

TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP
MIDFLARE CORP.
PRELIMINARY, FINAL SITE PLAN
AND USE VARIANCE APPROVAL
RESOLUTION NO. 2011- 19

WHEREAS, Midflare Corp. of Atlanta, Georgia made an application to the Quinton Township Planning Board for preliminary and final site plan approval and a Use Variance in regard to property located on Quinton- Alloway Road also known as Block 32, Lot 11.01 on the Municipal Tax Map of Quinton Township; and

WHEREAS, the applicant appeared before the Quinton Township Planning Board on September 13, 2011 for a completeness review and was represented at this meeting by John A. Alice, Esquire; and

WHEREAS, owners and engineer were duly sworn in; and

WHEREAS, the property consists of 12.51 acres and is located in an R-1 Rural Residential Zone; and

WHEREAS, prior to the hearing, the applicant submitted the following information:

1. Quinton Township Planning Board Application Cover Sheet
2. Boundary, Existing Conditions, and Wetlands Plan
3. Site Plans for: Cascade Pointe, Sheets 1 through 6.
4. Copies of Fee and Escrow Check
5. Planning Board Application Form
6. Checklists, as follows:
 - Schedule "A", General Requirements
 - Schedule "B", Checklist Approvals Requested
 - Schedule "I", Preliminary Major Site Plan Application
 - Schedule "N", Use Variance
 - Schedule "O", Environmental Impact Statement
5. Statement of Taxes Paid
6. Attorney Representation Letter
7. Use Variance Report
8. Aerial Photograph of Site
9. Photographs of Site
10. Stormwater Calculations
11. Environmental Impact Statement
12. Agreement Between Seller and Buyer

;and

WHEREAS, Andrew Hogg, PE of Land Dimensions Engineering, the Boards Engineer prepared a review letter dated September 13, 2011 which letter is incorporated herein by reference thereto; and

WHEREAS, six items were set forth in regard to completeness; and

WHEREAS, the applicant and applicant's professionals represented that Schedule J would be submitted prior to the hearing of the application and clarified that preliminary and final site plan approval was being sought at the next meeting; and

WHEREAS, the applicant agreed to set forth on the plans the proposed grades of the road and to further show on the plans the anticipated location of the connection point with the Atlantic City Electric System; and

WHEREAS, the applicant agreed to show the details of the proposed "power inverter box" including the size, method of construction and appearance prior to the hearing; and

WHEREAS, the applicant agreed that a letter of interpretation from the New Jersey DEP would be a condition of approval; and

WHEREAS, the applicant agreed to address the specific disposition of the tile drains relative to the proposed construction at the hearing; and

WHEREAS, the applicant agreed to present testimony in regard to the noise produced by the solar farm at the hearing, and

WHEREAS, the Board considered the foregoing representations and determined that the application was conditionally complete and could be scheduled for a hearing on October 11, 2011; and

WHEREAS, the applicant appeared at the meeting of the Quinton Township Planning Board on October 11, 2011 and was represented by John A. Alice, Esquire; and

WHEREAS, Mark Randall and Christian Warren owners appeared as well as Clay Rager, PE, Timothy Kernan, PE, PP, CME and Michelle Young with these individuals being sworn; and

WHEREAS, it was determined that the applicant gave proper notice for the preliminary and site plan approval and the Use Variance sought; and

WHEREAS, it appears that the applicant is under contract of sale to purchase this property from the owners John R. Turner, Jr. and Allison M. Turner; and

WHEREAS, Lawrence M. DiVietro, PLS, PP, AICP and Andrew Hogg, PE of Land Dimensions Engineering issued a letter report dated October 6, 2011 which report is incorporated herein by reference thereto; and

WHEREAS , the applicant proposes to utilize 12.51 acres as a solar energy farm which use is not permitted in the R-1 Rural Residential Zone; and

WHEREAS, Timothy Kernan, PE, PP testified in regard to the property stating that it is located on the South side of County Road 581; and

WHEREAS, the Board reviewed the evidence and heard the further sworn testimony of the applicants professionals and the representations made by the applicants attorney with the Board making the follow finding of facts and reaching the following conclusions of law in regard to the Use Variance:

1. A portion of the property consisting of several acres on the East side is wetlands.
2. The balance of the upland has been farmed for years.
3. The power lines for the facility will be run underground to an existing substation located a short distance from the property.
4. The property in question is fairly flat which was conducive to the placement of solar panels.
5. There will be no lighting necessary for the operation and no odors will be emitted.
6. The solar panels do not produce any glare.
7. Two neighbors Rodney Owens and Edward Saunderlin, Jr. appeared and testified as to a ongoing problem with runoff on this property.
8. There is an existing system of tile drains for runoff with the condition of these tiles being called into question. The applicants engineer testified that the ground cover would consist of slow growing grass to be cut at least two times per year which by their calculations would reduce the runoff by 28 percent.
9. The panels are made of recyclable material.
10. The facility would consist of 8400 panels which would produce two megawatts of power with the panels having a life expectancy of 20 years.
11. The site would be remotely monitored with a vehicle visiting the site approximately one time per month.
12. The inverter would be located in the approximate middle of the property and would produce 74 decibels of noise limited to the day time hours. The decibel level will be well below the maximum permitted at the property lines.
13. The applicant agreed to repair any damaged tiles found.
14. There are high tension lines to the rear of the property.

15. A solar energy facility or structure has been deemed to be an inherently beneficial use under N.J.S. 40:55D-4.

16. Concern was expressed over the disposition of the site at the end of its useful life. A reclamation bond was proposed.

NOW THEREFORE BE IT RESOLVED by the Planning Board Members that the application for a Use Variance to permit a solar energy farm shall be granted in that the applicant has demonstrated special reasons for the grant of this relief and has shown that the relief can be granted without detriment to the public good and that said use will not substantially impair the intent and purpose of the zone plan and zoning ordinance of Quinton Township. Any conditions of said approval are combined with the conditions of the preliminary and final site plan approval set forth hereinafter:

WHEREAS, the applicant then sought preliminary and final site plan approval with the Board reviewing the items set forth in the October 6, 2011 letter report of Land Dimensions Engineering; and

WHEREAS, the Board reviewed the evidence and heard the sworn testimony of the applicants professionals and representations made by the applicants attorney with the Board making the following findings of fact and reaching the following conclusions of law concerning the application for preliminary and final site plan approval:

A. The applicant shall revise the plans to show the proposed grade for the proposed driveway.

B. The connection to the Atlantic City system shall be underground from the solar field to the nearby substation.

C. The applicant shall provide the construction details of the concrete pad and fencing for the placement of the inverter box.

D. A copy of the NJDEP Wetlands letter of interpretation shall be provided to the Board prior to commencement of construction and if there is a change in the wetland delineation currently shown, the applicant will be required to return to the Board for an amendment to the site plan.

E. The identification of the extent of tile drains shall be subject to the Township Engineers inspection and confirmation of the de-watering replacement system to be incorporated as part of the construction. Should reconstruction or disturbance of the outfall tile drain system (existing across that property), be required, the existence of the easement must be confirmed across Block 32, Lot 11.01.

F. The applicant must investigate the tile drain pipe to the street to see that it is operating properly.

G. The proposed operation will not require access to water or sewer with the only utility other than the solar line connection to be a land line for communication.

H. The driveway off of Quinton-Alloway Road (CR-581) shall be constructed of gravel and the existing curb cut will be utilized. Evergreen and low lying scrubs shall be planted as a buffer to the residential properties. The fence should be extended across the entrance with a gate being provided to control access from the driveway to the solar panels. The entrance area near the road should be planted in “no mow” grass seed and shall be maintained as necessary.

I. No buffering is necessary to the rear of the property along Waterworks Road due to the existence of trees and vegetation.

J. The applicant will have no lighting or signage on the property.

K. The applicant shall not be required to prepare a landscape plan prepared by a Landscape Architect.

L. The applicant has provided for two parking spots which due to the low intensity use is adequate.

M. The driveway shall be at least 12 feet from the property line of Lot 12.

N. The driveway shall have a 25 foot hard surface apron beginning at the curb cut of Quinton – Alloway Road.

O. A design waiver is granted to permit a driveway width of 12 feet.

P. An inspection escrow and performance bond are required for this application and an estimate for all on site improvements (excluding structures) must be reviewed and approved. The inspection escrow must be posted prior to the issuance of any building permit.

Q. This application is subject to outside agency approvals.

R. The fence shall be six feet high and constructed of black vinyl.

S. Preliminary and final site plan approval is conditioned upon approval from outside agencies.

NOW THEREFORE BE IT RESOLVED by the Planning Board Members that the application for preliminary and final site plan approval be in hereby is granted subject to the following conditions:

1. The plan shall be revised to show the proposed grade for the driveway.
2. The applicant shall provide the construction details of the concrete pad and any fencing for the placement of the inverter box.
3. The applicant shall provide the NJDEP L.O.I. for confirmation of the wetlands prior to commencing construction with this letter being forwarded to the Environmental Commission.
4. Confirmation of the easement across Block 32, Lot 11.01 shall be provided.

5. The applicant shall repair the tile drains as needed.
6. The applicant shall amend the plans to reflect the revisions as required hereinabove.
7. An inspection escrow and performance bond are required for this application and an estimate for all on-site improvements (excluding structures) must be reviewed and approved. The inspection escrow must be posted prior to the issuance of any building permit.
8. The applicant shall provide the proposed grades for the driveway.
9. Prior to construction the applicant shall confirm the satisfactory operation of the existing farm tile drain to the satisfaction of the Township Engineer.
10. The applicant shall comply with all testimony given and representations made as well as with the documents and revised documents submitted.
11. The applicant must replenish any outstanding escrow accounts prior to the issuance to any building permits.
12. The within approval is subject to the approval of the Quinton Township Environmental Commission, Salem County Soil Conservation District, Salem County Planning Board, New Jersey Department of Environmental Protection, Fire Marshal and any other approvals required by law. Proof of these approvals must be submitted prior to the final signing of the plans.
13. A reclamation bond to ensure the equipment shall be removed at the end of its useful life shall be posted if deemed necessary by the Boards Professionals.

Dated: November 8th, 2011

ATTEST: Bonita K. Bell
Bonita K. Bell, Secretary

Marjorie L. Sperry
Marjorie Sperry, Vice-Chairperson

Certification

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Planning Board of Quinton Township at a regular meeting held on Nov. 8th, 2011 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary