

# WILENTZ

—ATTORNEYS AT LAW—

DONNA M. JENNINGS, ESQ.

T: 732.855.6039  
F: 732.726.6560  
djennings@wilentz.com

90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, NJ 07095-0958  
732.636.8000

April 13, 2021

**VIA HAND DELIVERY**

Joan Kemble, Board Secretary  
Borough of Sayreville  
167 Main Street  
Sayreville, NJ 08872

**Re: SOLAR LANDSCAPE, LLC  
2707 MAIN STREET EXTENSION  
BLOCK 257 LOT 3.06  
APPLICATION FOR USE VARIANCE, BULK VARIANCES AND  
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
BOROUGH OF SAYREVILLE**

Dear Ms. Kemble:

Our office represents Solar Landscape, LLC (the “Applicant”) in this matter. On January 26, 2021, the Applicant filed an application for site plan approval with bulk variances to the Borough of Sayreville Planning Board to construct solar carport canopies in the parking lot of the existing Epic Church located at 2707 Main Street Extension, also identified as Lot 3.06 in Block 257 on the Borough’s Tax Maps (the “Property”).

During the Borough’s review of the application, it was discovered that while the Property is located in the Waterfront Redevelopment Plan Area (the “Redevelopment Area”), the site is not specifically included in the controlling Redevelopment Plan and, therefore, the Property remains subject to the prior SED-2 zoning standards. The SED-2 zoning standards do not explicitly permit solar panels, requiring the Applicant to seek a use variance from the Zoning Board of Adjustment. Additional materials are, therefore, required from the Applicant and are enclosed for filing as follows:

1. Two (2) checks made payable to “Borough of Sayreville” in the amount of \$1,100.00 and \$5,000.00 representing the application and escrow fees, respectively, due to the Zoning Board.
2. A check made payable to “Borough of Sayreville” in the amount of \$5,000.00 to cover the additional monies owed to the Sayreville Redevelopment Agency (“SERA”).

3. Political Contribution Disclosure Statements for:
  - a) Solar Landscape, LLC (Applicant)
  - b) Beacon Planning and Consulting Services, LLC (planner for Applicant)
  - c) Shore Point Engineering (engineer for Applicant)
4. Response Letter prepared by Shore Point Engineering, dated April 8, 2021, addressing CME Associates' March 18, 2021 Engineering Report.
5. Response Letter prepared by Shore Point Engineering, dated April 8, 2021, addressing Heyer, Gruel & Associates' March 22, 2021 Planning Report.
6. Seventeen (17) sets of the Boundary and Topographic Survey, prepared by DPK Consulting, dated March 15, 2021.
7. Seventeen (17) sets of plans entitled "Preliminary/Final Major Site Plan Epic Church – Solar Carport Block 257, Lot 3.06, Borough of Sayreville, Middlesex County", prepared by Shore Point Engineering, consisting of thirteen (13) sheets and revised as of April 5, 2021.
8. CD containing a digital copy of the plans submitted.

The plans have been revised to address the engineer review letter, prepared by CME Associates, dated March 18, 2021 and the planner review letter, prepared by Heyer, Gruel & Associates, dated March 22, 2021. The revisions are as follows: (1) zoning table has been updated to reflect the SED-2 zone standards; (2) signature block has been revised to reflect the correct Board; (3) the minimum and maximum vertical clearance of the solar canopies have been added to Sheet 13; (4) Sheet 13 has been revised to provide a 4" base, as required by the Borough's design standards requirements; and (5) a landscape plan and details have been added to the site plan set.

Please let me know if you require anything further prior to the April 28, 2021 hearing on this matter.

Very truly yours,

  
DONNA M. JENNINGS

enc.

cc:

VIA E-MAIL

Mr. Corey Gross

Mr. Mark F. Schottinger, Esq.

Mr. Shaun Keegan

Michael Baker, Esq. (SERA Attorney)

Jay Cornell, PE

Kevin Shelly, PE

Andrew Janiw, PP

Amanda Curley, Esq.

1432

**Solar Landscape LLC**

522 Cookman Ave. Suite 3  
Asbury Park, NJ 07712

**M&T Bank**

10-4/220

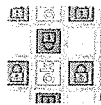
04/07/2021

PAY TO THE  
ORDER OF Borough of Sayreville

\$ \*\*1,100.00

One thousand one hundred and 00/100\*\*\*\*\* DOLLARS

Borough of Sayreville  
Wilentz, Goldman & Spitzer, P.A.  
Attention: Donna/Amanda  
90 Woodbridge Center Drive, Suite 900  
Woodbridge, NJ 07095 US



*R. Metzger*  
AUTHORIZED SIGNATURE

MEMO

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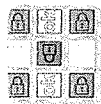
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Five thousand and 00/100\*\*\*\*\* DOLLARS

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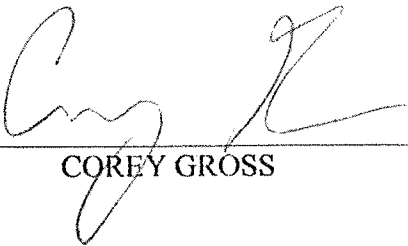


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**POLITICAL CONTRIBUTION DISCLOSURE STATEMENT**

This is to certify that SOLAR LANDSCAPE, LLC has not made any political contributions to any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Sayreville in the year preceding the filing of this application in the Borough of Sayreville.

COREY GROSS, an authorized representative on behalf of SOLAR LANDSCAPE, LLC, of full age being duly sworn according to law, on oath deposes and says that all the above statements are true.

  
\_\_\_\_\_  
COREY GROSS

Sworn to and subscribed before me,

This 6<sup>th</sup> day of April, 2021

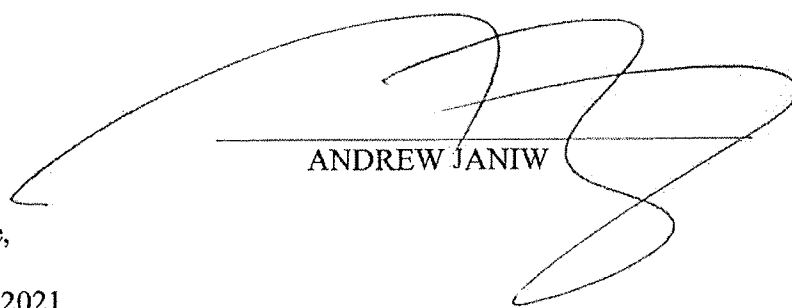
  
\_\_\_\_\_  
Notary Public – State of New Jersey

REBECCA L. MEIZNER  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50057594  
My Commission Expires 3/31/2022


**POLITICAL CONTRIBUTION DISCLOSURE STATEMENT**

This is to certify that BEACON PLANNING AND CONSULTING SERVICES, LLC has not made any political contributions to any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Sayreville in the year preceding the filing of this application in the Borough of Sayreville.

ANDREW JANIW, an authorized representative on behalf of BEACON PLANNING AND CONSULTING SERVICES, LLC, of full age being duly sworn according to law, on oath deposes and says that all the above statements are true.

  
\_\_\_\_\_  
ANDREW JANIW

Sworn to and subscribed before me,  
This 26 day of March, 2021

  
\_\_\_\_\_  
Notary Public – State of New Jersey

**BARBARA EHLEN  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
ID # B0140716  
MY COMMISSION EXPIRES OCT. 15, 2023**

**POLITICAL CONTRIBUTION DISCLOSURE STATEMENT**

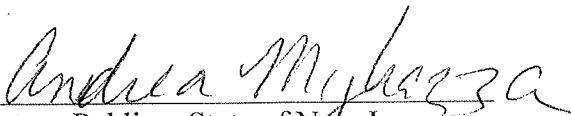
This is to certify that SHORE POINT ENGINEERING has not made any political contributions to any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Sayreville in the year preceding the filing of this application in the Borough of Sayreville.

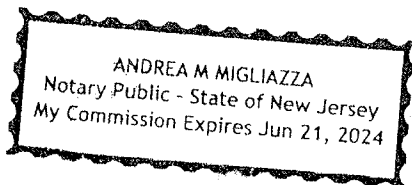
KEVIN E. SHELLY, an authorized representative on behalf of SHORE POINT ENGINEERING, of full age being duly sworn according to law, on oath deposes and says that all the above statements are true.

  
\_\_\_\_\_  
KEVIN E. SHELLY

Sworn to and subscribed before me,

This 7 day of April, 2021

  
\_\_\_\_\_  
Notary Public – State of New Jersey





April 8, 2021

SLA-201

CME Associates  
3141 Bordentown Avenue  
Parlin, NJ 08859

**Attention:** Mr. Jay B. Cornell. P.E.

**Reference:** Borough of Sayreville  
Solar Landscape LLC Site Plan  
Block 257, Lot 3.06  
File No. PSAZ0257.06

Mr. Cornell:

In response to the comments from your engineering review memo (3/18/21), we offer the responses below:

**General Comments:**

1. *The Developer of the Riverton Project will be appearing before the Zoning Board to re-align the site access driveways and create additional parking areas on the subject property. The impact of these proposed improvements on the solar canopy locations proposed should be further reviewed.*  
**Testimony will be provided discussing the impacts of the on-site improvements proposed by the developer of the Riverton Project.**
2. *The proposed phasing of the project and the time frames associated with each phase should be further reviewed.*  
**Testimony will be provided regarding the construction phasing and anticipated time frames.**
3. *The height of the proposed solar canopies should be noted on the plan details. Potential conflicts with truck movements on the site should also be further reviewed.*  
**The Construction Details (Sheet 13) has been revised to show the minimum and maximum vertical clearances underneath the solar canopies. The International Fire Code requires unobstructed vertical clearances of no less than 13'-6", which will be the minimum vertical clearance provided underneath the canopy. The maximum clearance will be 20'.**
4. *The pavement repair detail should be revised to provide 4" base and 2" top as per the Borough Design Standard Requirements.*  
**The Construction Details (Sheet 13) has been revised to provide a 4" base and 2" top pavement section.**

5. *More specific information on the proposed site landscaping should be added to the plan.*  
**Landscape Plans & Details (Sheets 10-12) have been added to the Site Plan set. The Landscape Plans have been prepared by a Licensed Landscape Architect.**

Sincerely,

**Shore Point Engineering, LLC**

A handwritten signature in black ink, appearing to read "K. Shelly", with a stylized flourish at the end.

Kevin E. Shelly, P.E.





April 8, 2021

SLA-201

Heyer, Gruel & Associates  
236 Broad Street  
Red Bank, NJ 07701

**Attention:** John Barree, PP, AICP, LEED Green Associate

**Reference:** Solar Landscape, LLC (Epic Church Site)  
2707 Main Street Extension  
Block 257, Lot 3.06  
Use Variance / Preliminary and Final Site Plan

Mr. Barree:

In response to the comments from your planning review memo (3/22/21), we offer the responses below:

**Planning Comments:**

**Variances and Exceptions**

1. *This application requires d(1) use variance relief to permit the installation of solar canopies and modifications to the site where the previously approved church is located. The applicant must offer testimony to satisfy the positive and negative criteria associated with the grant of a use variance in accordance with the MLUL (N.J.S.A 40:55D-70.d) and applicable case law.*  
**Testimony will be provided to support the variance requests.**

2. *The application required a bulk variance relief for insufficient accessory structure front and side yard setbacks. The applicant shall provide planning testimony in support of the variance requests that satisfies either the "hardship" standard (N.J.S.A 40:55D-70.c(1)) or the "benefits vs. detriments" standard (N.J.S.A 40:55D-70.c(2)).*  
**Testimony will be provided to support the variance requests.**

3. *For all variance relief, the applicant must demonstrate that grant of the request relief would not cause substantial detriment to the public good or substantial impairment of the Master Plan or Zoning Ordinance.*  
**Testimony will be provided to support the variance requests.**

**General**

4. *While the project is not subject to the land use standards in the Waterfront Redevelopment Area, the project does have to apply to the Sayreville Economic and Redevelopment Agency for approval. The applicant should provide an update on the SERA application and any pending action.*  
**On February 25, 2021, SERA approved the applicant's request to be designated as Redeveloper of the property, allowing the applicant to enter into a redevelopment agreement with the Agency.**

5. *Another application is before the Board for the modification of the driveways, parking, on-site circulation, landscaping, and lighting on the Epic Church property. The applicant should provide testimony about how this project will interact with that project. Will the changes to the parking lot interfere with the proposed placement of the solar canopies? What is the timing for this project relative to the parking lot work?*

**The proposed changes to the parking lot by the other applicant will not interfere with the proposed placement of the solar carports. Testimony will be provided regarding the anticipated schedules and how the two projects will blend together.**

6. *The applicant should be prepared to provide testimony to the Board about the definition of "Community Solar" and the proposed end users of the electricity generated on the property. Testimony will be provided regarding the Community Solar program.*

#### Site Layout

7. *The proposed solar canopies on the southside of the property will be set back 1.3 feet from the property line. Is the applicant aware of the proposed future roadway alignment along the south side of the property? Is there potential for future conflict / reduced efficiency of the solar panels with street trees that may be planted in that area?*

**The applicant is aware of the proposed future roadway work along the south side of the property. Based on the site plans provided by the other applicant, dated 1/13/21 and prepared by Maser Consulting, there are no proposed street trees along Future Peter Fisher Boulevard. However, if street trees are ultimately required along the roadway, our suggestion would be that they be planted between the curb and sidewalk, with the sidewalk potentially being pushed closer to the subject property to allow for the street trees to fully mature without interfering with the curbs, sidewalks or solar carports. The applicant will consult and coordinate with the other applicant to ensure the projects are fully coordinated.**

#### Landscaping

8. *The application does not include a tree removal plan. It appears that a significant number of the existing trees in the parking lot area will conflict with the proposed solar canopies. The applicant shall provide a tree removal and preservation plan identifying the trees to be removed and accounting for the replacement requirements as outlined in Chapter XXX of the Borough Code.*

**Landscape Plans & Details (Sheets 10-12) have been added to the Site Plan set. The Landscape Plans have been prepared by a Licensed Landscape Architect and depict existing trees and shrubs that will be pruned, removed or replaced as part of the proposed improvements.**

9. *The plans indicate that landscape screening is proposed around the 20'x40' equipment compound and along the Main Street property frontage. No details have been provided for the landscaping. Information should be added to the plans showing the type and location of the proposed plantings, a schedule indicating species, number, planting height, and other relevant information, and details and notes for the plantings.*

**Landscape Plans & Details (Sheets 10-12) have been added to the Site Plan set. The Landscape Plans have been prepared by a Licensed Landscape Architect and provide details, notes and a planting schedule.**

Lighting

10. *The applicant is proposing new LED light fixtures to be mounted on the underside of the solar canopies. Modifications to the site lighting are also proposed as part of the other application pending before the Board. The applicant should be aware of the proposed lighting changes in that application and ensure that the overall lighting design is coordinated to comply with the Borough Ordinance requirements.*  
**The applicant will consult and coordinate with the other applicant to ensure the projects are fully coordinated. The other applicant will not be modifying the current light poles in the areas where the solar carports will be installed.**

Sincerely,

**Shore Point Engineering, LLC**

A handwritten signature in black ink, appearing to read "K. Shelly", with a stylized flourish at the end.

Kevin E. Shelly, P.E.