

corridor since poles 1, 2 and 4 will need to be replaced with taller poles and pole 3 will be added. A variance is also needed for the height of the fence. The project respects all the environmental considerations at the site. A submission waiver is required for the submission of an Environmental Impact Statement and for a wetland delineation of the entire site. A submission has been made to NJDEP. The NJDEP issued a wetland Letter of Interpretation for the southern area. They are seeking a NJDEP Aerial Cable General Permit 21. They also submitted for a new Flood Hazard Area delineation which has been approved. An Environmental Impact Statement was submitted in 2010 and the conclusions are virtually the same for this project. They submitted to the NJDEP for a Flood Hazard Permit which requires the submission of a study of the recognized threatened and endangered species in the vicinity and the NJDEP waived the requirement for the study. The only impervious are the footings for the fence that surrounds the solar area and the equipment pads which totals $1,950 \pm$ square feet. The stormwater management will be infiltration trenches at the edge of the solar array at the south edge and in the vicinity of equipment pads 1, 2, 3 and 4. The project is beneficial and will not be visible since it is in the rear of the property. Bloomberg is requesting a design waiver to allow the substitution of the proposed meadow in lieu of the required number of trees calculated by area of disturbance or 116 trees. The high-quality meadow mix will improve water quality and habitat. The existing panels tilt east to west but the new panels will be oriented to the south and will be stationary. When the original solar field was approved Bloomberg granted an easement for a trail from the accessway, along the east boundary and across the southern portion of the site. The Open Space Coordinator has requested Bloomberg construct gravel and boardwalk type trails within the easement. Bloomberg is requesting that requirement be waived due to the cost and the difficulty in getting approval since it would be located in the clear zone, in wetland transition areas and in exceptional value wetland areas.

The Case PB-01-20 full plan set was marked as Exhibit A-1.

The Board questioned Mr. Loeffler.

Mr. Loeffler testified the disturbance includes the installation of the fence posts, the installation of the posts that will support the solar panel structures, the equipment pads, the trench for a subsurface cable that goes from the north edge of the new panels to aerial pole no. 1, replacement of the utility poles and installation of pole no. 3, the subsurface trench from pole no. 4 to equipment pad no. 4 and the subsurface cable along Business Park Drive to Building 101 which totals 8.25 acres. There will be no tree removal. The fence surrounding the existing solar field is 6 feet. Because the electrical code has changed the new fence is 7 feet. The high-quality meadow will be within the solar array area. The underground cable trenches will be stabilized and reseeded. Approximately 85' of the stream corridor will be disturbed for the trenching of the cable from Pole 4. In accordance with the Township ordinance there will be a compensation area of 2,010 square feet. The high-quality meadow under the existing system does not include wildflowers. Bloomberg has agreed to allow Mr. Bartolone to select what mix he believes is appropriate. The area inside the fence and a 10-foot fringe around the fence is mowed annually in July.

The Clarke Caton Hintz memo dated May 26, 2020 was discussed. Building 100 and Building 101 were constructed under prior zoning regulations. The zoning has changed and variances are needed for some of the pre-existing conditions. The front yard setback is being further reduced by the dedication that is required along Route 518. When the parking lot for Building 101 was constructed, it was constructed within the 50-foot required setback and has a setback of 43.697 feet. To the east there are natural hedgerow plantings that will create a buffer. They do not want to plant on the west side since it could shade the system. Variance relief is needed for the disturbance to the stream corridor. The conservation easement area will be granted. An analysis was prepared to see if the panels could be installed on the roof or over the parking areas. It was found that there is not enough room on the roof and it would not be feasible over the curved parking areas since the parking areas would have to be reconfigured which would require updated stormwater management. The solar panel arrays are larger than the footprint of the existing buildings which requires a variance. The solar arrays are 683,892 square feet and the building footprints total 80,000 square feet. Submission has been made to NJDOT Aeronautics Division and FAA both of which have been approved. They do not violate any height limitations.

The Environmental Resolutions, Inc. memo dated May 26, 2020 revised May 27, 2020 was discussed. The disturbance to the stream corridor will be compensated with a conservation easement. The dedication deed will be sent for review and approval prior to filing. There is no emergency lighting at the existing or proposed solar array.

Lauren Wasilauski's memo dated May 21, 2020 was discussed. No sidewalks are proposed along the property frontage since there are no others in the vicinity. The pathway easement is shown on the plans and will be highlighted so it will be easier to see. It was suggested that if Bloomberg did not construct sidewalk along their frontage they could construct gravel pathways and boardwalks in the southern portion of the site. It is a burden

and a cost so the applicant is asking that not to be a requirement. The Township can place trail markers along the easement if it won't disturb anything that is currently out there. Bloomberg would be willing to post funds for posts or markers but the cost of the improvements is unknown so they can't agree to post money. However, as a condition of approval, Bloomberg will talk with the Township. Bloomberg agrees to allow the Township to apply for permits for pathways if the Township wishes to construct them in the future. The two equipment pads next to Building 101 and the one equipment pad south of Building 100 will be buffered. The other equipment pads will not be. There is no value in staking the critical areas since the construction area will be demarcated with silt fence. The conservation easement will be granted. A deed restriction is not proposed on the wetland buffers. The riparian areas will be within the conservation easement. There is no room for the additional 20-foot buffer from the critical areas for the fence. The stream corridor will not be disturbed other than the installation of the poles and temporary disturbance for the cable. The stream bank is fully vegetated and maintained and there is no erosion. The threatened and endangered species are the jurisdiction of the NJDEP. A survey was done in the past and the conclusion was that the area is not suitable habitat for the wood turtle. There is no work being done in the stream flow corridor or stream banks. The suggestion to limit the work on site to certain times of the year is NJDEP jurisdiction. Bloomberg will abide by any restrictions imposed by the NJDEP, if there are any.

Bloomberg will comply with any Health Department requirement about the composter. Mr. Darji will contact the NJDEP to confirm they do not want anything done for the wood turtles. Mr. Loeffler referenced the report that was attached to the Flood Hazard Area Report to the NJDEP. Mr. Darji will review the report and follow up with NJDEP.

Richard Bartolone's memo dated May 25, 2020 was discussed. An extended guarantee note will be added to the plans. The value of the trees to be planted based on the area of disturbance is \$26,100.00. The Board needs to determine if the high-quality meadow is adequate compensation for the substitution of meadow for trees. The meadow seed mix will be subject to the review and approval of Mr. Bartolone. An altered schedule for mowing can be discussed with the Environmental Commission and with Mr. Bartolone. A detailed meadow maintenance schedule, with photos, will be submitted for the first three years of meadow maintenance. There is enough reflective light and light during the growing season that will allow the meadow to grow. The applicant will prepare an estimate for the cost of the meadow to be reviewed by Mr. Bartolone and the difference between the cost of the meadow and the cost of the trees will be placed in the tree fund.

There was discussion about sidewalks and pathways. Mr. Loeffler said Bloomberg did not agree to fund the pathway or install sidewalk. Bloomberg agrees to allow the Township to apply for permits from NJDEP if the Township wants to install a pathway in the future.

The meeting was opened to the public. There being no public comment, a motion to close public comment was made by Mr. DeRochi and seconded by Mr. Mani. The motion carried unanimously.

Ms. Cayci summarized the requested variances listed in the Clarke Caton Hintz memo. Bloomberg has indicated they will comply with the Board Planner's memo, the Board Engineer's memo and Mr. Bartolone's memo as modified for a contribution to the tree bank. Bloomberg will cooperate with the Township to apply for permits for the pathway in the future at the Township's cost. Bloomberg will have a discussion with the Township about possibly contributing money to the Township for walking trails elsewhere in the Township. The Board Engineer will obtain a confirmation from the NJDEP that NJDEP is satisfied with the information provided by the applicant with respect to threatened species on the site. Bloomberg has requested a waiver from providing an Environmental Impact Statement.

Mr. Loeffler said he does not remember agreeing to contribute for pathways elsewhere in the Township. Chairman Campeas said there was discussion about funds for posts and markers. Mr. Darji thought Bloomberg didn't want to contribute for sidewalks due to the uncertainty of the dollar amount and that they were willing to do something but they didn't want to commit without knowing exactly what it was. Mr. Loeffler agreed to provide funds for posts and markers. If the Township determines those monies would be better suited for the sidewalk fund Bloomberg would agree.

A motion to approve the submission waivers was made by Mr. DeRochi and seconded by Mr. Matthews. The motion carried on the following roll call vote:

Ayes: Bell, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

A motion to approve the application subject to the conditions was made by Mr. Matthews and seconded by Mr. Mani. The motion carried on the following roll call vote:

Ayes: Bell, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

Case PB-03-20

Applicant: Montgomery Township

Block 28005 Lot 60

Submission Waivers and Minor Subdivision with Bulk Variances

Expiration Date – 120 Days after Submission Waiver Approval

Affidavit of Notification and Publication Required

Notice was in order. Kevin Van Hise, Esquire and Lori Savron, Planning Director represented the applicant. At the end of April, the Township was able to close on the acquisition of the former PSE&G substation property. The property is 1-acre in size. The Township needs approximately 1/3 of the southern portion of the lot to construct Brecknell Road, a Master Plan road. The additional 2/3 of property on the northern side is excess land and the Township is in the process to bid the property out. The lots will not be developed separately and the purpose of the subdivision is to facilitate the construction of the master plan road.

Ms. Savron was sworn in at the beginning of the year and remains under oath. Ms. Savron referenced the Minor Subdivision plan prepared by Menlo Engineering dated June 1, 2020 and described the subdivision. Variances are needed for lot frontage, lot width and lot area. The required lot area is 1 acre and Lot 60.01 will be 0.35 acres and Lot 60.02 will be 0.66 acres. The required lot frontage is 150 feet and Lot 60.01 will have 82.29 feet and Lot 60.02 will have 67.71 feet. The required lot width is 150 feet and Lot 60.01 will have approximately 50 feet and Lot 60.02 will have approximately 100 feet. There will be no negative impact to the area. Lot 60.01 is being utilized for the loop road which has been planned since 2002 in the Master Plan. Lot 60.02, the remaining land, will be put into productive use by being joined with the adjacent property that will be developed. The sale of the property will help the Township defray the costs of the acquisition of the property.

The meeting was opened to the public. There being no public comment, a motion to close public comment was made by Mr. Glockler and seconded by Vice Chairman Roberts. The motion carried unanimously.

A motion to approve the submission waivers was made by Mr. Schuldiner which was seconded by Vice Chairman Roberts. The motion carried on the following roll call vote:

Ayes: Bell, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

A motion to approve the application was made by Mr. Mani which was seconded by Vice Chairman Roberts. The motion carried on the following roll call vote:

Ayes: Bell, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

A motion to memorialize the resolution was made by Vice Chairman Roberts and was seconded by Ms. Keenan. The motion carried on the following roll call vote:

Ayes: Bell, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

IV. REDEVELOPMENT PLAN

Presentation of the 2020 Preliminary Investigation of an Area in Need of Redevelopment (Non-Condemnation) for Orchard Road + Headquarters Park Drive (Block 20001 Lots 10.05)

Michael Sullivan was sworn in for the entire year.

This process was initiated by the Township Committee with resolution No. 20-2-45 which directed the Planning Board to study the area to determine if it met the criteria as an area in need of redevelopment. Mr. Sullivan referenced an exhibit entitled Study Area (an aerial of the site) and described the existing conditions. The site is owned by Somerset County and there is a lease purchase agreement with the Township. The Township is looking to utilize the property for municipal purposes for the construction of a new Municipal Building and Library. The property is zoned REO-1 and has been vacant for some time. There is a series of criteria that must be met, as outlined in the Housing and Redevelopment Law, that are used to determine if the property can be classified as an area in need of redevelopment. Criterion C is land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity can be classified as a redevelopment area. There are some elements of dilapidation and obsolescence on the property that are indicative of Criterion D. There are stormwater management basins that were developed in the mid to late 80's under different

stormwater management regulations that will need to be brought up to current standards. The parking areas will also likely need to be replaced since there are a lot of broken pavement, fissuring and missing curbing. There are damaged bus shelters that need to be removed or replaced. The conclusion is that the study area meets the criteria for designation of a redevelopment area. There are substantial costs associated with the improvements that need to be done.

The meeting was opened to the public. There being no public comment, a motion to close public comment was made by Mr. Schuldiner and seconded by Vice Chairman Roberts. The motion carried unanimously.

A motion to determine the property is an area in need of redevelopment was made by Ms. Bell and seconded by Vice Chairman Roberts. The motion carried on the following roll call vote:

Ayes: Bell, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

V. MINUTES

March 2, 2020 – Regular Meeting

Mr. Schuldiner noted a spelling error.

A motion to approve the minutes as corrected was made by Mr. DeRochi and seconded by Vice Chairman Roberts. The motion carried on the following roll call vote:

Ayes: Campeas, Roberts, DeRochi, Keenan, Mani, Matthews, Schuldiner, Wilson and Battle

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:25 p.m.