

EXHIBIT A

From: donotreply@programprocessing.com
To: [Siegelstein, Adam](#)
Subject: RE: TI Application Number NJSTRE1547351962 - Conditional Acceptance
Date: Monday, August 16, 2021 11:04:23 AM

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Quick response

Emergency response

Tips



08/16/2021

Adam Siegelstein
DG MAC 2, LLC
700 Universe Blvd (A1A/JB)
Juno Beach, FL 33408

RE: TI Application Number NJSTRE1547351962 - Conditional Acceptance

Dear Adam Siegelstein:

We are pleased to inform you the above solar project has been conditionally accepted by New Jersey's Clean Energy Program's (NJCEP's) Transition Incentive Program (TI) and has been assigned an Application Number NJSTRE1547351962. The project has been conditionally accepted with a 233.2800 kW (DC) solar electric system. The final acceptance of this initial application is conditioned on completing the solar installation and commencing commercial operation on or before the expiration date of **08/16/2022**.

On May 23, 2018, the Clean Energy Act, L. 2018, c.17 (Act), was signed into law. Among other mandates, the Act directed the Board to adopt rules and regulations to close the SREC Registration Program (SRP) to new registrations once 5.1% of the kilowatt-hours sold in the State are generated by solar electric power connected to the distribution system. N.J.S.A. 48:3-87(d)(3). The Act also directed the Board to complete a study on how to modify or replace the SRP with a Successor Program to encourage the continued efficient and orderly development of solar renewable energy generating sources throughout the State. The Board has entered at least three related Orders, as well as revisions of its regulations, regarding implementation of these provisions of the Act. *Link to Orders can be found under TI Guidelines and Clarifications below.*

The Transition Incentive Program was established by the New Jersey Board of Public Utilities (NJBPU) to provide a bridge between the Legacy SREC Registration Program and the Successor Program. The NJBPU determined that, if the Successor Program is not ready to accept new registrations by the time the 5.1% Milestone is attained, the Board will allow projects to apply to participate in the Transition Incentive Program. The 5.1% Milestone was attained on April 30, 2020. **The Transition Incentive Program opened to new applications on May 1, 2020.**

Your TI Application packet provided us with the following information regarding your solar project:

PROJECT NUMBER	NJSTRE1547351962	PREMISE CONTACT	Steve Livernois
SYSTEM SIZE	233.2800	INSTALLATION ADDRESS	1 Becton Drive Franklin Lakes, NJ 07417
PRIMARY CONTACT (SREC OWNER)	Adam Siegelstein		

Note: This letter is addressed to the Primary Contact (TREC Owner) listed in the TI Certification form signed by the Primary Contact, the Premise Contact, and the Solar Installer.

[1] *This is a standard form letter intended to cover many cases. You should read it carefully for those provisions applicable to your own project but be aware that all the provisions may not be applicable.*

The date of your project's conditional acceptance is 08/16/2021. You must submit a complete Final As-Built Package (Post Construction Certification) and meet all other program requirements on or before the project's expiration date noted in this acceptance letter. If a complete Final As-Built Package is not submitted on or before the expiration date, the application will be cancelled.

By [Order](#) dated November 18, 2020, TI applications with a permission to operate dated prior to May 1, 2020 must submit a complete Final As-Built Package in the online portal no later than December 30, 2020 at 11:59:59 PM EST. TI Applications with a PTO dated prior to May 1, 2020 that submit a complete Final As Built Package by the above deadline will be eligible for a 15- year TREC qualification life that begins on the date the permission to operate was issued by the Electric Distribution Company. Eligibility to generate TRECs will begin on May 1, 2020 and will not extend back to the date of PTO. Projects in this class that do not submit a complete Final As- Built Package by the above-mentioned deadline will be rejected and no longer eligible for the TI Program.

When your Final As-Built packet is deemed complete, you may be randomly selected for an on-site inspection. You will be notified via email if you are selected for an on-site inspection, and you will thereafter be contacted by a Program Representative to schedule the inspection. If you are not so selected, you will be also notified of that via email.

Upon satisfactory completion of all program requirements, the owner of the TRECs will be issued an NJ TREC Certification Number and instructions regarding how to register the solar PV generating system at PJM GATS. The NJ TREC Certification Number is a distinct number that is assigned based on the solar installation project type that is associated with the specific factor. *For additional information on Project Type and Factors see TI Guidelines and Clarification below.*

More detailed information regarding the TI Program can be found on the NJCEP website at [Transition Incentive Program Online Portal](#). In addition, certain additional explanations, caveats, clarifications, and conditions are set forth under the *TI Guidelines and Clarification* section below.

If you have questions or concerns about your TI application, please feel free to contact us at njreinfo@njcleanenergy.com.

Thank you for participating in the Transition Incentive Program.

Transition Incentive Program
New Jersey Clean Energy Program TM
c/o TRC
317 George Street, Suite #520
New Brunswick, NJ 08901

CC:
Steve Livernois
Adam Siegelstein

TI Guidelines and Clarifications

Special Reporting Required for Net Metered Projects greater than 1 MW

For the above projects, Quarterly Milestone reports must be submitted to the TI Processing Team within two weeks of the quarters ending on March 31, June 30, September 30 and December 31. If there is a change to the ownership of the TRECs from the initial TI Application, this change should be noted on the TI Milestone Reporting Form and a copy of the newly executed contract reflecting the new owner and a revised TI Certification Form should be included with the Milestone Reporting form at the next quarterly submission. Quarterly reports can be submitted in the online portal or via email to njreinfo@njcleanenergy.com. The Milestone Reporting Form and instructions on how to submit this form can be found at www.njcleanenergy.com. Note: The requirements of this paragraph do not apply to residential projects.

Revenue Grade Meter Requirements

All solar energy systems eligible to earn TRECs must report system production based upon readings from a revenue-grade meter that meets the American National Standards Institute (ANSI) Standard C12.1-2008. This meter is in addition to the electric meter installed by the local utility to measure the home or business' electric consumption. The approved list of revenue grade meters accepted in TI can be found at [solar production meters](#).

TREC Eligibility for Adding Capacity to an Existing Solar System

If you are adding capacity to a previously installed system that participated in the SREC Registration Program or any previous NJ solar program where the solar system was eligible for SRECs (Solar Renewable Energy Certificates), you are *required* to install a new revenue grade meter for the added capacity.

Interconnection and Authorization to Energize Requirements

This letter does not constitute a determination of eligibility to interconnect the project to the distribution system in New Jersey. Net metered project owners or their developers must follow the Net Metering and Interconnection process required by New Jersey law at N.J.A.C.

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This letter does not constitute a determination of eligibility to interconnect the project to the distribution system in New Jersey. Net metered project owners or their developers must follow the Net Metering and Interconnection process required by New Jersey law at N.J.A.C. 14:8-4.1 through 14:8-5.9 and facilitated by their Electric Distribution Company (EDC). The TI Processing Team does not review the estimated system production and historical onsite consumption for projects to determine eligibility for net metering purposes. Applicants must obtain the required approval from their EDCs or they may be at risk of proceeding with a project that the EDC refuses to interconnect based on its review of the system output and historical consumption. Among other things, on-site load must be at least equal to project generation before a net-metered system may be energized or final program acceptance issued.

Applicants must also obtain authorization to energize their interconnected system from their EDC. If it is determined that the date of the EDC Authorization to Energize is after the expiration date referenced in this letter, the TI application will be terminated, and the applicant will be required to begin the entire application process by submitting a new initial application package. A Final As-Built (Post Construction Certification) package must be submitted within 90 Days from the date of the permission to operate.

The Final As-Built Checklist requires, among other things, proof that the relevant EDC has

approved the interconnection with the EDC's Electrical Distribution System (i.e., grid) and issued a Notice of Authorization to Energize.

Transition Incentive Renewable Energy Certificates (TRECs)

Once a qualified solar project is interconnected with the Electric Distribution System in New Jersey and is authorized to be energized by the EDC, the system is able to produce electricity and is eligible to begin earning TRECs. One TREC is earned each time a project generates 1,000 kilowatt-hours (kWh) of electricity.

TI Guidelines and Clarifications (cont.)

Extensions

The Transition Incentive Program does not allow for any extensions.

Project Types and Factors

The Transition Incentive is structured as a factorized renewable energy certificate. The factors allow the TREC to provide differentiated financial incentives for different types of solar installation. Using the table below, the project type must be identified in the online portal to determine the appropriate factor for TREC eligibility. Applicants with projects for which more than one factor may apply (e.g., a project that is partially roof mounted and partially ground mounted) may split their project and submit separate applications for each project type. Each application will receive a distinct TI project number, acceptance date and expiration date and NJ Certification Number. Failure to split the project into two separate projects and applications would result in the lower factor applying to the entire project.

Applicants that submit separate applications for solar installations that have more than one factor are required to install a designated revenue grade meter for each system.

<u>Project Type</u>	<u>Factor</u>
Subsection (t): landfill, brownfield, areas of historic fill.	1.00
Grid supply (subsection (r)) rooftop	1.00
Net-metered non-residential rooftop and canopy	1.00
Community Solar	0.85
Grid supply (subsection (r)) ground mount	0.60
Net-metered residential ground mount	0.60
Net-metered residential rooftop and canopy	0.60
Net-metered non-residential ground mount	0.60
Floating Solar	0.60

Changing TREC Ownership

Applicants that have a change to the System or TREC ownership must provide a copy of the newly executed contract reflecting the new owner together with a revised TI Certification form. If the change in ownership occurs after the NJ TREC Certification Number has been issued, please contact GATS for guidance on how to make this change.

TI Guidelines and Clarifications (cont.)

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Project Type	Factor
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Community Solar	0.85
Grid supply (subsection (r)) ground mount	0.60
Net-metered residential ground mount	0.60
Net-metered residential rooftop and canopy	0.60
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The assigned Project Number and the Permission to Operate (PTO) dates for previously installed solar systems can be found on the Solar Installation Report at [*Solar Reports.*](#)

Location of TI Program Forms and Documents

The Final As-Built Checklist and other program forms can be found at www.njcleanenergy.com.

Related Board Orders

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From: donotreply@programprocessing.com
To: [Siegelstein, Adam](#)
Subject: RE: TI Application Number NJSTRE1547352275 - Conditional Acceptance
Date: Monday, August 16, 2021 11:05:15 AM

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08/16/2021

Adam Siegelstein
DG MAC 2, LLC
700 Universe Blvd (A1A/JB)
Juno Beach, FL 33408

RE: TI Application Number NJSTRE1547352275 - Conditional Acceptance

Dear Adam Siegelstein:

We are pleased to inform you the above solar project has been conditionally accepted by New Jersey's Clean Energy Program's (NJCEP's) Transition Incentive Program (TI) and has been assigned an Application Number NJSTRE1547352275. The project has been conditionally accepted with a 1494.1500 kW (DC) solar electric system. The final acceptance of this initial application is conditioned on completing the solar installation and commencing commercial operation on or before the expiration date of **08/16/2022**.

On May 23, 2018, the Clean Energy Act, L. 2018, c.17 (Act), was signed into law. Among other mandates, the Act directed the Board to adopt rules and regulations to close the SREC Registration Program (SRP) to new registrations once 5.1% of the kilowatt-hours sold in the State are generated by solar electric power connected to the distribution system. N.J.S.A. 48:3-87(d)(3). The Act also directed the Board to complete a study on how to modify or replace the SRP with a Successor Program to encourage the continued efficient and orderly development of solar renewable energy generating sources throughout the State. The Board has entered at least three related Orders, as well as revisions of its regulations, regarding implementation of these provisions of the Act. *Link to Orders can be found under TI Guidelines and Clarifications below.*

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Your TI Application packet provided us with the following information regarding your solar project:

PROJECT NUMBER	NJSTRE1547352275	PREMISE CONTACT	Steve Livernois
SYSTEM SIZE	1494.1500	INSTALLATION ADDRESS	1 Becton Drive Franklin Lakes, NJ 07417
PRIMARY CONTACT (SREC OWNER)	Adam Siegelstein		

Note: This letter is addressed to the Primary Contact (TREC Owner) listed in the TI Certification form signed by the Primary Contact, the Premise Contact, and the Solar Installer.

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Upon satisfactory completion of all program requirements, the owner of the TRECs will be issued an NJ TREC Certification Number and instructions regarding how to register the solar PV generating system at PJM GATS. The NJ TREC Certification Number is a distinct number that is assigned based on the solar installation project type that is associated with the specific factor. *For additional information on Project Type and Factors see TI Guidelines and Clarification below.*

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Thank you for participating in the Transition Incentive Program.

Transition Incentive Program
New Jersey Clean Energy Program TM
c/o TRC
317 George Street, Suite #520
New Brunswick, NJ 08901

CC:
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This letter does not constitute a determination of eligibility to interconnect the project to the distribution system in New Jersey. Net metered project owners or their developers must follow the Net Metering and Interconnection process required by New Jersey law at N.J.A.C.

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<u>Project Type</u>	<u>Factor</u>
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Grid supply (subsection (r)) ground mount	0.60
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TRANSITION PURSUANT TO P. L. 2018, C.17

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EXHIBIT B

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP
61 South Paramus Road
Paramus, New Jersey 07652
(201) 928-1100
Attorneys for DG MAC 2, LLC

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**I/M/O/REQUEST FOR EXTENSION OF TREC
ELIGIBILITY FOR TI APPLICATION NOS. NJSTRE1547351962 AND NJSTRE1547352275** **BPU DOCKET NO.:**

I, Matthew G. Ulman, of full age, do hereby certify as follows:

1. I am the Vice President, Distributed Generation, NextEra Energy Resources, LLC (“NEER”). NEER is the indirect parent of Petitioner, DG MAC 2, LLC.

2. In my capacity, I oversee NEER’s development of distributed generation throughout the United States including: (1) a 233.28 kW DC solar project under Transition Incentive (“TI”) Application No. NJSTRE1547351962 (“Rooftop Project”); and, (2) a 1494.15 kW DC solar project under TI Application No. NJSTRE1547352275 (“Carport Project”) in New Jersey (collectively, the “Projects”).

3. As such, I am familiar with the facts and circumstances concerning this matter and I make this Certification in support of and on behalf of the instant Petition seeking: (1) a one-month extension of time until September 16, 2022 to complete construction and commence operation of the Rooftop Project; and, (2) a one-year extension of time until August 16, 2023 to complete construction and commence operation of the Carport Project.

Project History

Interconnection

4. On April 21, 2021, Petitioner's affiliate, DG MAC I, LLC, and Becton Dickinson and Company executed a Power Purchase Agreement ("PPA") for the development, construction and operation of Rooftop and Carport Projects at the corporate headquarters of Becton Dickinson in Franklin Lakes, New Jersey.

5. On July 27, 2021, Petitioner applied for incentives pursuant to the New Jersey Clean Energy Program TI Program. The Projects received acceptance under the TI program on August 16, 2021 conditioned on "completing the solar installation and commencing commercial operation by August 16, 2022." See TI Application Number NJSTRE1547351962 - Conditional Acceptance (August 16, 2021); TI Application Number NJSTRE1547352275 - Conditional Acceptance (August 16, 2021).

6. On October 14, 2021, Petitioner submitted interconnection applications to Orange and Rockland Utilities, Inc. ("ORU") for both the Rooftop and Carport Projects. In February 2022, ORU provided preliminary interconnection results for both Projects.

7. With respect to the Rooftop Project, based upon the preliminary interconnection results, a supplemental interconnection study was commenced on March 13, 2022. Supplemental results were provided by ORU for the Rooftop Project on April 20, 2022. Thereafter, on April 27, 2022, ORU provided Conditional Approval for Interconnection to the Rooftop Project. Final interconnection approval is anticipated after completion of construction of the Rooftop Project in mid-August 2022.

8. ORU determined that a Coordinated Electric System Interconnection Review ("CESIR") Study was required to analyze the Carport Project's potential impact to the utility

system and determine what system upgrades, if any, will be required. Petitioner elected to proceed with the CESIR Study on March 11, 2022. ORU invoiced Petitioner for the cost of the CESIR study for the Carport Project on March 27, 2022. Petitioner paid the \$10,000 CESIR Study fee on April 1, 2022. Per ORU, the CESIR Study was anticipated to be completed within approximately 60 business days. Based on that timeframe, DG MAC 2, LLC expected the CESIR Study results in June 2022. However, to date, the CESIR Study for the Carport Project is not complete.

Local Permits

9. On October 25, 2021, Petitioner submitted an Application for Final Site Plan to the Borough of Franklin Lakes. The Application for Final Site Plan was deemed complete on February 16, 2022. On April 20, 2022, the Borough of Franklin Lakes granted Final Site Plan approval for both Projects.

10. In May 2022, the Petitioner retained Advanced Solar Projects as the contractor to construct the Rooftop Project. On June 6, 2022, the Petitioner submitted a building permit for Rooftop Project to the Borough of Franklin Lakes, which was granted on June 29, 2022.

Construction

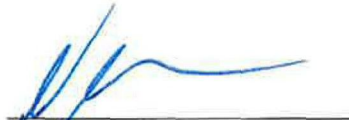
11. Construction commented on the Rooftop Project on July 11, 2022. Construction of the Rooftop Project is expected to be completed on or about August 10, 2022. As stated above, final interconnection approval for the Rooftop Project from ORU is anticipated shortly after the completion of construction in mid-August 2022.

12. The Petitioner is unable to begin construction of the Carport Project until the CESIR Study process is complete. The Petitioner has designed the Carport Project to 60% level engineering and solar modules and inverters were procured. However, in the absence of the CESIR

Study, Petitioner is unable to engage in final engineering for the Carport Project as the final upgrades and associated cost of interconnection is not yet known.

13. For all of the reasons stated herein, as well as those set forth in the accompanying Petition, Petitioner has demonstrated that good cause exists to extend the deadline to complete construction and commence commercial operation for the Rooftop Project until September 16, 2022 and for the Carport Project until August 16, 2023.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



Matthew G. Ulman
Vice President, Distributed Generation
NextEra Energy Resources, LLC

Dated: August 12, 2022

EXHIBIT C

From: [Rockland Electric Company](#)
To: [Branham, Charlie](#); [tony_albanese@](#)
Cc: [Branham, Charlie](#)
Subject: Distributed Generation (DG) Conditional Approval: Becton Dickinson (DGINT-01384)
Date: Wednesday, April 27, 2022 6:36:57 AM

Caution - External Email (donotreply@powerclerk.com)

[Report this Email](#)

[Quick response](#)

[Emergency response](#)

[Tips](#)

Dear Charlie Branham,

Rockland Electric Company has conditionally approved your application to interconnect a distributed generation (DG) system as follows:

Name: Becton Dickinson

Address: 1 BECTON DR, E5, FRANKLIN LAKES NJ 07417

Account number: 78737-43006

Project number: NJINT-01384

Generator AC Rating (Total in kW): 167

Generator Type: SOLAR

Please upload your Construction Drawings to Power Clerk for review. Contractor Certification, Certificate of Completion and Electrical Inspection Certificate and As-Built Drawings to **PowerClerk** within five (5) business days after you have completed your installation. A verification test to be witnessed by the Rockland Electric Company is required and will be scheduled after receipt of proper documentation. A final interconnection approval will be issued if the verification test results are satisfactory.

NOTE: inverter settings should be the default settings per IEEE 1547-2018 for Voltage, Frequency and Ramping (as shown below). We will verify the settings during the Witness Verification Test. "Enter Service" ramp should be linear over a 5 minute period. The default rate should be the project's AC nameplate divided by 5 minutes. For example, if your project's nameplate is 5MW then the resulting ramp rate is 16.6kW per second.

1547-2018 for Category 1 DER

Voltage Trip	Pickup	Time	Frequency Trips	Pickup	Time
OV2	1.20 p.u.	0.16 s	OF2	62.0 Hz	0.16 s
OV1	1.10 p.u.	2.0 s	OF1	61.2 Hz	300.0 s
UV1	0.88 p.u.	2.0 s	UF1	58.5 Hz	300.0 s
UV2	0.45 p.u.	0.16 s	UF2	56.5 Hz	0.16 s

We encourage you to test and program your inverter/s prior to the Witness Verification Test.

Note: The DG system should **not** be permanently energized until final approval has been

granted.

Please email or call if you have any questions and reference your project number: NJINT-01384.

Sincerely,
DG Team
ORU_DG@oru.com
845-577-3683

EXHIBIT D

**CONFIDENTIALLY
FILED**

EXHIBIT E

**RESOLUTION OF APPROVAL FOR AMENDED
SITE PLAN APPROVAL and SOIL MOVEMENT PERMIT**

APPLICANT: DG MAC 2, LLC
700 UNIVERSE BOULEVARD
JUNO BEACH, FLORIDA 33408

OWNER: BECTON DICKINSON
1 BECTON DRIVE
FRANKLIN LAKES, NEW JERSEY

PROPERTY: BLOCK 1422; LOT 1

PLANNING BOARD FILE NO.: FLK – 2022-01

WHEREAS, the lands and premises relevant to the within Application are set forth above. The Applicant herein is DG MAC 2, LLC (hereinafter, “DG”), an entity engaged in the installation of solar arrays for the purpose of electricity generation and the Property Owner herein is Becton Dickinson & Company (hereinafter, “BD”). BD is also the sole user of the Property for its corporate purposes; and

WHEREAS, DG has made application to the Planning Board of the Borough of Franklin Lakes (the “Board”) for an Amended Site Plan Approval for the purpose of installing ground mounted solar panels within the existing parking lots on the Property including, but not limited to, a recently approved parking area, as well as for the installation of a rooftop solar panel installation, which application (the “Application”) was heard by the Board at public hearings on April 6, 2021(hereinafter, “the Hearing” or “Public Hearing”); and

WHEREAS, the Property is located in the HOB-RL “Highway, Office Building, Research and Laboratory Zone” of the Borough and contains 123.8 acres and includes wetlands, wetlands buffers, steep slopes and is improved with a large corporate campus and ancillary uses; and

WHEREAS, in connection with the aforesaid development, the Applicant requires no variances or waivers but is obligated to comply with the Borough’s Site Plan Ordinance and Chapter 408 of the Borough Code entitled “Solar Energy Systems”; and

WHEREAS, the Applicant and the Board introduced the following Exhibits into evidence by submission, or during the Hearing. The within list may differ from Documents marked during the Hearing:



A-1	A Plan set (5 sheets) entitled, "Amended Preliminary and Final Major Site Plan for Proposed Solar Canopies at Becton Dickinson Corporate Headquarters, 1 Becton Drive, Franklin Lakes, NJ 07417, Block 1422, Lot 1, Borough of Franklin Lakes, Bergen County, New Jersey," dated November 1, 2021, revised January 21, 2022, prepared by Omland & Osterkorn, Inc.
A-2	A Plan entitled, "Exhibit for Proposed Solar Canopies at Becton Dickinson Corporate Headquarters, Fire Truck Circulation Plan, Block 1422, Lot 1, Borough of Franklin Lakes, Bergen County, New Jersey," dated January 7, 2022, prepared by Omland & Osterkorn, Inc.
A-3	A Plan entitled, "Becton, Dickinson and Company, PV Carport Photometrics, 18-02 NJ-208, Franklin Lakes, NJ 07147," dated January 20, 2022, prepared by Construction Engineering Group.
A-4	An 11-inch by 17-inch Plan entitled, "Becton Dickinson Carport Elevation Profiles," dated December 21, 2021, prepared by MBARC Construction, Inc.
A-5	Omland & Osterkorn, PE, Cover and Revisions Submission Letter, dated February 1, 2022
A-6	Photo Display of 3 Conceptual Photographs depicting the Proposed Improvements "In Place", Including an Aerial and Two Canopy Photographs
B-1	Letter Report, Eileen Boland, PE, Boswell Engineering, dated February 16, 2022

WHEREAS, Planning Board Engineers, Boswell Engineering, Eileen Boland, PE, submitted the Report set forth above and provided testimony as necessary; and

WHEREAS, at Public Hearings, the following relevant testimony was adduced through Applicants' counsel, Nancy A. Lottinville, Esq. ("Lottinville"), of the law firm of Prime & Tuvel,

Esqs., utilizing the following witnesses: 1) Kiersten Osterkorn, PE, of Omland & Osterkorn Engineering (“Osterkorn”); 2) Charles Branham, Project Manager, DG MAC2, LLC (“Branham”); Anthony Albanese, Manager, Becton Dickinson (“Albanese”). Additional testimony was provided by 1) Eileen Boland, PE of Boswell Engineering (“Boland”).

TESTIMONY

1. The proceedings in this matter were voice recorded. The Testimony, Statements of Fact and Findings of this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.
 2. At the April 6, 2022 hearing, collectively, Applicant DG’s witnesses summarized the background of the proposed solar energy improvement project on the Property. It was noted that in 2018, a 298 parking space parking area (including 6 with electric charging stations) was created on the Property. Subsequently, rooftop solar arrays were installed on the buildings. The Board was advised as to the specifics of the pending Application: 1) Additional rooftop solar arrays; 2) The installation of 8 canopies – over existing parking spaces – to support solar energy panels and provide energy for the use of the BD as well as to, if excess energy is generated, to upload to the general “power grid” to the benefit of BD and Rockland Electric Corporation – the local electric public utility; 3) The installation necessary mechanical and switching equipment (known as a “Transformer” and “Switch Gear”) for the system to perform its’ purpose.
 3. Osterkorn was qualified and offered testimony as the Project Engineer. She testified that she prepared the Site Plans on behalf of the Applicant. She testified as to the existing conditions - by reference to Exhibit A-1 and as to the configuration of the Applicant’s Property – both before and after the installation of the proposed improvements.
 4. Osterkorn testified that there would be no changes in the total number of parking spaces and that 8 parking areas (both double and single rows) would be covered with “carports” or “canopies” capable of supporting solar arrays. The length of each of these 8 canopies would vary based upon the length of the parking row beneath. Canopies covering a single row of vehicles would be 26.5’ wide and between 9’ and 19’ in height with a 7% slope between the “high side” and the “low side” to facilitate water and snow runoff and properly “angle” the canopy toward the sun. Canopies covering a double row of vehicles would be approximately 50’ wide and between 9’ and 19’ in height with a 7% slope
-

between the “high side” and the “low side”. (See, A-4) All wiring would be below ground and placed in a manner so as to limit trenching to the greatest extent possible. Under-canopy and pole lighting is proposed in the parking lot as shown by the Photometric Site Plan (See, A-3) and it is indicated that pole lighting would be “no worse” than presently existing and that the under-canopy lighting “lowered and contained” much of the parking areas lighting and provided for “directed lighting”. Conceptual Photographs (Exhibit A-6) also depict the canopies proposed on both a small and large scale.

5. In addition to the canopies themselves, Mechanical Equipment is required and proposed in one of two locations: 1) The north central portion of the parking lot – approximately 350’ from the nearest home; or 2) In the south-east portion of the parking lot located between the body of the parking lot and Route 208. The Applicant and the Board expressed a strong preference for Option 2 and – while the Mechanical Equipment would be permitted on a Site Plan in either location – the Applicant should make every effort to place same at the location designated as Option 2. Osterkorn testified that the Mechanical Equipment consisted of a “Transformer” and “Switch Gear”. The Transformer would be approximately 5’ high and surrounded by a 6’ fence surrounded by landscaping. The Switch Gear is approximately 6’ in height and will be surrounded by a fence of similar height (also surrounded by landscaping). If such fencing is not available, the Switch Gear will be surrounded by a 6’ fence and substantial landscaping higher than the Switch Gear unit so it will not be visible above the top of the surrounding fence.
 6. Osterkorn testified that canopy design, and especially canopy length, is subject to accurate measurement to assure that Emergency Vehicles and Fire Trucks had full access through and around the parking area. Such circulation and access are more fully set forth in the Fire Truck Circulation Plan marked as Exhibit A-2.
 7. Osterkorn further testified that 18 trees are proposed to be removed during the canopy installation of between 7” and 24” in diameter. This removal is required because the trees interfere with and “shadow” the canopy and solar panels. (See A-1, Sheet 4) Additional landscape plantings were described by the witness and are more specifically set forth on A-1, Sheet 5. As a result of the proposed Tree Removal, Borough Ordinance provides that the removed trees must be either replaced on site or the appropriate contribution to the municipal tree replacement fund be made for 34 trees.
-

8. Osterkorn testified that the additional roof panels proposed by the Application were conforming and well below the maximum building height. No variance is required for the installation of these panels and they were described as "Phase II" of the prior placement of rooftop solar panels.
9. Branham testified that he was a Project Manager for the Applicant. He estimated that the Project would provide approximately 20% of the electricity use on the BD Property and that excess electricity was available for sale back to the local electric utility lessening their need to provide full generation to serve all customers. He testified that associated Mechanical Equipment was limited to a "low hum" and that upon completion of the Project, the Applicant (not BD) would own, operate, and maintain the equipment. He testified that the canopies are constructed of steel and other non-combustible materials, and they are properly rated for fire, wind, and snow loads.
10. Albanese testified that he was the Facilities Manager on the Property for in excess of 30 years. He testified as to specifics of site operations and the fact that 6 Electric Vehicle charging spaces were available in the parking lot. He further testified that conduit proposed for the installation of this solar application contemplate the addition of approximately 150 additional Electric Vehicle Charging Stations ("EVCS") at existing parking spaces on the Property. This number is well in excess of the EVCS required by statute.
11. Boland provided information in order to review the Application for compliance with Borough Ordinance 408 as regards "Solar Energy Systems" (See, B-1). Based upon a review of B-1 and the information provided by Boland, the Board has verified the Applicant's compliance with said Ordinance.
12. The Applicant seeks to move approximately 700 cy of soil. The Applicant has complied with the Soil Movement Ordinance as demonstrated by A-1 and B-1.

CONCLUSIONS AND DETERMINATIONS

34. The Applicant requires the following approvals, variances or waivers:
 - A. Amended Site Plan Approval;
 - B. Soil Moving Permit.
 - C. A waiver of submission requirements as set forth herein.
-

35. The Applicant requires no bulk variances in connection with the Improvements proposed in the Application. No bulk variances are required for the structure or other site improvements. The Applicant requires only an Amended Site Plan and Soil Moving Permit.
36. The Applicant has complied with all requirements of the Borough's Site Plan Ordinance and, therefore, the Applicant is entitled to the requested Amended Site Plan Approval. It is well settled law that the Board has no authority to deny a fully conforming Site Plan and there is no question that the proposal complies with the Site Plan and Soil Moving Ordinance.
37. The Applicant has sought minor submission waivers with regard to this fully existing and developed Property. The Board finds it can proceed in this matter without this information on this fully developed Property and determines it may move forward on this Application without these items.
38. Thus, the Application is approved by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Applications for relief are approved by this Board as set forth above subject to the conditions set forth below:

- A. Applicant shall comply with Chapter 404 of the Borough Code addressing soil removal.
 - B. Applicant shall comply with Chapter 408 of the Borough Code addressing solar energy systems.
 - C. Except as discussed and resolved during the Public Hearings, the Applicant shall comply with all requirements as contained in the report of Boswell Engineering provided, however, that the same does not contravene the terms and conditions of the Resolution or the Developer's Agreement.
 - D. The Applicant shall obtain all necessary approvals from all entities maintaining jurisdiction over the Property.
 - E. Construction of all lighting in accordance with proposed plans and Borough design requirements. The Applicant has agreed to review same with the Board Engineer at any future time after completion of the project to assure that same is adequate but not obtrusive or negatively impactful on the adjoining Property Owners. The Applicant shall comply with the requirements of the Board Engineer. In the event that the Applicant refuses or fails to comply with those suggestions, the Applicant must return to the Board and apply for lighting that deviates from the requirements of the Board Engineer.
 - F. Applicant shall not commence any work on the Property prior to the issuance of the appropriate building permit or permits by the Borough.
 - G. In the event of any violation of the terms and conditions of this Resolution of Approval, the Planning Board Engineer shall issue a Stop Work Order on said lands and premises until said violation has been corrected and is in compliance with the requirements of this Resolution and the Zoning Ordinance of the Borough and approved by the Borough of Franklin Lakes Planning Board Engineer.
-

- H. The Applicant shall comply with all other applicable Federal, State, County and Municipal rules and regulations.
- I. The Applicant is obligated to replace 34 trees. The replacement may be on, or off, the Property and all locations or contributions shall be determined in conjunction with the Shade Tree Commission, Borough Tree Expert and the Board Engineer.
- J. The Applicant shall comply with all necessary requirements as relate to Non-residential Development Fee and Affordable Housing requirements if any.
- K. Mechanical Equipment may be placed in either of the two locations specified herein with the strong preference that the be located in the area designed as "Option 2" and placed in the South-East corner of the Property.
- L. Mechanical Equipment shall be shielded as follows: Transformers of approximately 5' high shall be surrounded with a 6' fence that is further shielded with plantings that will approximate the height of the fence. Switch Gear of approximately 6' in height will be surrounded with a 7' fence (if available) or a 6' fence that is further shielded with plantings of 7' in height or greater.
- M. Applicant shall "close out" and complete all requirements of any prior Application for approvals.
- N. In the event that the Applicant is obligated to comply with the Electric Vehicle Law (S3223), the Applicant shall do so.

This is to certify that the above and foregoing Resolution was duly adopted by the Planning Board of the Borough of Franklin Lakes on the ²⁰ day of *April*, 2022.

 (SEAL)

Diane Lilienthal, Clerk
Franklin Lakes Planning Board



EXHIBIT F

PROPERTY MUST BE
MAINTAINED
AT ALL TIMES
DURING CONSTRUCTION



Date issued
Control #
Permit #

6/29/22

22-CP0406

CONSTRUCTION PERMIT NOTICE

Block 1422 Lot 1 Qualification Code _____

Work Site Location: 1 Burtan

AUTHORIZED FOR:

TRENCH INSPECTION REQUIRED FOR SEPTIC

BUILDING

ELECTRICAL

PLUMBING

FIRE PROTECTION

ELEVATOR DEVICES

DEMOLITION

OTHER _____

Description of Work:

Roof top Solar

This notice shall be posted conspicuously at the work site and shall remain so until issuance of a certificate.

EXHIBIT G

**CONFIDENTIALLY
FILED**