Mr. Bellon that is a question you will to ask our LSRP answer.

Mr. Castillo would like to discuss the aspect of lighting. We are only proposing light fixtures at the entrance of the site and at the another (I not here what he said) they are motion activated in terms of dimensions they are 20 ft high. Question was asked are they going to be LED or not. Mr. Bellon said we can do whatever light you want frankly they are motion activated so don't have lights that burn all night long it just doesn't exists. We spec what we use and if you wanted something different we would work with that. Item #26 which questioned lighting reduction during evening hours the site is dark unless lighting is motioned activated the light. Mr. Bellon they don't stay on all night.

Mr. Castillo last item wanted to discuss with the board a question was asked if we will be seeking outside agency relief we do recognize that we certainly need Highland exemption we will be receiving a certification from upper Delaware Sol Conservation district we are working on the planning and Board of public utilities. We are not seeking any waivers from any of these agencies. That is all I have at this point in terms of the board testimony. Mr. Bellon and I think you attempted to address Mr. Finelli's comments. Ms. Gable are there buildings proposed on this site? Both Mr. Castillo and Mr. Bellon said no buildings or sheds not a thing.

Mr. Finelli asked are you going to address my report there are a few comments that need to be discussed. Mr. Bellon and Mr. Castillo will go over any comments that we may need to addressed. Mr. Bellon – the comments that strikes me is regarding the trees on the property leaving them up or taking them down. Mr. Castillo it is in our opinion we need every square inch on the land to put panels in. Mr. Finelli said that is sensitive area from an exsiting vegetative stand point Ms. Gable made the same point but it is the boards call. Mr. Bellon we took a look at it and its to much power it is over a half a mega watt. Mr. Finelli it is little less then an acre if you save everything. Does that equate to half mega watt. Mr. Bellon yes and so we are fight like so but if it was a appearance issue we are happy to amplify the buffering and light that is not an issue. We are trying to Aline 14 mega watts DC it can not be 13.5 mega watts we need every mega watt hour on the site so we are proposing to eliminant the trees on the corner of the property but on the other side of that our landscaping plan we are planting a lot of vegetation here. We are planting hunderds of vegetations on the site. Mr. Finelli you certainly made that point MR. Bellon. Mr. Castillo comment #15. Mr. Finelli lets spend a minute

on the sewers it is a very important and critical part of this as I see it. Mr. Bellon I can make it easy for you we are not going to put panels over the sewer line we are going to construct an interior road there. Mr. Finelli said you have fills to 10 to 12 feet over sewer lines that can't happen. What are you going to do you are going to relocate the panels so they are not over the sewer lines. Mr. Bellon said exactly right. Mr. Finelli want to be clear on what we are talking about there are sewer lines internally that are township sewer lines that run internally thru the property which they had panels on top of these sewer lines that can't happen because we need access for maintenance and so forth and the fill are you going to look at the regrading of some of this area because that 10ft/11ft was the worst cases the stretch out are you going to look at the regrade to minimize the fill. Mr. Bellon the condition of the approval our engineer will work with you. Not an issue for us. Mr. Finelli ok and carry on.

Mr. Castillo many items on your report you are looking for additional details. Mr. Finelli said yes there is a lot of technical stuff. Mr. Castillo said 20 scale at the entrance of Port Colden Rd you want better idea of what that looks like have no issue in providing that to your office and you are also looking for paving spec and curb details we will certainly provide that to you. We are looking to modify the perimeter ground road you have some concerns about the radi we will address that to your satisfaction. In the second driveway you want gravel instead of dirt we will make it work we will address the material change. Item 19 more information about connect route plans so as we receive them we will gladly share them with you. Mr. Bellon there is a 2 or 3 year moratorium with EJA right now with excepting applications. We are already in but we may have a fast lane and a lot of arm wrestling at Valley Forge on who get heard first. Mr. Castillo the only thing is if Mr. Finelli can help me with Item F what do you consider significant back filling 4ft. Mr. Finelli said 4 ft is significant and there is 12 ft fills in some cases that's why I hand out that map of the existing sewer lines. You will see where a grade change in some respect to minimize the fill you may have to put some risers on the manhole covers. Mr. Castillo we can do it. From our end of it we have 5% to 15% limitation to create a grade we need to make sure we can back into what your limit your ok with so we can accommodate the grade. Mr. Finelli it is kind of in an isolated area. Mr. Bellon we will be happy with the condition that we have to satisfy your concerns. Mr. Castillo the only other item I thought need some clarification item 24 guarantees my understanding was that prior to this that we had engineers cost estimate. Mr. Bellon Whatever he wants we will comply that is a condition. Mr. Finelli easily addressed. Mr. Castillo in terms of items that you had questions on those were the only ones. Mr. Bellon it is easy for us to say that we will comply with the conditions raised in his letter except otherwise discussed in there. Mr. Schneider in otherwise discussed the only comment I have you obviously you have made it clear you are not in the position to reduce the area devoted to solar panels in terms of that was there anything else. If there is a standard condition that the applicant is going to comply with the recommendations and requests set forth in the July 22, 2022 correspondence with that exception of that one comment is that an issue or not. Mr. Finelli the 2 items we spent the most time talking about the sewer grading conflict issue and vegetation issue it appears to me that there is an agreement lack of better terms that has been reached on both. They are cutting all the trees down there are not staying and they are going to work out the top hole or the sewer mains verse the fill. Mr. Castillo yes to your satisfaction and Mr. Bellon said that is fine. Mr. Schneider the only comment is that the applicant, so if we put a condition that the applicant will agree with all of the recommendations set forth in the July 22, 2022 with the exception that the applicant is stipulating that the solar panels will installed in terms of the area then we are good right? Mr. Bellon pretty much. Mr. Schneider pretty much good? I am trying to officiate if there approval in need to draft something. Mr. Bellon I don't recall anything except taking the trees done we have basically said yes to everything. Mr. Schneider I am just trying to confirm. Everything with the sewer and grading you going to agree to comply the exception with the comment relative to the tree cutting which you are agreeing to cut the trees to maintain power right now I am going to draft it if there is an approval that you will comply with all the recommendations with that one exception. Mr. Bellon correct. Mr. Finelli asked does the board have any questions or comments in my report. Mr. Niece I think they have addressed my questions on the report but I do have a question in general obviously solar panels have a life we discussed and argue what that life is but the is a life but once they are out dated and not longer profitable and you have decided to shut it down are you taking all the stuff with you or are we stuck with it? Mr. Bellon there is decommission agreement that we enter with the township we will make it condition of the approval that we will enter a decommissioning agreement with the town in the event the property is

not utilized or abandoned for 18 months or more we are obligated to remove everything in agreement with be specific is to what will be left behind in terms of we will not take it sometimes the way the forms read we are actually make it nicer then the way we found it. It will go back to the condition as it was remediated then we back it with a bond and we negotiate it is a contract between us and the town of Oxford. Your township attorney drafts it and we work with him it is reviewed by you planning board attorney as well as township engineer and attorney and it is a contract binding with a bond. Mr. Niece that is good in 25 years from now I don't need a bunch of obsolete nonfunctioning solar equipment out there. Mr. Bellon that question come up a lot and there is no better answer. Mr. Niece and that will bonded even if you go belly up it bonded and things like that can happen that was my biggest question. Board member said I want to piggy back on his question as far as the expected life of the facility is the plan as the panel lose there power generation ability that they are going tot be replaced over time. Mr. Bellon here is the skinning on that we are only going to use bankable panels, bankable panel are manufactured by a select group of manufactures whoever they might be and given the history of company and the quality of the product we call them bankable. The entities give us a 25 year warranties and the another reason they are bankable the companies that are manufacturing these panel there guarantee is meaningful. We spend millions the most expensive part of the project is the panels it will be in the millions. The landscaping the buffering the vegetation it is a very modest the panels that cost money they have to be bankable they have to last a long time. The other thing is we read the studies the soler panels don't stop they degrade at a very very slow rate a fraction percent a year in year 25 they are like 94% effective. Our biggest issue with the panels that they deteriorate to the point they need to be replaced we actually in certain parts of the state we have issue with air traffic control we have 1 job over in Oak Ridge we call it the clay pit as the planes come over they loose parts they go right thru our panels that is our biggest issue with the panel. If you drive over to the Oak Ridge site you will see panels along the side why are they here the new panels is happens often enough that when these go down it is to expensive to leave the solar field down we can't so they have panels and not wait for a delivery in the footprint of the construction service they come out that day grab a panel and plug it in. They issue will be that the solar field will be obsolete this issue will be we will own the property it will be a solar property. Mr. Niece if in fact that it is no longer a functioning solar field I don't Oxford stuck cleaning it. Mr. Bellon you wont because we will clean it frankly the salvage value is not insufficient right aluminum it is the same thing they put in jet liners high quality stuff there is salvage value it this stuff it wont be worth millions it cost to put in but it is worth a lot of money it will be worth more then the bond that is in place. Ms. Gable can you discuss the security of the property don't believe that was discussed in your testimony. Mr. Bellon it is lock up basically a 7ft fence and it is locked and no one is aloud in we give the police and fire department keys we train them to the condition of the agreement there will be Knox box that will contain emergency instructions and there should be another condition of your approval that says before we energize that we train fire and police department in the event of something runs a miss we have never had that happen by the way but we do it anyway it is best practices. We don't like to hand out the keys in frankly we have maintenance service if there is an issue. I don't think the utility company wants the keys they don't want to be walking around in that something goes wrong that will be on them. The keys will be with your police and fire departments. Mr. Ischinger is there and offsite monitoring can they seeing if there is an issue. Mr. Bellon yes Verizon yes it is wired and they can see exactly was it going on. Mr. Ischinger have you had anyone breaking into your facilities. Mr. Bellon no it is not easy and I don't what they would get these things are hard as rocks and frankly individually the are not worth that much. We will know if we get breached we can tell. Zero reports of any breaking into our sites. Mr. Finelli including other sites Mark that you are not involved with but you all you solar people talk. Mr. Bellon that is not one of our issues. Mr. Finelli doesn't happen. Mr. Bellon once the keys are locked we don't have what you call shrinkage it nots easy this are locked and bolted. Mr. Ischinger I just asked a question it is not cheap to do this just the level of security. You are not worried about anyone getting in there and causing havoc. Mr. Bellon nope.

A Board member asked where is the fencing specifically around the property is the line the fencing or were does the fencing go. Mr. Reyes started to answer but he is not a licensed engineer but has worked on the project. He had to get sworn in.

Mr. Schneider to swear in Luis Reyes.

Mr. Reyes response So the water for the floating solar panels is over here that is all being screen by vegetation and forest trees. We don't have fencing over here because it is not near our perimeter road. Board member said there is an

existing fencing over there. Mr. Reyes the existing around our site we will only be demoing the fence around our site. I don't think we will be demoing the fence around here. Mayor Norton I think he is referring to the Fence along Axford Ave where we have foliage there is currently an existing fence there. Mr. Reyes right since we are not constructing somewhere over there I don't see a reason to take it down, is more of taking down this fence and make it that slotted fence Mark was talking about. Board member is the slotted fence go just along the gravel road is. Mr. Reyes yes. Currently we are not showing a fence around this here because our road is not going around if for some reason you guys again if this goes back to adequately screening the solar panels we think this is already adequately screened by the existing vegetation forest and trees if you guys see fit that you need the slotted fence here because of the residents here we will comply. Board member my feeling is that there is old fence there a long time and this project should bring vitalization of the existing structure at the edge of the property. Mr. Bellon that is if we put panels on the water then we would do that. If we don't put anything on the water then is no solar field back there. Mr. Finelli in your proposal to put the panels on the water. Mr. Bellon there are 2 issues 1 is DEP has to approve it and that is not for sure they have been giving everyone a hard time everyone in the state has been talking floating solar but they have only approved a couple of them that is not a giving and 2nd getting a subsidy from the DPU for floating solar is not a giving the new regulations don't included it so if we don't get subsidy we won't build it. Mr. Reyes then I guess we don't see a reason to put the fence there it is what it is. Mr. Bellon if we get subsidy and everybody says the 3rd parties say we can do it. Mr. Finelli asked we will you be determining this because this changes the project a little bit your application is for the floating panels to include. The worsted case scenario they don't go in because you don't get approvals. Mr. Ischinger can we put that in subject to approval they can put it in if they don't. Mr. Finelli It was one of those. Mr. Bellon floating solar is very much what we want to do like I said we are looking for every watt we can but that is not guaranteed like our application we have subsidy for solar for the rest of the site is a T application we are going to get the but the floating solar I don't know. Mr. Reyes and Mark is referring to the form 14.2 mega watts that is not including the floating solar because we are not sure we with the floating solar it is 15 but we don't have high hopes for it by the chance we don't get it. Ms. Gable do you have an image or something that shows the fence with the slates in it. Mr. Reyes we can provide that. Ms. Gable ok. I know with a chain with slates in it looks off. Mr. Bellon that is not what we are talking about doing the Thach fence with slates is better looking then that. Ms. Gable I am not sure how it would be perceived obviously the agricultural fence is your purposing is like a wider mesh right. Mr. Bellon 1 in mesh it is not that small or that big is it a whole lot better then a chain link fence I can tell you that. Mr. Schneider can I go back and ask a question is 14.2 mega watts. Mr. Bellon it depends is it AC or DC. Mr. Reyes We have been talking DC this whole time. Mr. Bellon 12 mega watts is DC number and 14 mega watts is AC number. AC is 85% of DC. 12 is an alternating current that is in the panels and when it goes into the converter it turns to DC. It is the same as electricity by the way don't why it is calculated differently. PGM only use AC – alternating current that's your transmitting provider so all your calculations done inside solar are calculated in AC then when you leave the solar field to JCP&L all calculations are DC it's the same thing. MR. Schneider please dumb this down for me the report reflects a 13 mega watt utility solar array what caught my attention does that include or excluded the floating solar panels. Mr. Reyes I believe it was around 14.2 then floating was around 15 in total it was 15. The solar farm we can provide it to you not sure we have the plan not sure we have the plan here but we can prove it to you. Mr. Bellon here is the thing you guys should not be including how many mega watts on the site because we can increase the effectiveness of the panels when the power goes out. What should be concerned about as the planning board just the reality is you should be looking at lanes(?) and not cuplish(?) we are not going to increase the number of panels on the site right and it very well may be by the time we build the panels yet more effective and yet you really should care because we not going to provide more panels and not going to cover more of the site none of this is going to look different. Say today when we did the Sunshine application 4 or 5 years ago in Greenwich we were using a 175 watt panels and the application we are currently constructed in the last year are 375 watt panels and the panels that are proposed for this site is 600 watt panels. Mr. Finelli wow is has change that much. Mr. Bellon it has changed that much lets say it takes 2 year to get to the end of the road here it could be 700 or 800 watt panels they cost more but you get more power out of it. They are not commercially anything more then 600 watts panels they are not available today but they could be in 24 months then we would use them. So the planning board resolution shouldn't say not to exceed 13 mega watts or any of that should not have any meaning to you. Mr. Schneider I wasn't intending in any way to limit it was merely a description only because of the 2 view reports reference the 13 mega watts. Mr. Bellon it wont go

down we will not use lesser panels. Board member the blue line on that is the property lines. That property is undevelopable. Mr. Bellon we are using every square inch off ground. Board Member I guess my question is what happens to the rest of it is that open, is it going to be posted ground or open if people want to hike, I know it is wetlands but is there public access for any kind of recreation general public use similar to the township or state put in. Mr. Bellon I don't know. Just because we are not putting panels there I think there are some issues there because when we filled our petition with the DPU he was able to document the pollution. That was why we were still thinking 22 mega watts so I don't know you want people there. Mr. Niece are you buying that piece of property. Mr. Bellon it is in our contract. Mr. Niece then there is follow up to that are you going to let people have hunted back there are you going to take action to keep them off or are you going to let status quo and keep it how it has been. Think about it. Mr. Bellon We have done on other site in Holland we have let people go fishing we don't use the grounds outside of our fence the other side of it is enter at you own rick. I can't predict without talking to Roger and understanding what the risks are if someone goes in there and gets hurt or get sick is it our obligation. It is not a part of our application. Mr. Niece as the new property owner is the status quo going to continue or change the rules Mr. Bellon I do not know the answer to that and that will be guided by our professionals tells us what's there. Mr. Niece is may be something you want thin about that.

Mr. Finelli Mark do you have your LSRP here. Mr. Bellon said he is here to answer any questions you may have on the condition of the properties.

Mr. Finelli said this kind of falls between him and Mr. Castillo. This is a coordination question you obviously haven't talk about it a lot LSRP will be getting up the remediation at the site and your responsibility in that regard. What comes first the chicken or the egg between obviously you need to be able to access the site to do a lot of the remediation. So the remediation in my mind has to happen before you construct any of the panels. Mr. Bellon said that would be true. Mr. Finelli ok. Is the LSRP going to talk about. Mr. Bellon yes and keep your questions specific and I am not saying yes or no answers be specific Roger will talk until tomorrow. He has a lot of information keep your question specific he will tell you everything you need to know.

There is another Exhibit – Mr. Schneider name it A-3.

Mr. Schneider swear in LSRP – Roger Ferguson.

Mr. Bellon Roger can you address the questions on the planners report they are pretty specific.

Mr. Ferguson let me start with the comments from the engineers it sets everything up better. Mr. Finelli asked if that we can provide a map of the property and show where the contaminated areas of concern. Mr. Schneider what comment is that? Mr. Ferguson comment number 9. We are in the process of finalizing the preliminary assessment report for submission to the DEP and I believe the draft will go to the property owner and his attorneys tomorrow for their review at which point we will be submitting it and a copy will provided to the municipality. As part of our investigation to date we have identified 34 potentially contaminated areas of concern they been shown here on Exhibit A-3. Mr. Schneider does A-1 have a title. Mr. Ferguson yes it does referenced area of concern AOC. Because of the industrial usage the site is considered a brown field I think everybody agrees with that it is not fully utilized at least suspected of being contaminated. There is in fact old data the was previously submitted to DEP that we are reviewing there is actual contamination on the property. Everything from the former factory building we did a lead paint and asbestos survey and confirmed the presents of lead paint and asbestos and both of which will be remediated prior to and during demolition to the extend possible complications is that a lot of roof as collapsed over the last few years. We will be addressing and designing a sampling plan that will cover each of the other suspected contaminated areas of concern going forward. So the preliminary assessment report will be coming. Mr. Bellon hopefully we will be sending that to you once it is done and once it is approved its done. Mr. Ferguson we will be uploading it to NJDEP and whatever the follow on the remediation documents the site investigation report then a remedial investigation/remedial action work plan that lateral report will govern how we do things based on the data we find going thru the site. It is as visioned it is early yet that we will be using engineering control at least over a portion of the site not a larger portion of the site under the solar array meaning clean soil and grass will prevent direct contact with any contamination that might be in the sub surfaces. It very likely that we will have to remove some soil that are considered hot spot removal probably in some areas under

the building slash but we don't know until we actually do demo the building and then do the sampling because I cannot put my equipment in there now it is not safe to do so. All of these documents get prepared and get submitted to NJDEP outlining the plan and in the area in lot 4 I would imagine a large portion will be D noticed and we will be required to remove the sewer treatment plant. Mr. Schneider just for benefit of the public and the board when you refer to a D notice that a notice that is recorded in the Clerks office. Mr. Ferguson Correct. Mr. Schneider and provides notice to everyone about certain limitations the implantation of engineering controls designates areas of concern of the restricted area. Mr. Ferguson and it would list any remaining contaminates that exceeds NJDEP residential standard. So if a property and an owner comes along 50 years from now and the D notice will still be there to alert a potential buyer hey there is something here and it doesn't precluded residential development but it gives some instruction on how you would deal with it if you bought it and became responsible for it that gets wrapped up in what the NJDEP calls it a Remedial Action permit as and actually monitoring mechanism it is one more step. I also addressed the concerns about lead based paint and asbestos we know those are there we have had the survey done we are ready to deal with them at construction certainly before any demolition permits are issued there gonna have to be a consultation with DCA regarding the asbestos removal processes. Comment 18D of Mr. Finelli's report indicates this site brownfield site with existing contamination the ordinance exempts the site from proving groundwater recharge best practices. Comment 19D we know there are preproduction/potable wells on the property we will make sure those get located on the plan for resolution compliance. There is one well the building that will be properly abandoned before the building is demolished. The other 2 are located away from there they will also be properly abandoned prior to re-construction because there is a thing called potable water remediate environmental concern contamination detected in one of those wells we will doing some down hole geophysical work to see what the condition of the bed rock is figure out where the ground water is going or not going as the case may be because it travels in fractures those all have to be identified and chased the will be apart of our work there. Eventually there will be a long-term monitor in the ground. Mr. Finelli this is kind of a general question. Since this isn't the chicken or the egg you have to do the remediation before and then you do the solar how much time would you say it's gonna take to get all the permits you need and the demo work done and the site remediated to the point were you can install the panels a year? Mr. Ferguson probability a 1year and a half to 2. Mr. Finelli so we are not going to see panels on the site for a little while. Mr. Ferguson we don't have DPU's approval if we had that we couldn't do it and then there is the PJM interconnect this is along process. Mr. Schneider what is the actual trigger in which reflects your authority to commence the installation of the solar. Mr. Ferguson I as the site Licensed Site Remediation Professional my issuance of the remedial actin work plan to DEP will be the trigger to that to take that next step. I do not need to wait for NJ DEP approval to move forward unless there is some special circumstances. Mr. Ferguson you actually as an LSRP once you submit that is what allows by virtue of you by your licenses that is essentially allows the applicant to commence the construction there is no formal approval required of that remedial action. Mr. Ferguson in general no there is specific instances where DEP might need to way in doing an injection to clean up the ground water or something like that because we adding things to the water to stay that requires a separate permit for the NJDEP. Mr. Ferguson says Mr. Finelli I think that covers everything you had. Mr. Finelli said you have already put on the record that there are other items that we haven't talked about tonight but you are in a position to address them. Mr. Ferguson. Yes. I think there are a couple of comments. Ms.Gable I think my only comment is number 10 it is to provide general testimony on the statues of remediation and monitoring activities requested to provide supporting investigation. Mr. Ferguson as I indicated earlier the report will be going out tomorrow for review of the property owner and there attorney's so we have there comments back and there blessing as a part of our contract with them. It will be submitted to NJDEP and a copy will be provided to this board and the township and then we will move forward with our remedial work plan and our site investigations efforts and those key documents will be provided. At the end day I write a what is called a response action outcome that is my final remediation document that says this project has been completed that document inherently says I have remediation has been done in accordance with all NJDEP's regulation and guidance. While it can vary from regulation and guidance to an extent I have to explain that. Ms. Gable I believe you stated that you will expect to have RAO in a 1 year and a half. Mr. Ferguson oh we will go to construction before the RAO is written it will be the Remedial action work plan that will be done in about 1 year and half. The RAO will happen. You go to construction then you do as built drawing will include what the D-notice area is you fill the D-notice and then you package all of that to the NJDEP in what is called the remedial action report. Then you wait for NJDEP because they

will issue the remedial action permits and right now those are taking about a year. We don't have control over that only when they come back I can issue RAO. IT is quite ways down the road I hope it gets better then that. Ms. Gable ok. Are you assigned the LSRP for the site. Mr. Ferguson yes I am. Ms. Gable would it be appropriate for the township to stay in the loop on the status of the remediation as thing move forward. Mr. Ferguson yes of course. I am required to submit by rule but the nature of this project because it is a brownfield. I want to sit down with the Mayor separately offline and I will keep the township in the loop all the way and certainly if there are question that come to the townships attention please let me know it is my job. I will post a sign with my name and telephone number on site. Ms. Gable is going to circle back to the issue with the fence so currently the majority of the permitter of the property has a change link fence with a barbed wire. Mr. Ferguson along Axford Ave. Ms. Gable and so the applicant has to agreed to remove that fence and replace it with what I believe is the agricultural fence details included in the plans. If that fence is installed interior to the buffer would that create an issue with contamination and public having access. Mr. Ferguson well no because if there is contamination above where NJDEP residential standards we would put and engineering control on top of that i.e clean soil it could be asphalt or concrete which we are not compiling in this case but there would be a clean buffer so even if the contamination extends outside of the fence into the landscape area for example there is that clean buffer on top off that. IF we do plantings in the area we are required to over excavate so the root ball stays in clean soil if some has to come in behind us and replace the landscape they are working with clean soil that has been sampled and proven to be NJDEP standards. Ms. Gable so it is the intent to have this site cleaned to residential standards. Mr. Ferguson no, not necessarily. Ms. Gable just in areas to be not sealed off. Mr. Ferguson the engineering controls itself that will have to be clean fill material that meets DEP standards what is underneath it may not be. There will be protection so that nobody comes in direct contact with those soils or contaminated. Mr. Finelli is you goal here to get NFA. Mr. Ferguson the response action outcome the successor to the NFA. IF there is an engineering control it would be referred to a restricted use RAI. Mr. Finelli would not be to residential standards. Mr. Ferguson but even if it where you still could build house on it with the proper engineering controls that D-notice does not prohibit residential development. Ms. Gable it is true that normally you just have to add additional clean fill on top of it. Mr. Ferguson yes that would be one option. Ms. Gable do you think most likely the site be cleaned up to industrial standards. Mr. Ferguson one would hope because that would minimize the amount of cap we have to build they data will tell me. I suspect there will be nothing else there will be pockets that are capped because they exceed the non-residential standard verses the residential standard. I don't have the data to support that now.

Mr. Ischinger at this point in time we are going to open this to the public.

Ms. Bonnie Riley – 38 Green Street – I have several questions Do these solar panels make noise are we going t hear anything? Do they use water? My main concern I have is once you start doing demolition down there that all the critters that are living in there will run up this way. The only reason I say that is because at the end of Green street they did some clean up down there a year ago and I was over run with rats. I caught 20 in 2 weeks they were all over my house. We trapped and poisoned them. Do some kind mass of spray poison in that place before they start taking it down. I am sure there are other thing raccoons, squirrels I don't want to see them all dead but I don't want the rats in my house. Not sure what you can do there but those are my main concerns.

Mr. Bellon I don't think I have answer for every question. Mr. Finelli you dont have an answer. Laughing.

Mr. Bellon this will be something we have to discuss with Roger. Mr. Ferguson as part of any demolition plan there is supposed to be a varmint control plan. So typically they set out traps prior to the demolition to control the varmint population before they knock the building down. Ms. Riley said I am sure there are animals living in there has to be.

Mr. Paul Kilduff – 26 Wall st (business) – We run a well so if the property is disturbed and now my well becomes contaminated by chance what's the plan. Mr. Ferguson leave me you address and first thing to do it has your well been sampled already. Mr. Kilduff not sure how it is classifield. It has been good for quite some time and I want to keep it way

or if we can't keep it that way then we need a solution. Mr. Ferguson lets touch base. One we have to do is look of potable wells in the area and make sure they haven't been contaminated by what we know is at the site. Which has not been done here to my knowledge to establish where things are or aren't in the ground water. If you can provide me with the well is and screened and the open hole it will help us move that along. We will have to canvas the area and talk to everyone who as a well. Mr. Kilduff my 2nd questions is once demo starts are there going to be air testing. Mr. Ferguson yes we will do air monitoring to make sure the dust doesn't leave the site and hazardous materials that we are excavating moving don't leave the site. Mr. Kilduff I didn't think of the rodents. I don't need that either. We have a very clean facility and I want to keep it that way.

Mr. Ischinger any one else. Being that there are no more members of the public that don't ant to say anything we will close that part.

Mr. Schneider we need to take formal action. Mr. Bellon is praying that you see fit to approve our application for Preliminary Site Plan approval subject to the conditions that we agreed to tonight.

Mr. Finelli I mean I think at this point with 2 members of the public that came up they went thru my report Ms. Gable's report they said that they would take care of the items not specifically discussed and a few items they said they couldn't and as to why and thing the board as agreed on those few items. So I thinks leaves us in Mr. Schneider fine hands as far as crafting a motion tonight and then of course the Resolution for what will be next month.

Mr. Schneider if the boards so inclines in 2 minutes or less. First of all the use is permitted in the zones there are no varies in sorts of so relief before this board as to a Preliminary and final Site Plan approval. So if the board is so inclined I don't know that there is any disagreements which would preclude you to take formal action tonight. It is with in your discretion certainly if you want to you could motion if you want to approve the application essentially for Preliminary and Final Site Plan basically subject to compliance with all the review reports except as to those issues that have been identified by the applicant prepared not to and subject to all additional conditions that the applicant stipulated to as fencing landscaping decommissioning agreement I am not going to go on. The motion would be to approve the application subject to stipulated conditions to be memorialized in the resolution.

A motion was made by Mr. Mcguire and seconded by Mr. Ott. Roll call was taken.

Ayes 9, Nays 0, Abstain 0,
Motion carried.

Vouchers:

A motion was made by Mr. Ort and seconded by Mr. Ott to pay the Vouchers for the Land Use Board.

Ayes 9, Nays 0, Abstain 0,
Motion carried.

ADJOURNMENT: A motion was made by Mr. Ischinger and seconded by Mr. Niece with no further business before the board and no public comment offered the meeting was adjourned at 9:04pm.

Respectfully Submitted,

Lee L. Geller, Secretary