

@

cc: Adm.  
Gene B.

**BEATTIE PADOVANO, LLC**

COUNSELLORS AT LAW  
50 CHESTNUT RIDGE ROAD

P.O. BOX 244

MONTVALE, NEW JERSEY 07645-0244

(201) 573-1810

HACKENSACK AREA

(201) 489-3012

www.beattielaw.com

RALPH J. PADOVANO (NJ, NY BARS)  
MARTIN W. KAFAFIAN (NJ, NY, DC BARS)  
ADOLPH A. ROMEI (NJ, NY BARS)  
JOHN J. LAMB (NJ, NY BARS)  
ANTIMO A. DEL VECCHIO (NJ, NY, DC BARS)  
ROBERT A. BLASS (NJ, NY BARS)  
IRA J. KALTMAN (NJ, NY BARS)  
ARTHUR N. CHAGARIS+ (NJ, DC BARS)  
STEVEN A. WEISFELD (NJ, NY BARS)  
IRA E. WEINER (NJ BAR)  
MARY ELLEN B. OFFER (NJ, NY BARS)

COUNSEL TO THE FIRM

JAMES R. BEATTIE (NJ, NY, DC BARS)  
ROGER W. BRESLIN, JR. (NJ BAR)  
THOMAS W. DUNN (NJ BAR)  
JOSEPH A. RIZZI (NJ BAR)

OF COUNSEL

FRANCIS B. SHEEHAN (NJ, NY BARS)  
DANA B. COBB (NJ, NY BARS)  
BRENDA J. STEWART (NJ BAR)  
EMERY C. DUELL (NJ, CA, NY BARS)

+Certified by the Supreme Court of  
New Jersey as a Civil Trial Attorney  
OUR FILE NO. 009573

KATHLEEN S. COOK (NJ, NY, GA BARS)  
VANESSA R. ELLIOTT (NJ, NY BARS)  
KEVIN J. CONNELL (NJ, NY BARS & U.S. PATENT &  
TRADEMARK OFFICE)  
GEORGE G. CAMPION (NJ BAR)

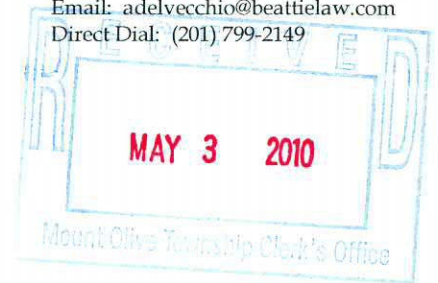
GREGG A. PADOVANO (NJ, DC BARS)  
JAMES V. ZARRILLO (NJ, NY BARS)  
RENATA A. HELSTOSKI (NJ, NY BARS)  
JEANETTE A. ODYNSKI (NJ, NY BARS)  
DANIEL L. STEINHAGEN (NJ, NY BARS)  
ANNALISA SIRACUSA (NJ, NY BARS)  
CRISTIN M. KEEGAN (NJ, NY BARS)

FAX: (201) 573-9736 & (201) 573-9369

WRITER'S DIRECT ACCESS

Email: adelvecchio@beattielaw.com

Direct Dial: (201) 799-2149



April 30, 2010

**Application for Amended Preliminary and  
Final Site Plan Approval  
Block 6801, Lot 7 and Block 6800, Lots 7 and 9  
125 Bartley Flanders Road, and  
Application for Preliminary and Final Site Plan Approval  
and Exemptions  
Block 6800, Lot 9  
316 Route 206  
Mount Olive (Flanders), New Jersey**

**PLEASE TAKE NOTICE** that the undersigned attorneys for Constellation Solar I, LLC an affiliate of Constellation Energy Projects and Services Group, Inc. (hereinafter the "Applicant"), with the consent of the record owner, Benjamin Moore & Co. who owns the properties known as 125 Bartley Flanders Road and 316 Route 206, Flanders, New Jersey and more formally known as Block 6801, Lot 7 and Block 6800, Lots 7 and 9 on the current Tax Assessment Map of the Township of Mount Olive, New Jersey (hereinafter collectively the "Property") has filed an application for Amended Preliminary and Final Site Plan approval in connection with the construction of a photovoltaic energy facility primarily located on the portion of the property designated as Block 6801, Lot 7 to generate solar electricity for the existing Benjamin Moore industrial building located on the adjacent portion of the Property known as Block 6800, Lot 9. The Property designated as Block 6801, Lot 7 is currently vacant and used as farm land. The Property designated as Block 6800, Lot 7 is vacant and will not be impacted by this application. Block 6800, Lot 9 is the current location of the Benjamin Moore industrial building which Property will be disturbed to allow for the electrical/utility connection

*Thirty-Nine Years of Service*

April 30, 2010

Page 2

from Block 6801, Lot 7 to Block 6800, Lot 9. To permit the utility connection, there is a proposed underground conduit proposed to be installed under the High Bridge Branch Railroad utilized and operated by the Morristown & Erie Railway Inc. for which the railroad's consent has been obtained as well as the approval from the County of Morris which is pending. The property on which the railway operates is designated as Block 5, Lot 1 and is currently owned by the County of Morris for which an easement has been requested. The Property is located in the GI-General Industrial Zone of the Township of Mount Olive.

**PLEASE TAKE FURTHER NOTICE** that on December 21, 2009, the Mount Olive Zoning Board of Adjustment granted Use Variance, Bulk Variance, exemptions as well as Preliminary and Final Site Plan approval to permit the construction of a 1.9 megawatt photovoltaic energy facility (solar energy farm) consisting of an array of ground-mounted photovoltaic panels which are intended to provide electricity to the Benjamin Moore facility located on Block 6800, Lot 9. At this time, the Applicant has filed an application for Amended Preliminary and Final Site Plan approval with the Mount Olive Planning Board (Combined Board) to amend the prior approvals to allow the Applicant to reduce the number of photovoltaic panels to be located on Block 6801, Lot 7 as a result of the determination of the New Jersey Highlands Council that a portion of the area previously intended for the installation of such panels was located within 300' of a designated wetlands. In addition, the plans have been amended to install certain additional landscaping to fulfill the condition of the prior approval granted. No other relief or variances are needed as a result of the proposed amendment to this previously approved plan.

**PLEASE TAKE FURTHER NOTICE** that the Applicant has filed a second application requesting Preliminary and Final Site Plan approval to locate photovoltaic panels as an accessory use to the parking lot of the existing Benjamin Moore industrial building located on Block 6800, Lot 9. As a result of the adoption of N.J.S.A. 40:55D-66.11, such renewable energy facilities are deemed a permitted use within every industrial district in every municipality within the State of New Jersey. The proposed location at which the solar panel canopy structures will be erected will meet all of the bulk requirements of the GI-General Industrial Zone and are intended to be constructed over the existing parking spaces as they exist within the existing parking lot servicing the Benjamin Moore industrial building. The Applicant has filed the application requesting the alternative relief of either bulk or use variance approval should the Planning Board find that the proposed solar canopy structures are not a permitted use.

**PLEASE TAKE FURTHER NOTICE** that the Applicant will also request any and all other variances, exceptions, waivers, de minimis exceptions, interpretations and/or incidental relief from the requirements of the Township of Mount Olive Ordinance that may be required by the Board after a review of the Application.

**PLEASE TAKE FURTHER NOTICE** that the Public Hearing has been scheduled for Thursday, May 13, 2010 at 7:30 p.m. and continuing at such further time as may be further

April 30, 2010  
Page 3

scheduled by the Planning Board in the Township of Mount Olive Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, New Jersey 07828 at which time you may appear if you so desire, before the Planning Board (a combined Board) at the time and place designated above for the purposes of being heard with respect to these applications.

**PLEASE TAKE FURTHER NOTICE** that all documents and plans for this Application have been filed with the Planning Board at the Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, New Jersey 07828 and are available for inspection, Monday through Friday during normal business hours 8:30 am to 4:30 p.m.

BEATTIE PADOVANO, LLC  
Constellation Solar I, LLC

BY: /s/ *Antimo A. Del Vecchio*  
Antimo A. Del Vecchio, Esq.