

RESOLUTION

LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: June 17, 2026

RESOLUTION: LUB 26-15

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Dalo</b>			X			
<b>Warzala</b>			X			
<b>Putrino</b>						X
<b>Agugliaro</b>						X
<b>Yaccarino</b>					X	
<b>Conte</b>						X
<b>Sirico</b>			X			
<b>Wilczynski</b>					X	
<b>Butler</b>			X			
<b>Ensenat - Alt.#1</b>		X	X			
<b>Johnson - Alt. #2</b>	X		X			

Carried  Defeated  Tabled

LUB Application No: 2026-08

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR  
BCE NJ Solar Ten, LLC  
Allendale Industrial Park  
Block 601, Lots 4, 4.01, 4.02, 4.03, 4.04, 5, 6;  
1, 2, 3, 5, 6, 7 Pearl Court & 59 Rte. 17 South

**WHEREAS**, BCE NJ Solar Ten, LLC (“Applicant”), lessee of a portion of contiguous properties located at 1, 2, 3, 5, 6, 7 Pearl Court & 59 Rte. 17 South, known as Block 601, Lots 4, 4.01, 4.02, 4.03, 4.04, 5, 6 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (collectively “Property”), applied to the Land Use Board of the Borough of Allendale, seeking variance relief from provisions of the Borough of Allendale Land Use Code;

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**WHEREAS**, the Applicant sought to perform accessory improvements to the existing principal structures (seven building structures, in total) located at the Property, specifically and primarily include development on areas of the rooftop of the principal structures with solar panels and related / incidental equipment thereto, together with limited ground-mounted accessory equipment and improvements to support the proposed solar facility installation as described on the filed and presented site plans (hereinafter "Installation");

**WHEREAS**, the Property is comprised of approximately 35-acres in the aggregate, located in the E (Industrial) zone, with principal structures located on each building lot;

**WHEREAS**, the Applicant appeared before the Board on May 13, 2026, and was represented by Christopher Quinn, Esq. and together with the Applicant's sworn and qualified witness, to prosecute the Application;

**WHEREAS**, the Applicant sought use variance relief pursuant to N.J.S.A. 40:55D-70d from Borough Land Development Code related to the proposed Installation (note: solar is a permitted accessory use, conditioned upon the utilization of the generated power being limited to serve on-site structures and uses). The use variance relief is required as the power from the Installation will "go back to the supply grid," serving as a community solar project, having private party participation, to be a recipient of the power supplied by the Installation;

**WHEREAS**, the Applicant made a prior (informal and non-binding) presentation to the Borough Governing Body, regarding the proposed facility installation, which was generally supported by the Governing Body, prior to prosecuting the instant Application before the Board;

**WHEREAS**, the Applicant required no bulk / dimensional variance relief from N.J.S.A. 40:55D-70c;

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**WHEREAS**, Mr. Haims confirmed there would be no net loss of parking spaces on the Property;

**WHEREAS**, Mr. Haims confirmed no glare is anticipated from the Installation, given the orientation and buffering of the panels;

**WHEREAS**, Mr. Haims described the community solar program (“Program”), adopted by State in 2023, enabling users / subscribers to secure power credits from the development under the Program, inclusive of providing power credits to lower and moderate-income households, confirming the Applicant has existing operations around NJ both in entitlement and implementation phases;

**WHEREAS**, the Applicant presented Paul Ricci, PP who was sworn and qualified as a licensed expert in the field of professional planning;

**WHEREAS**, Mr. Ricci confirmed he reviewed the code, Master Plan, Community Solar Program materials and related documents in connection with this specific proposal;

**WHEREAS**, Mr. Ricci confirmed use variance relief is required as the power from the solar Installation is proposed to revert to the supply grid, serving as a community solar project, having private party participation, to be a recipient of the power supplied by the installation (with the buildings where the Installation is located not necessarily being subscribers, drawing power from this system, but rather primarily considered anchor tenants and hosts of the system, a system that will service the off-site private subscribers);

**WHEREAS**, Mr. Ricci cited N.J.S.A. 40:55D-66.11 in support of the proposed development, noting the use is inherently beneficial under New Jersey State law, and applying the *Sica* balancing standard to consider the negative criteria;

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**WHEREAS**, Mr. Ricci confirmed the Borough Code predates the State's enactment of enhanced rights for these types (solar / alternative energy) installations under NJ statutory authority;

**WHEREAS**, Mr. Ricci discussed the negative impacts that may be occasioned by proposal, which do not include any impact on parking, traffic, noise, demand for enhanced infrastructure, with the focus being more appropriately on design and construction safety and visual impact;

**WHEREAS**, Mr. Ricci observed there is a direct conflict between the State and Local Codes and the requirement is adherence to the current, State requirement and standards relative to the instant use;

**WHEREAS**, Mr. Ricci testified there would be minimal site disturbance associated with the project and limited, if any, visibility / visual impact occasioned by the proposal once constructed and operational;

**WHEREAS**, Mr. Ricci observed the panels are congruent with the character of the industrial zone and nature of the area;

**WHEREAS**, the Applicant presented Exhibit A-1: Aerial Map (entire site);

**WHEREAS**, no member of the public appeared during the course of the Application;

**WHEREAS**, the Borough of Allendale Land Use Board hereby makes the following findings of fact and conclusions:

1. The Applicant is the lessee of a portion of the Property.
2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.
3. The Property is approximately 35-acres, located at 1, 2, 3, 5, 6, 7 Pearl Court & 59 Rte. 17 South, also known as Block 601, Lots 4, 4.01, 4.02, 4.03, 4.04, 5, on the Tax Map of the Borough of Allendale.

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4. The Property is located in the E (Industrial) Zone.
5. The Applicant submitted a complete Land Use Application and associated documents; filed plans; and, exhibits as noted herein.
6. The Property is developed with multiple nonresidential, principal structures and accessory improvements on multiple building lots.
7. The Applicant's sworn and qualified lay and professional witnesses, through testimony and presentation of the filed plans and exhibits, satisfied the requisite statutory standard, to the satisfaction of the Board, warranting the grant of variance relief, pursuant to N.J.S.A. 40:55D-70d.
8. No member of the public appeared in connection with the application;
9. All Board engineering questions were addressed on the witness' direct testimony.
10. The issue of potential glare and impact to abutting property owners, from a visual perspective, was addressed to the satisfaction of the Board, with confirmation that there would be on undue impact.
11. The Board inquiries relative to panel weight, size, structural bracing and wind / weather-event resistance were addressed to the satisfaction of the Board, with confirmation that all current standards applicable to such installations will be met.
12. The Board was satisfied with the Applicant's explanation as to the rapid shutdown and emergency disconnect timing to be implemented, to address any emergency, together with the recognition that an operations and maintenance provider will inspect the Property on a scheduled basis, to proactively assess system issues and be in a position to identify potential malfunctions prior to arising.

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13. The Board acknowledged the MLUL recognizes renewable energy as an inherently beneficial use and under N.J.S.A. 40:55D-66.11 “a renewable energy facility on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity shall be permitted use within every industrial district of a municipality.”

**NOW THEREFORE BE IT RESOLVED**, based upon the factual and legal evidence, testimony and contentions set forth herein, that the Allendale Land Use Board hereby grants the Applicant’s request for relief from the Borough of Allendale Code, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

1. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the Applicant’s plans, shall be paid in full to the Borough of Allendale by the Applicant, prior to the issuance of any permits.
2. Applicant shall comply with the terms and recommendations of the Board Engineer.
3. Applicant shall submit all design and permitting documents for review and approval of all relevant departments and agencies, including but not limited to the Fire Official.
4. Applicant shall submit to a site inspection(s) with the Board Engineer, to ensure conformance with Borough mandated controls for rooftop and ground mounted equipment.
5. Applicant shall submit a structural feasibility report with the permit filing.
6. Applicant shall file an Operations & Maintenance Manual with Borough;
7. Ground mounted equipment shall be locked and shall be protected by bollards.

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8. Applicant shall add keys to access panels into the existing Knox Boxes in the buildings, if Fire Department deems appropriate, as a means to be able to access the physical shutdown of the system if necessary.
9. Applicant shall undertake and make the site available for a walkthrough with the Fire Department personnel, for training and educational purposes, post-implementation.
10. The Applicant shall satisfy any and all approvals, permits, waivers or other disposition as may be required from any agency having jurisdiction, prior to issuance of permits.
11. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the Applicant's plans, shall be paid in full to the Borough of Allendale by the Applicant, prior to the issuance of any permits.
12. Construction shall proceed in strict accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the Applicant in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.
13. The development and use of the Property shall be wholly consistent with the terms and conditions of this approval, including the representations made related to all business operations.
14. Applicant shall provide a certification that Property taxes are paid current.
15. Applicant shall secure approval from any other agency having jurisdiction and, if so requested by Borough Officials, shall file with the Board and Construction Official an affidavit verifying that the applicant is in receipt of all necessary agency approvals other

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that the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

16. The approval shall be subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Allendale, County of Bergen and State of New Jersey.
17. The Applicant shall be bound by any and all other conditions set forth during the hearing.
18. The approval is subject to compliance with the Statewide Non-Residential Development Fee Act ("SNDFA") N.J.S.A. 40:55D-8.1, et seq. Towards that end, for all non-residential development or mixed use development containing a non-residential component, the applicant shall complete Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" in accordance with the instructions in that form and furnish the Borough Construction Code Official, Tax Assessor and Affordable Housing Counsel the completed form.
19. The Applicant shall comply with all representations and stipulations before the Board during the public hearing process even if those representations and stipulations are not set forth or enumerated specifically herein as conditions.

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the Applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee, therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code

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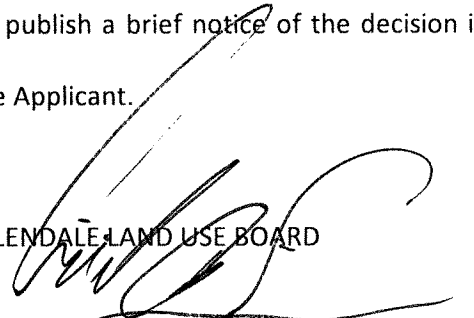
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Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the Applicant.

Approved:

ALLENDALE LAND USE BOARD

  
MICHAEL SIRICIO, Chairman

Attest:

  
JOHN DALO, Vice Chairman

Adopted: June 17, 2026