

**TOWNSHIP OF EVESHAM**

**Planning Board**

**Minutes**

**7:00 P.M.**

**October 17, 2019**

**Municipal Building**

**Call to Order**

Vice-Chairman Parikh made the call to order at 7:05 p.m.

**Flag Salute**

**Statement of Conformance with Open Public Meetings Act**

Vice-Chairman Parikh made the statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Legislation

**Roll Call**

**Present:** Mayor Veasy, Parikh, Levenson, DiEnna, Higginbotham, Friedman, Cortland, Marrone

**Also present:** Norman, Furey, Snee, Darji, Boulton,

**Absent:** Mehigan, Menichini, Maratea

**Continuation of Scheduled Matters**

None

**Unfinished/New Business**

**1. AeroHaven Solar**

**PB19-11**

**Prelim & Final Major Site Plan**

450 Kettle Run Road, Block 63, Lot 1 (EP Zone District)

Applicant is proposing to construct a ground-mounted, ballast-type solar array on a portion of closed landfill with a pole supported array outside capped limits of landfill and an infiltration basin

**David Frank, Attorney**

Chris Norman, Board Solicitor

- Maxwell Peters sworn in
- Andrea DiBernardis sworn in

**Exhibits**

A-1 Aerial Project Site dated October 17, 2019

A-2 Existing Conditions / submitted Plans dated July 12, 2019

A-3 Proposed Layout Grading Sediment Control Plan dated July 12, 2019

David Frank, Applicants Attorney

- Began describing the site of the application
- Landfill; 2ft soil cap

- Geocomposite clay cap maintained
- Owned by Owens Corning
- Paragon partner; continues onsite maintenance
- Exhibit A1 shows property line around the site; Kettle Run Road, 1600ft north
- Odd shape lot; 1628 sq. ft., 45.9 acres
- EP zoning district
- To the north, previously site of Aerohaven airport
- Vacant wooded area east
- Fellowship Alliance Camp west
- Residential area south
- Perimeter / property lines of site
- Landfill central portion
- 11 acres
- Geocomposite clay cap
- Clear fill
- 6 inches of top soil and seed
- Stone access road for maintenance vehicles
- Wooded perimeter of site
- Evergreen and deciduous trees; visual buffer around landfill
- Top elevation of the landfill is 122-138 feet high
- North 138'; slope lower 122'
- 25ft height differential
- N-S grading contour lines
- Series of swales to bring stormwater flow south of site
- Exhibit A3 shows the proposed solar grids
- Southerly facing
- Renewable energy project
- Total area of 22 acres
- 4.72 megawatts electricity
- Front yard setbacks 288ft
- Side yard to north 32.9ft
- Side yard 204.87ft
- Rear 268.72
- Setbacks in conformance with zone
- Panels within landfill
- Series of dots proposing off landfill
- Ballast system – concrete tubs not penetrating into landfill
- Racking system; 105 mile per hr. wind; snow weight
- NJDEP approval
- No detrimental effect
- Installed on angle
- Undulated to keep parallel to each other
- Equipment pad on plan
- 10x20ft cabinet

- Holds converter and electrical meter
- From pad power goes out to utility pole on Kettle Run
- Below ground conduit
- Stormwater design; not considered impervious structure on grass
- Infiltration basin off to side
- Basin will capture additional runoff in accordance with Township standards
- Went through Pinelands Commission for approval
- Will reseed with low growth seeds so doesn't affect panels
- Low maintenance
- Monthly and quarterly in summer
- Covered in grass on site and perimeter; same as now
- Not much maintenance on site
- Maintenance of the panels is monitored off-site
- 2-4x per year may replace panel
- No parking on site
- No landscaping or lighting proposed
- Only light may be on equipment pad
- No signage proposed
- Awaiting NJDEP approval; circulation requirement
- Pinelands won't approve until NJDEP approves

#### Leah Furey Bruder, Planner

- Review letter dated September 16, 2019
- Proposed permitted use
- MLUL granted
- Addressed majority of questions
- Means to enable renewable energy production
- Streamline this type of application
- Will applicant lease the property
- Applicant's Attorney responded Long Term lease with Owens Corning
- Explain how inverter in shed conduit to pole system
- Power generated from site is enough to energize 570 homes
- DC power – converter back
- Mr. Parikh stated that it would be stored in battery and released back when there is no sun
- Multiple ways to store
- Not proposing any storage on site
- Applicant's Attorney said it will be PJM Greek controller
- Acceptance by PJM for electricity to their grid – they will control
- Need balance and interconnection typically at sub distribution level
- Will there be any noise from the inverter
- Mr. Peters responded there is a hum when close by
- Can't hear the hum over cars or birds
- Not at night, no sun no noise

- 25-30year expected life span
- No tree removal required
- Will remove waste

Rakesh Darji, Township Engineer

- Review letter dated September 12, 2019
- Waiver of traffic impact report agreed to; no need
- Testimony on how long project will take, number of employees, hours, etc.
- Andrea DiBernardis stated she was project development manager for AC Power with BS degree; Masters from Penn State for solar energy
- Was accepted as expert
- Typically 3-6 months long project
- Concrete trucks and pickup trucks; larger vehicles for equipment deliveries
- No vents, no wells, no monitoring on existing site
- Only minor mowing; no erosion
- Stormwater management basin; requires maintenance plan in perpetuity
- Applicant's Attorney was amenable but not perpetual
- Condition in resolution as long as existence of life span of drainage basin

Eric Snee, Environmental Engineer

- Review letter dated September 16, 2019
- Applicant objected to cultural resource survey
- No objections
- Environmental Impact Report provided; no objections
- Main concerns DEP oversight of landfills
- Approvals for soil conservation
- Condition of Approval to get all outside permit approvals and documents
- Pinelands typically demand 300ft buffer near wetlands or provide waiver
- Solar panels are being installed 300ft from wetland buffer
- No vegetation removal
- All work within previously disturbed land on site
- Certificate of filing compliance from Pinelands
- Applicant's Attorney agrees to all approvals required being submitted

Public Comment

- Deb Larson; 486 Kettle Run Road
- Sworn in
- Lives on Block 63 Lot 2.01 and Mother in laws land behind her
- Masters degree; registered nurse
- Credible and reliable sites for research
- Remediation
- EPA Official from Owens Corning; secure the site in perpetuity
- Asbestos landfill
- Airborne causes Mesothelioma, Asbestosis

- Concern project has least effect
- Homeowners health
- No detriments to town
- Cap depth now since years of erosion and now ballast on top
- Reports on the amount of soil placed there
- Study to assure ground monitor racks will not pierce
- How many solar farms are on asbestos landfills
- Protect family and value of land
- Buffer is not visually isolated; can see it
- Do not want to look at signage
- Will there be a glare off the solar panels
- High voltage signs on fence
- Lease agreement 25 years
- Have there been studies on carcinogen; panels run off
- Lead, Cadmium, toxic chemicals on the panels
- Reports rainwater can flush out chemicals; even if not broken
- Photovoltaic panel; how do you dispose of them
- Reports on how to monitor natural events; hailstorm, hurricane
- Contingency plan if it goes bankrupt
- Toxic mess left behind
- Environmental concerns; sanctuary for many wild life
- Endangered rattlesnakes, creek runs along property
- Turtles, birds, eagle making comeback
- Deer, fox groundhogs, owls, raccoons, turkeys, and families of dogs
- Applicant's attorney advised this is not a Use Application; therefore not standards of MLUL
- Chairwoman agreed but asked that Attorney address public concerns to help them understand
- Applicant's Attorney stated the systems are highly regulated objects
- Stream of commerce
- Concerns appear legitimate; no real issues with panels
- Proof burden; would like to help understand but not prepared to answer on these comments
- Mr. Peters advised never heard of chemicals leaking out of panels
- If panel breaks, off-site monitoring will be notified and address immediately
- Species concerns – addressed with Pinelands and found no evidence of endangered species
- Landfill Cap is subject of ongoing maintenance and maximum loading and weight is allowed
- Snow loads, wind loads; maximum force push down and allowable; 1000 lbs. per sq. ft.
- Well below maximum with this application
- Nothing to crack the cap
- No high voltage signs; only no trespassing; danger warning signs

- No anti-reflection coating
- Absorbs sun's energy; absorbs power doesn't reflect it
- Electromagnetic transformer components are to code with township
- Applicant's Attorney doing for 20 years
- No legal mechanism under MLUL; closure bonds
- Useful life – post bond
- In all other developments reach conclusion; will have to be removed
- Study cost of removal vs. left at facility
- Value to recycle
- 30ft trees but not measured
- Foliage provides adequate screening
- 2<sup>nd</sup> floor window if really looking for it; may see panel

#### John Ruhl, 6 Yorkshire

- Sworn in
- Advantage for Evesham
- Why would it be approved
- What is the advantage
- Why on southside; the contained area and not the North where there is no asbestos
- Why contaminated area
- Scares hell out of me
- Watched firsthand when they came to do clean up in space suits and it was frightening
- I see the entire mount
- Walk to my home and see it
- Southern end of creek
- Also concerned about leakage into the creek
- 2ft or 10ft; disturbing the land; doesn't matter how far down
- Adjacent to closed landfill; denied a sports complex
- Kettle Run Road concern; so many buses go down road
- People and buses fly down
- Truck coming out of site could cause horrific accident
- Not viable to me
- Very concerned about this; a lot of variables here
- Township Engineer addressed water and wells
- Stormwater standpoint no increase in run off
- Leaking from solar panels; not expert in solar panel composition
- No increase in runoff; stormwater catches; basin treats
- Aquifer much deeper; 200ft
- Applicant's Attorney advised north side is owned by Municipality; not Owens
- Benefit to Evesham; not revenue from lease but taxable revenue
- Clear renewable energy for over 500 homes
- Public policy state of NJ to have these placed on landfills
- Landfills are not desirable for anything else

- Public policy to award opportunities like this to landfills and ground fills
- Significant benefit to Evesham and society in general
- DPU and MLUL permitted use regardless of zoning
- Environmental Engineer added condition of Pinelands; if operations cease; entire facility will be decommissioned
- Landfill cap final cover is 2ft of soil; waste still contained; solid material shouldn't move beyond limits
- Geocomposite layer; 2 layer fabric; non- penetrable

Ryan Greck, Pinelands Preservation Alliance

- Sworn in
- Looked at site plans
- Noticed number of panels built within 300ft of wetlands buffer
- Agree Board is to agree as long as within code
- 300ft listed in Evesham Code as well as Pinelands Code to address wetlands
- Construction to take place on area that is previously disturbed area
- Not sure why received a certificate of filing; which is not a certificate of approval
- Wetlands buffer in place; very sensitive habitats
- Habitat very important; sets dangerous precedent to disregard the 300ft buffer and knock down to 204ft
- Future projects to see this wasn't adhered to is a bad precedent

Benjamin Allen, 26 Winslow Homer Way

- Sworn in
- Speaking in support of project
- Landfill not going anywhere; why not utilize and maximize space to create renewable energies
- Great to use a space that can't be used for anything else to create green space seems like a prudent thing to do

Board Comment:

- Mr. Levenson asked applicant to address site security; area frequently violated by ATVs despite barriers how to keep vandalism out
- Mr. Peters responded that a 6ft tall hurricane fence will be maintained; fence around perimeter is in good condition
- Not aware of any visitors or ATVs around the site; no visible tracks
- Not proposing security cameras; no guards at gate
- Mr. Parikh asked if site is decommissioned basin will be backfill will that be level land there
- Township Engineer's recommendation is the maintenance would be specific to drainage basins so verbiage on deed restrictions say applicant would be maintained until basin is removed
- Mr. DiEnna asked if equipment pad would have substantial element; structure that sits on the soil with no other footing or foundation; ability to be secured weight of equipment will hold it in place

- Mr. Peters asked for clarification on equipment pad for converter or structure to hold up pad under rays
- Mr. DiEnna responded both; but equipment pad if elevation change first
- Mr. Peter said equipment pad is located off footprint of landfill
- Inverter will be located near the access drive
- Nothing will penetrate into the contaminated soil; not an area of the landfill
- Weight of pad will keep equipment stable
- Mr. DiEnna assured public there will be nothing that occurs as a result of this development will penetrate any contaminated soil or capping
- Mr. Peters agreed
- Mr. DiEnna asked Planner if were reasonable to consider some form of additional buffering
- Planner advised it would be reasonable except because it is a mound there isn't any landscaping they could plant at base of hill that would make any difference
- Can't identify spots from perspective; neighboring property
- Mayor Veasy asked for explanation on how cement is put on top of landfill; ride trucks
- Mr. Peters advised that the system is based on Game Change foundation system plastic tubs placed in specific locations around landfill
- Racking then put in; then add concrete
- Truck can pump concrete into each individual tub or another method is Bobcat with bucket on front to drive down each row
- Mayor Veasy asked if weight of trucks overdo the 1000 lbs per sq ft
- Mr. Peters said no
- Mayor Veasy asked to see where wetlands were located on plan
- Wetlands line runs along southern side of property; showed 300ft buffer and all existing within the buffer
- Applicant's Attorney asked Mr. Peters if all existing infrastructure closer to wetlands than the proposed arrays
- Mr. Peters said yes
- Are any of the proposed arrays within the wetlands buffer on anything that is not already part of the cap landfill
- Mr. Peters said there is a small area of rows but not any closer than capped landfill; adjacent; within perimeter roadway
- Mr. DiEnna asked Applicant's Attorney asked if there was anything nearby that he is familiar with that is a solar site he may have knowledge about to describe; mentioned solar site off Rt 206 with massive site and no buffering
- Applicant's Attorney stated that AC Power (parent of Aerohaven Solar) and he worked with Mr. Peters on project for solar on landfill in Delanco Twp recently
- Slightly different; not landfill
- Not involved on Rt 206 project
- Attorney on project in Pemberton Twp
- This project is different from all of those projects as this is not immediately on public road or one heavily traveled
- 288ft from Kettle Run Road



- How far away from houses on Yorkshire Court
- About 200ft to the landfill and panels are 204ft beyond that
- Significant foliage already there
- Applicant's Attorney explained other projects worked on
- Pemberton Twp near old airport; entirely invisible; 20 megawatts
- Similar setbacks as this project
- Mr. DiEnna clarified that he was asking for projects that had similar concerns with runoff and penetration into the landfill
- Chairwoman asked for a visual of what this was going to look like beyond line drawing; actual detail view
- Applicant did not
- Applicant's Attorney addressed Mr. DiEnna's question regarding stormwater; testimony from 2 engineering experts; testimony from 3 experts on landfill cap
- Experience with visual impact; designed specific landscaping features to neighbors 50ft from their property line and no existing buffer
- Applicant would be agreeable to Condition of Approval post construction to meet with Planner out at site in winter and will look on site and neighboring residents will gauge whether a benefit can be derived from planting additional evergreen trees
- Not permitted to plant them; landfill site; lots of limitations
- Within boundaries of what is permissible and with guidance of Professional will attempt to enhance the screen if generally necessary
- There is not specific buffer requirement for this use; not required
- Mr. Parikh asked if standing at the 122ft level, you are going to see something; not going to have 100ft tall tree; impossible to ask Applicant to agree; have to be practical
- Mr. Cortland referred to testimony from public that the visual was from their second story and there is nothing the Applicant can do to make this invisible from the second floor
- Chairwoman stated that the Applicant has graciously offered a solution to visit the site post construction to determine need if any

Motion to Approve PB19-11

Motion: Cortland

Second: Parikh

Ayes: Veasy, Marrone, Parikh, Levenson, DiEnna, Higginbotham, Friedman, Cortland, Marrone

**2. Review of Marlton Executive Redevelopment Plan**

Redevelopment Plan for "Marlton Executive Redevelopment Area" consisting of Lots 2.03, 2.04, and 2.05 in Block 36

**Leah Fury Bruder, Planner**

Leah Furey Bruder, Planner

- Presented Referral of the Marlton Executive Redevelopment Plan

- Planning Board responsible for undertaking investigation to determine site is in need of redevelopment; April 2019 approved for this site
- Township Council designated three (3) lots in need of redevelopment
- Non-condemnations site
- Referred for review and comment to Board; goes back to Council for adoption
- Covers three (3) lots
- 3 story office bldg. / 1 story office bldg. (Liberty Mutual Insurance) not part of this
- 3 additional properties
- Undeveloped part; vacant land
- Many fruitless efforts to develop
- 2.03, 2.04 & 2.05; redevelopment plan to see how they can be used
- Alternative scenarios apart from office development
- Town trying to resolve Affordable Housing Element
- Opportunity at this property
- Encouraged property owner to talk to Affordable Housing developer
- Evesham Family Apts. needed to move forward; credit financing
- Laying groundwork to make it possible; successful in winning
- Evesham Family Apts. already AH zoned; 2 other lots
- Multifamily Apt. lot and alternative zoning scenario for other
- Both age restricted; 1 assisted living facility 10% affordable housing
- Age restricted rental / apartments or independent living with payment in lieu of providing affordable units on site
- Set forth in Fair Share Housing Plan
- Maximize our credits; use existing housing stock to help
- Funding will come from this

Board Comments:

- Chairwoman asked if units in COA settlement were assumed to be put on these lots; if this did not happen, we'd have a gap
- Planner answered correct
- Chairwoman asked Board Solicitor if we need recommendation back to governing board
- Board Solicitor responded yes
- Determination if consistent with Master Plan
- Mr. DiEnna asked if on page 9 of the Redevelopment Plan xii "Utilities entering/exiting..." What is a short end of the building
- Planner answered most buildings are rectangular and this is the short ends / sides; away from public view – Adequately shielded with evergreens or green screen wall
- Mr. DiEnna concerned about Gateway Apartments
- Planner said this is a remedy for that

- Mr. DiEnna wants to be consistent going forward with redevelopment projects need to remember; shouldn't have been in front of building and address distance between building and curb is adequate for planting
- Planner addressed in all apartment projects and is an issue if many units
- Sometimes not enough room; green screen ivy grows up
- Definitely on the radar

Motion that Redevelopment Plan is consistent with Master Plan

Motion: Parikh

Second: Cortland

Ayes: Veasy, Parikh, Levenson, DiEnna, Higginbotham, Friedman, Cortland, Marrone

Minutes from the 9-19-19

Motion: Cortland

Second: Levenson

Ayes: Veasy, Parikh, Levenson, DiEnna, Higginbotham, Cortland

**Resolutions**

PB 19-09 OnSwitch

Motion: Parikh

Second: Cortland

Ayes: Veasy, Parikh, Levenson, DiEnna, Higginbotham, Cortland

**Communications/Organization**

Next Meeting: November 7, 2019

**Meeting Adjourned at 9:00 p.m.**