

RESOLUTION OF APPROVAL BY THE COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, TO MICHAEL BOONE, 894 HARDINGVILLE ROAD (CR 609) FOR A MINOR SITE PLAN AND SUBMISSION WAIVERS TO PERMIT THE CONSTRUCTION OF A SMALL SOLAR ENERGY SYSTEM ON PROPERTY LOCATED AT 894 HARDINGVILLE ROAD (CR 609) AND BEING FURTHER SHOWN AS BLOCK 39, LOT 10 ON THE TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO. SP-14-03

WHEREAS, Application No. SP-14-03 (the "Application") was submitted to the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the "Board") by Michael Boone, 894 Hardingville Road (CR 609), Elk Township, Gloucester County, New Jersey (the "Applicant"), regarding property located at 894 Hardingville Road (CR 609), (the "Subject Property") and being further shown as Block 39, Lot 10 on the Tax Maps of the Township of Elk (the "Township"); and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on October 15, 2014, at 7:30 p.m., time prevailing, at which time were the following present: Michael Boone, Applicant; and Joseph Idacavage, owner of Accredited Solar, the Applicant's contractor; and

WHEREAS, Mr. Boone, was sworn and testified that he was not represented by an attorney and did not wish to have the Board carry the Application to the next monthly meeting so that he might have the opportunity to obtain counsel, and did also Mr. Boone testify that he was not represented by any experts such as a professional land surveyor, a professional engineer, or a professional planner, and that he did not wish to have the Board carry the Application to the next monthly meeting of the Board so that he might have the opportunity to obtain the services of such a professional; and

WHEREAS, Mr. Joseph Idacavage, was to testify as a fact witness regarding the proposed solar energy installation, and was so sworn and provided testimony on the Application.

NOW, THEREFORE, BE IT RESOLVED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete, subject to the Board acting on certain request by the Applicant as to Submission Waivers. As such, the Board had jurisdiction to act on the Application.

2. The Applicant submitted and the Board entered into the record the following:

(a) Application, Application Fee, Escrow Agreement, Escrow Deposit, Certification of Taxes Paid on the Subject Property, Certified List of Property Owners within 200 ft. of the Subject Property, Affidavit of Service, Affidavit of Publication, and Notice of Public Hearing.

(b) Affidavit of Applicant, and Ownership Disclosure Statement.

(c) Site Plan Application for the Gloucester County Planning Board for Block 39, Lot 10, dated July 25, 2014.

(d) Land Development Checklist, dated July 28, 2014.

(e) "Variance Plan" for Accredited Solar, prepared by James A. Clancy, P.L.S., P.E., P.P. of Clancy and Associates, Inc., dated July 9, 2014.

(f) Deed made July 12, 2002 by and between the Grantor of the Subject Property and the Applicant.

(g) Letter dated September 2, 2014 from James A. Clancy, P.E., P.L.S., Clancy & Associates, Inc., 601 Asbury Avenue, National Park, New Jersey 08063, the Applicant's Professional Engineer, to the Board, regarding his visit to the Subject Property and his finding that there are no freshwater wetlands or transitional areas on the Subject Property.

3. The Application is for a minor site plan to permit a ground-mounted solar array on the Subject Property located on the west side of Hardingville Road. The Subject Property consists of 5.62 acres and contains a single-family residential dwelling and a detached garage thereon. The Applicant proposes to install two 14 ft. x 44 ft. ground mounted solar arrays within the rear yard.

4. The Subject Property is located within the RE- Rural Environmental Residential Zone District and is surrounded in all directions by other properties in the same zone district. The properties to the south, west and east (across Hardingville Road), are in agricultural use and the property to the north is wooded. The surrounding uses are generally residential and agricultural in nature. The RE zone (Section 96-71) permits agricultural uses, single-family dwellings, public parks and playgrounds, along with a number of conditional uses. A small solar energy system is a permitted accessory use in the zone, but a site plan is required when the gross area of the system is greater than 600 sq. ft.

5. Zone District Bulk Standards. The bulk requirements for accessory ground mounted solar systems are provided in Section 96-80.2G. It appears that the proposal meets the requirements.

6. Mr. Boone provided a brief overview of his Application. Mr. Boone stated that the Subject Property is presently occupied by a single-family home. The Applicant proposes to install two 44 ft. x 14 ft. solar panel arrays near the northwesterly corner of the site, along with associated equipment. .

7. The Applicant was requesting waivers from certain submission requirements as follows:

#29 requires that an Environmental Impact Statement as per Section 96-44. Due to the nature of the Application, the Board's Planner recommends a waiver.

#33 requires the Applicant to include a statement and demonstration of compliance with affordable housing requirements. Due to the nature of this Application, the Board's Planner recommends the waiver.

#36 requires that the Applicant provide a copy of any protective covenants, easements, or restrictions of record and the title policy. The Applicant should indicate whether there are any protective covenants, easements or restrictions of record and provide a copy of the title policy.

Mr. Boone testified that he does not have the title policy but that he did not believe that there were any protective covenants, easements, or restrictions of record affecting the Subject Property. Mr. Boone was informed by the Board's Solicitor that a condition of approval would be that in the event of a future disclosure of a protective covenant, restriction, easement, or other alienation upon the Subject Property to the extent that, had the Board known about the same at the hearing on the Application, The Board might have acted differently on its decision, or would have required additional

information from the Applicant, then the matter will be remanded back to the Board for a further hearing and possible action by the Board based on the information presented.

#38 requires photographs of the site taken from the opposite side of the street and any other vantage point that would be instructive. The Applicant should submit photographs of the Subject Property and the area where the system is proposed to be installed. The Applicant may bring photos to the hearing.

Mr. Boone testified that two photographs have now been submitted. The Board acknowledged the same.

#47, #49 and #50 require a landscape plan, buffer plan and Tree Protection Plan indicating what vegetation is existing, proposed to be removed, to remain, and any proposed plantings. It appears that no vegetation is to be removed. The Applicant should confirm this at the hearing. In addition, if there is no vegetation to be removed due to the nature of the Application, a waiver is recommended by the Board's Planner.

Mr. Boone testified that no trees or other vegetation would be removed in order to accommodate the installation of the proposed solar system.

#53 requires structures of historic significance within 200 ft. of the Subject Property to be identified. The Board's Planner recommends this waiver due to the nature of the Application.

#55 requires the Applicant to provide contours on the plan in addition to a grading plan prior to the issuance of building permit. The Applicant has not supplied contours or a grading plan. The Board's Planner deferred to the Board's engineer for a recommendation on this waiver request and to confirm whether the proposal will require submission of a grading plan prior to the issuance of a zoning permit.

The Board's Engineer testified that he had no objection to a grant of this waiver, subject to confirmation by the Applicant that no grading will be required for the installation of the solar system.

Mr. Boone testified that no grading would be required or take place prior to the installation of the solar system.

#57 requires a grading plan showing existing and proposed spot elevations and in accordance with Section 96-66M. The Board's Planner deferred to the Board's Engineer for a recommendation on this waiver request and to confirm

whether the proposal will require submission of a grading plan prior to the issuance of a zoning permit.

The Board's Engineer again recommended a waiver of this requirement based on the testimony from the Applicant that there would be no grading of the site prior to the installation of the solar system.

#58 requires a soil erosion and sediment control plan. A waiver is recommended by the Board's Planner.

#59 requires the Applicant to submit the location of soil borings to determine soil suitability. A waiver is recommended by the Board's Planner.

#66 requires a written commitment from the Township Municipal Utilities Authority. The Applicant requests a waiver. Due to the nature of this Application, the Board's Planner recommends this waiver.

#67 requires the Applicant to submit all the results of the percolation test if the site is served by septic. The Applicant requests a waiver. Due to the nature of the Application, a waiver is recommended by the Board's Planner.

#68 and #69 require floor plans and FAR (Floor Area Ratio) associated with buildings and uses. The Applicant requests a waiver. This waiver is recommended by the Board's Planner, due to the nature of the Application.

#70 requires a lighting plan. The Applicant requests a waiver. A waiver is recommended by the Board's Planner due to the nature of this Application.

#71 requires the location of storage containers and trash enclosures. A waiver is requested, and recommended by the Board's Planner, due to the nature of this Application.

#72 requires the NJDOT permits if fronted on a state highway. A waiver is requested and recommended by the Board's Planner because it is not applicable.

#73 requires the Applicant to submit an LOI from the NJDEP. The Applicant requests a waiver. It is recommended by the Board's Planner that the Applicant provide a statement from a qualified professional indicating that: (1) he/she has conducted a site visit to determine that there are no freshwater wetlands or transition areas on the Subject Property; (2) that he/she has examined the national wetlands inventory map; (3) he/she has reviewed the

soils on the Gloucester County Soil Survey Map; and (4) he/she certifies that there are no freshwater wetlands or buffers impacted by the proposal.

It was noted by the Board that a letter had been received by the Board from the Applicant's Engineer indicating that a site visit was made by the Applicant's Engineer and there are no freshwater wetlands or transitional area the Subject Property.

#75 requires the Applicant to demonstrate consistency with stormwater management regulations and to submit a Utility Plan. The Applicant requests a waiver as this is not applicable to this project. The Board's Planner recommends this waiver due to the nature of the Application.

#77 requires proposed signage information. A waiver is requested by the Applicant and is recommended by the Board's Planner, as no signage is proposed.

#80 and #81 requires barrier free sub code compliance and traffic control signage plan. A waiver is requested and recommended by the Board's Planner due to the nature of the Application.

#83 requires the location of existing and proposed curb openings. A waiver is requested and recommended by the Board's Planner due to the nature of the Application.

6. **WHEREUPON**, a motion was made by Board member Spring to grant the above referenced waivers from submission requirements, subject to the representations, acknowledgments, and agreements set forth by the Applicant as are also set forth above, with said motion being seconded by Board member Yenner, after which the following Board members voted in favor of the motion: Afferbach, Hughes, McCreery, Shultz, Spring, White, Yenner, Rambo (Alternate Member # 1), and Goss (Alternate Member # 2). There were no votes in the negative and no abstentions or recusals. The following Board members were absent: Carter and McKeever. The Board, having granted the waivers from submission requirements as set forth above, determined that the Application is complete, and the hearing on the Application proceeded.

7. Mr. Idacavage, the Applicant's contractor, provided testimony on the Application as follows:

(a) Mr. Idacavage testified as to where the proposed solar panel installation was to take situated on the Subject Property, as referenced on the site plan submitted

to the Board. Mr. Idacavage testified that the installation of the proposed solar panel system would take approximately two and a half (2 ½) weeks to be complete, and that there would be no fencing on the site.

(b) Mr. Idacavage testified that the solar panel arrays will be elevated from the ground so that the front of the panels would be 2 ft. off of the ground, and the rear of the panels would be 7 ft. off of the ground. This angle would provide for the proper reception of solar heat to be generated into electricity. Mr. Idacavage, at the request of the Board, agreed to have the Board's Engineer amend the site plan to show the solar panel connections and lines from the solar panel unit to other apparatus and/or the house on the Subject Property. Mr. Idacavage also agreed, upon the request of the Board, to show on the site plan where the wiring of the panels would be laid underground. With regard to the generation of electricity, Mr. Idacavage testified that the utility companies will not permit solar power being generated through solar panels greater than what is required to supply electricity to the house on the Subject Property. Mr. Idacavage testified that there will be no removal of trees required and there will be no grading of the ground. At present, the location for the proposed solar panels was a grass area and no change to the topography would be necessary prior to the installation of the proposed solar panels.

8. Mr. Boone testified that the reason he was installing the solar energy system was because a significant part of the electricity to his house was paid for through public utilities and some portion also was provided by oil heat. Mr. Boone testified that the solar panel once installed would greatly reduce his utility cost to provide electricity to his home on the Subject Property.

9. The Board's professional planner, Leah Furey Bruder, P.P., A.I.C.P, BACH Associates, PC, 304 White Horse Pike, Haddon Heights, New Jersey 08035, reviewed with the Board and the Applicant her letter to the Board of August 25, 2014 as follows:

(a) Variance Plan. The "variance plan" that was submitted by the Applicant's engineer indicates in the bulk standards chart, that the Subject Property is located in the "R-10A" district. The table and plan should be revised to reflect the RE zone district standards.

The Applicant testified that and agreed to ask his engineer to revise the plan that has been submitted to reflect the proper zone district.

(b) Site Plan. In accordance with Section 96-80.2.D, all ground-mounted solar systems with a gross area of 600 sq. ft. or greater shall require a minor site plan prior to obtaining a zoning permit. This Application proposes two solar arrays (616 sq. ft. each) with a disturbance area of 1,232 sq. ft.

(c) In accordance with Section 96-80.2.D.(2), the site plan must include the location of proposed substation, inverter or transformer. This should be addressed.

The Applicant testified that he will have his engineer revise the site plan to show the location of the proposed substation, inverter or transformer.

(d) In accordance with Section 96-80.2.D.(3), the Application must include the description of how the energy generated will be transmitted to the larger electrical distribution system. This may be addressed in a narrative or via testimony at the hearing.

Mr. Idacavage, testified as to the means and method by which electrical energy would be transmitted through the solar collection system to the electrical inverter or transformer.

(e) Setbacks. The placement of the solar arrays are located in an area of the Subject Property that is not wooded, and is setback approximately 70 ft. from adjacent Block 39, Lot 9 to the north. Due to the wooded nature of the adjacent property, and the distance of the panels, this appears to be an appropriate location for the panels. The minimum side and rear yard setback required is 20 ft. in addition to any required buffer.

(f) Accessory Use. Section 96-80.2.A. of the Township Code provides that the primary purpose of a small solar energy system is to provide power to the principal use of the property where the system is located, as an accessory use. The Applicant should confirm that the primary purpose of the system is to provide power to the residential dwelling on the lot.

Mr. Boone testified that the primary purpose of the solar system was to provide power to his home on the Subject Property.

(g) Height. Section 96-80.2.G.(2)(d) permits ground arrays up to 15 ft. in height. The Applicant should provide the height of the proposed arrays.

As previously testified to by Mr. Idacavage, the front of the solar panels would be 2 ft. off of the ground and the rear of the solar panels would be 7 ft. off of the ground.

(h) Grading. The Applicant should indicate whether grading will be required in the area where the solar panels will be installed and what type of ground cover will be utilized to stabilize the area.

Mr. Boone reiterated through testimony that no trees or other vegetation would be removed to accommodate the solar system.

(i) Trees. The Township's renewable energy facilities ordinance provides that to the extent practicable the solar panels must be sited to minimize the need to remove trees or other natural features. The Applicant should indicate the total number of trees, if any, over 8 in. in diameter that are proposed to be removed.

(j) Fence. The Applicant should indicate whether a fence will be installed around the solar arrays, and if so provide the height and fence detail.

As previously testified to by Mr. Idacavage, there would be no fence installed around the panel system.

(k) Abandonment. The Applicant should agree as a condition of any approval, that if the solar energy system ceases to be utilized for a continuous twelve month period that the system will be removed at the owner's expense.

Mr. Boone testified that he agreed to this condition.

10. The Board's professional engineer, James A. Spratt, P.E., C.M.E., Federici & Akin, P.A., Consulting Engineers, 307 Greentree Road, New Jersey 08080, reviewed with the Applicant the Board his letter of August 27, 2014 as follows:

(a) The plan submitted in support of the Application is entitled "Variance Plan for Accredited Solar." However, the Application indicates that no variances are requested. Furthermore, Section 96-71A.(4) permits solar energy systems as an accessory use incidental and subordinate to the primary use in the RE zoning district. Accordingly, the plan would be more appropriately entitled, "Minor Site Plan". The title block should be revised as appropriate.

Mr. Boone agreed to direct his engineer to revise the plan accordingly.

(b) A plan of survey prepared by a licensed surveyor was not included with the Application. Pursuant to N.J.A.C. 13:40-7.2, a signed and sealed copy of the survey must be included with a submission for site plan approval. In addition, the site plan drawing must duly note that the survey information was transferred to the site plan, indicating the date of the survey plan and the name of the surveyor that prepared it. A signed and sealed copy of the survey plan should be submitted, and the site plan should be revised to include the proper notation referring to the survey.

Mr. Boone testified that he would so advise his engineer to revise the plan accordingly.

(c) The plan includes a table of zoning requirements, denoting the zone as "R-10A, Medium & Low Density Residential District", whereas the site is situated within the R.E. Rural Environmental Residential zoning district. The table should be revised to reflect the RE zone, as appropriate.

As previously testified to, Mr. Boone will advise his engineer to revise the plan accordingly.

(d) The plan should be revised to include appropriate details of the proposed solar energy facilities. The details should denote dimensions, including the height of the proposed facilities or contractor submits spec sheets.

Mr. Idacavage, testified that he will submit spec sheets with regard to the proposed solar system to the Board's secretary for further distribution to the Board's engineer and the Board's planner.

(e) The Applicant should provide testimony regarding how the energy to be generated by the facility will be conveyed to the electrical distribution system, as required by §96-80.2.D(3).

The Board noted that Mr. Idacavage had already testified in this regard.

(f) The Applicant must provide documentation of approval by the Gloucester County Planning Board or of a waiver from that approval prior to plan certification by the Board officials.

Mr. Boone testified that his engineer had advised him that they would first wait for whatever approvals and/or conditions the Board rendered with regard to the instant Application, and once the amendments or changes to the plan were completed as requested by the Board, the amended Application and site plan would be submitted to the County Planning Board for review and approval.

11. The hearing on the Application was opened to the public at which time no Member of the public spoke either in favor of or opposed to the Application.

The Board accepted as fact the above comments, observations, and analysis by the Board's professionals, as well as the representations, conditions, agreements and acknowledgements of the Applicant and his fact witness, which have been relied on in good faith by the Board.

CONCLUSION

1. The Board concluded that the Minor Site Plan submitted by the Applicant, subject to all of the revisions, amendments, and changes as requested by the Board and the Board's professionals, should be approved as adequately depicting the necessary information required by Township Ordinances, subject to final review and approval by the Board's professional engineer and planner.

2. The Board further concluded that the Application should be approved insofar as it was in the public interest to permit local residences to install solar systems as a way to both conserve energy within the community, as well as to lower the cost of energy for individual homes. The Board concluded that this request was consistent with conservation efforts and other environmental concerns and that, subject to the Applicant complying with all of the conditions, representations, and agreements as are set forth above under "Findings of Fact", the Application is suitable for approval by the Board.

3. The Board also concluded that Site Plan Approval should be granted insofar as the Application would substantially meet all of code requirements, that there were no variance requests submitted as a part of the Application.

CONDITIONS

1. The Board presumes that the Applicant's Application, all exhibits, maps and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the Application, exhibits, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

2. At any time after the adoption of this resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or

condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with the law.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

7. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein.

8. All review fees must be paid in full by the Applicant prior to endorsement of the plans for construction by Board Officials.

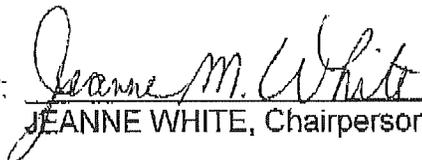
9. Documentation of all outside agency approvals must be provided prior to certification of the plans for construction by Board Officials.

10. The plans must be certified by the appropriate public officials in the respective spaces provided on the Cover Sheet before commencing construction. Such certifications should also be a prerequisite to obtaining zoning and building permits.

WHEREUPON, a motion was made by Board member Afferbach, to grant Minor Site Plan Approval to the Applicant, as set forth above, subject to the Applicant and its professionals revising the submitted Site Plan in accordance with the requirements stated above under "Findings of Fact", and also in accordance with all of the acknowledgments, agreements, stipulations, and conditions as also set forth under "Findings of Fact", and agreed to by the Applicant, with said motion being seconded by Board member Spring, and the following Board members voting in the "affirmative" on the motion: Afferbach, Hughes, McCreery, Shoultz, Spring, White, Yenner, Rambo (Alternate Member # 1), and Goss (Alternate Member # 2). There were no votes in the negative and no abstentions or recusals. The following Board members were absent: Carter and McKeever.

THIS RESOLUTION WAS ADOPTED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, at a regularly scheduled meeting of the same held on November 12, 2014 as a memorialization of the action taken by the Board on the Application as set forth above on October 15, 2014.

**ELK TOWNSHIP COMBINED PLANNING/ZONING
BOARD OF ADJUSTMENT**

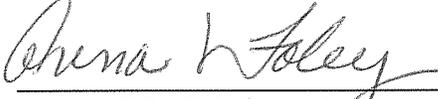
By: 
JEANNE WHITE, Chairperson

ATTEST:


ANNA FOLEY, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted by the Elk Township Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey, held on the 12th day of November, 2014 at 680 Whig Lane, Monroeville, New Jersey 08343 at 7:00 P.M., time prevailing, as a memorialization of the action taken by the Board on the above cited Application at the Board's regularly scheduled meeting and public hearing held on said Application on October 15, 2014.


ANNA FOLEY, Secretary



August 25, 2014

Elk Township Planning/Zoning Board
680 Whig Lane
Monroeville, NJ 08343

Attn: Anna Foley, Board Secretary

Re: Michael Boone
Block 39, Lot 10
894 Hardingville Road (CR 609)
Minor Site Plan; RE Rural Environmental Residential District
Elk Township Application SP-14-03
Bach Associates Proj. # ET2014-3

Dear Chairwoman and Members of the Board:

We have reviewed the application and supporting documents submitted by Michael Boone for a minor site plan to permit a ground mounted solar array on the above referenced residential lot on the west side of Hardingville Road. The subject property consists of 5.62 acres and contains a single family residential dwelling and a detached garage. The applicant proposes to install two 14' by 44' ground mounted solar arrays within the rear yard.

The property is located within the RE Rural Environmental Residential District and is surrounded in all directions by other properties in the same zoning district. The properties to the south, west and east (across Hardingville Road), are in agricultural use and the property to the north is wooded. The surrounding uses are generally residential and agricultural in nature. The RE zone (section 96-71) permits agricultural uses, single family dwellings, public parks and playgrounds, along with a number of conditional uses. A small solar energy system is a permitted accessory use in the zone, but a site plan is required when the gross area of the system is greater than 600 square feet.

We have received the following materials in support of this application:

1. Land Development Application for Minor Site Plan SP-14-03(received by Elk Twp July 28, 2014), Certification of real estate taxes paid dated July 8, 2014, Escrow Agreement, Affidavit of Applicant and Ownership, Disclosure Statement, certified list of property owners within 200 feet, list of waivers requested.
2. Site plan application to the Gloucester County Planning Board for Block 39, lot 10 dated July 25, 2014.
3. Land Development Checklist partially completed, dated July 28, 2014.
4. Variance Plan for Accredited Solar, prepared by James A Clancy, PLS, PE, PP of Clancy and Associates, Inc., dated July 9, 2014.

Completeness

We have reviewed the application for completeness. **The application is presently incomplete.** Due to the nature of the minor site plan, the applicant has requested a number of waivers. Most of the waivers are recommended. The applicant should provide a response to items 36, 38, and 73 prior to the hearing. Once the applicant either provides these items or submits a letter requesting waivers along with justification for same, the application may be scheduled for a completeness hearing. If the application is deemed complete by the Board, the applicant may proceed with the minor site plan application.

- **#29** requires that an Environmental Impact Statement as per Section 96-44. *Due to the nature of the application, we recommend a waiver.*
- **#33** requires the applicant to include a statement and demonstration of compliance with affordable housing requirements. *Due to the nature of this application, we recommend the waiver.*
- **#36** requires that the applicant provide a copy of any protective covenants, easements, or restrictions of record and the title policy. *The applicant should indicate whether there are any protective covenants, easements or restrictions of record and provide a copy of the title policy.*
- **#38** requires photographs of the site taken from the opposite side of the street and any other vantage point that would be instructive. *The applicant should submit photographs of the property and the area where the system is proposed to be installed. The applicant may bring photos to the hearing.*
- **#47, #49 and #50** require a landscape plan, buffer plan and Tree Protection Plan indicating what vegetation is existing, proposed to be removed, to remain, and any proposed plantings. *It appears that no vegetation is to be removed, the applicant should confirm this at the hearing. In addition, if there is no vegetation to be removed, due to the nature of the application, a waiver is recommended.*
- **#53** requires structures of historic significance within 200 feet of the property to be identified. *We recommend this waiver due to the nature of the application.*
- **#55** requires the applicant to provide contours on the plan in addition to a grading plan prior to the issuance of building permit. *The applicant has not supplied contours or a grading plan. We defer to the Board's engineer for a recommendation on this waiver request and to confirm whether the proposal will require submission of a grading plan prior to the issuance of a zoning permit.*
- **#57** requires a grading plan showing existing and proposed spot elevations and in accordance with section 96-66M. *We defer to the Board's engineer for a recommendation on this waiver request and to confirm whether the proposal will require submission of a grading plan prior to the issuance of a zoning permit.*

- #58 requires a soil erosion and sediment control plan. *A waiver is recommended*
- #59 requires the applicant to submit the location of soil borings to determine soil suitability. *A waiver is recommended.*
- #66 requires a written commitment from the Township Municipal Utilities Authority. *The applicant requests a waiver. Due to the nature of this application, we recommend this waiver.*
- #67 requires the applicant to submit all the results of the percolation test if the site is served by septic. *The applicant requests a waiver. Due to the nature of the application, a waiver is recommended.*
- #68 and #69 require floor plans and FAR associated with buildings and uses. *The applicant requests a waiver. This waiver is recommended due to the nature of the application.*
- #70 requires a lighting plan. *The applicant requests a waiver. A waiver is recommended due to the nature of this application.*
- #71 requires the location of storage containers and trash enclosures. *A waiver is requested and recommended due to the nature of this application.*
- #72 requires the NJDOT permits if fronted on a state highway. *A waiver is requested and recommended because it is not applicable.*
- #73 requires the applicant to submit an LOI from the NJDEP. *The applicant requests a waiver. It is recommended that the applicant provide a statement from a qualified professional indicating that 1)he/she has conducted a site visit to determine that there are no freshwater wetlands or transition areas on the property, 2)that he/she has examined the national wetlands inventory map, 3)he/she has reviewed the soils on the Gloucester County Soil Survey Map, and 4) he/she certifies that there are no freshwater wetlands or buffers impacted by the proposal.*
- #75 requires the applicant to demonstrate consistency with stormwater management regulations and to submit a Utility Plan. *The applicant requests a waiver as this is not applicable to this project. We recommend this waiver due to the nature of the application.*
- #77 requires proposed signage information. *A waiver is requested and recommended due to the nature of this application.*
- #80 and #81 requires barrier free sub code compliance and traffic control signage plan. *A waiver is requested and recommended due to the nature of this application.*
- #83 requires the location of existing and proposed curb openings. *A waiver is requested and recommended due to the nature of this application.*



RE Zone Bulk Standards

The property is within the RE Rural Environmental Zoning District which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use (including small solar energy systems). The bulk requirements for accessory ground mounted solar systems are provided in section 96-80.2G. It appears that the proposal meets the requirements.

The following comments are provided for the Applicant's and the Board's consideration:

1. **Variance Plan.** The variance plan that was submitted indicates in the bulk standards chart, that the property is located in the "R-10A" district. The table and plan should be revised to reflect the RE zoning standards.
2. **Site Plan.** In accordance with Section 96-80.2.D, all ground mounted solar systems with a gross area of 600 square feet or greater shall require a minor site plan prior to obtaining a zoning permit. This application proposes two solar arrays (616 square feet each) with a disturbance area of 1,232 square feet.
3. In accordance with Section 96-80.2.D.(2), the site plan must include the location of proposed substation, inverter or transformer. This should be addressed.
4. In accordance with Section 96-80.2.D.(3), the application must include the description of how the energy generated will be transmitted to the larger electrical distribution system. This may be addressed in a narrative or via testimony at the hearing.
5. **Setbacks.** The placement of the solar arrays are located in an area of the property that is not wooded, and is setback approximately 70 feet from adjacent Block 39 lot 9 to the north. Due to the wooded nature of the adjacent property, and the distance of the panels, this appears to be an appropriate location for the panels. The minimum side and rear yard setback required is 20 feet in addition to any required buffer.
6. **Accessory Use.** Section 96-80.2.A. of the Township Code provides that the primary purpose of a small solar energy system is to provide power to the principal use of the property where the system is located, as an accessory use. The applicant should confirm that the primary purpose of the system is to provide power to the residential dwelling on the lot.
7. **Height.** Section 96-80.2.G.(2)(d) permits ground arrays up to 15 feet in height. The applicant should provide the height of the proposed arrays.
8. **Grading.** The applicant should indicate whether grading will be required in the area where the solar panels will be installed and what type of ground cover will be utilized to stabilize the area.
9. **Trees.** The Township's renewable energy facilities ordinance provides that to the extent practicable the solar panels must be sited to minimize the need to remove trees or other



natural features. The applicant should indicate the total number of trees, if any, over 8 inches in diameter that are proposed to be removed.

10. **Fence.** The applicant should indicate whether a fence will be installed around the solar arrays, and if so provide the height and fence detail.
11. **Abandonment.** The applicant should agree as a condition of any approval, that if the solar energy system ceases to be utilized for a continuous twelve month period that the system will be removed at the owner's expense.

Please call with any questions. We reserve the option to make additional comments as more information becomes available.

Very truly yours,
BACH Associates, PC


Leah Furey Bruder, PP, AICP

Cc: Joan Adams, Esq
James Spratt, PE
Michael Boone, Applicant
James A Clancy, PE, PLS, PP



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Bret T. Yates
 Director of Marketing

August 27, 2014
 File No. 14146

Township of Elk
 Planning & Zoning Board
 680 Whig Lane Road
 Monroeville, New Jersey 08343-2826

RE: Michael Boone Minor Site Plan
Block 39, Lot 10
894 Hardingville Road
Application # SP-14-03
Review No. 1

Dear Chairman White and Members of the Board:

We received the following items submitted in support of an application for minor site plan approval with respect to the above-referenced property.

- ◇ Completed Land Development Application Dated July 28, 2014
- ◇ Completed Land Development Checklist Dated July 28, 2014
- ◇ List of waivers requested Dated July 28, 2014
- ◇ Escrow Agreement Dated July 28, 2014
- ◇ Affidavit of Applicant/Ownership Dated July 28, 2014
- ◇ Disclosure Statement Dated July 28, 2014
- ◇ Tax Certification Dated July 28, 2014
- ◇ Variance Plan for Accredited Solar Dated July 9, 2014
- ◇ Copy of Subdivision Application to Gloucester County Planning Board Dated July 25, 2014

Introduction

The subject property fronts on the westerly side of Hardingville Road (County Route 609) approximately 800± feet north of its intersection with New Freedom Road (CR 538) and lies in the RE Rural Environmental Residential zoning district. The property is presently occupied by a single-family home. The applicant proposes to install two 44-foot by 14-foot solar panel arrays near the northwesterly corner of the site. Our comments pertaining to the site plan application follow below.

Completeness

We defer to the Board Planner for completeness review except the items described below.

1. Checklist Item # 10 requires several items to be on the plan that are not included. The plan should be revised to include the following items, as required.



- a. Name and address of the applicant/owner.
 - b. Signature block for the Chairman and Secretary of the Planning/Zoning Board.
 - c. Signature space for the applicant/owner. The applicant should sign the plan in the space to be provided.
2. Checklist Item 55 requires contours on the plan and a grading plan conforming to Section 96-66M of the ordinances. Due to the nature of the application, we would have no objection to a waiver from this requirement, subject to the applicant verifying that no grading will be required.
 3. Checklist Item 57 requires a grading plan showing existing and proposed spot elevations, etc. as necessary to ensure the project would not have an adverse affect on existing drainage patterns. Similar to Item 55, we would have no objection to a waiver from this requirement subject to the applicant verifying no grading will be necessary.

Technical Review

1. The plan submitted in support of the application is entitled “Variance Plan for Accredited Solar.” However, the application indicates that no variances are requested. Furthermore, §96-71A.(4) permits solar energy systems as an accessory use incidental and subordinate to the primary use in the RE zoning district. Accordingly, the plan would be more appropriately entitled, “Minor Site Plan.” The title block should be revised as appropriate.
2. A plan of survey prepared by a licensed surveyor was not included with the application. Pursuant to N.J.A.C. 13:40-7.2, a signed and sealed copy of the survey must be included with a submission for site plan approval. In addition, the site plan drawing must duly note that the survey information was transferred to the site plan, indicating the date of the survey plan and the name of the surveyor that prepared it. A signed and sealed copy of the survey plan should be submitted, and the site plan should be revised to include the proper notation referring to the survey.
3. The plan includes a table of zoning requirements, denoting the zone as “R-10A, Medium & Low Density Residential District,” whereas the site is situated within the RE, Rural Environmental Residential zoning district. The table should be revised to reflect the RE zone, as appropriate.
4. The plan should be revised to include appropriate details of the proposed solar energy facilities. The details should denote dimensions, including the height of the proposed facilities.
5. The applicant should provide testimony regarding how the energy to be generated by the facility will be conveyed to the electrical distribution system, as required by §96-80.2.D(3).
6. The applicant must provide documentation of approval by the Gloucester County Planning Board or of a waiver from that approval prior to plan certification by the Board officials.



General Conditions of Approval

1. All review fees must be paid in full by the applicant prior to endorsement of the plans for construction by Board Officials.
2. Documentation of all outside agency approvals must be provided prior to certification of the plans for construction by Board Officials.
3. The plans must be certified by the appropriate public officials in the respective spaces provided on the Cover Sheet before commencing construction. Such certifications should also be a prerequisite to obtaining zoning and building permits.

If you have any questions, please contact me at your convenience.

Very truly yours,

FEDERICI & AKIN, P.A.

A handwritten signature in black ink that reads "James A. Spratt". The signature is written in a cursive style with a large, looped 'S' at the end.

James A. Spratt, P.E., C.M.E.
Board Engineer

JAS/

cc. Michael Boone, applicant

E-mail copies:

Joan Adams, Esq., Board Solicitor

Anna Foley, Planning/Zoning Secretary

Leah Furey-Bruder, P.P., Board Planner

James A. Clancy, P.E., P.L.S., Applicant's Engineer