

TOWNSHIP OF EVESHAM

Planning Board

Minutes

7:00 P.M.

January 20, 2022

Municipal Building

Via Video Teleconferencing

Call to Order

Meeting brought to order by Vice-Chair Friedman at 7:00 P.M.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Vice-Chair Friedman made the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Legislation and in accordance with the April 2, 2020 recommendations of the New Jersey Department of Community Affairs in hosting the Planning Board meeting via video teleconferencing

Roll Call

Present: Mayor Veasy, Councilman Freeman, Costello, Higginbotham, Mehigan, Sullivan, Touri, Kavalkovich, Friedman

Absent: Cortland, Natale

Staff: Cucchiaro, Darji, Snee, Taylor, Newton, Kinney

Continuation of Scheduled Matters - None

New Business

1. 450 Kettle Run Road

P21-06

NJR Clean Energy Ventures III Corporation, Aero Haven Solar
Block 63, Lot 1

Amend Prior Site Plan approval PB 19-22

Preliminary & Final Site Plan to expand solar array to the entire cap of the closed sanitary landfill in two phases

David C. Frank, Attorney for Applicant

Maxwell Peters, Engineer, T & M Associates - sworn

Michael Bruno, Senior Project Manager – sworn

Garrett Lerner, Manager of Business Operations – sworn

Approval was grant with PB 19-11 – 10-17-2019 to permit construction of a ground-mounted solar array on 15 ½ acres with 1 basin on the west of property

Applicant is seeking approval to add panels on additional 1 ½ acres with and additional basin on the east side of property

Mr. Peters referred to final page of submitted plans – sheet 6 – aerial view of project
Work will be done in 2 Phases

Phase 1 – 11 ½ acres - ballast block-mounted modules on the existing landfill cap

Phase 2 – 6 ½ acres – combination of ballast block, post, or ground screw mounted modules off the landfill cap

Applicant previously received a design waiver to construct the solar panel array within 204.87 ft. of the wetland's boundary line

Applicant now proposes to construct the solar panel array within 107.75 ft. of the wetlands boundary line and requesting a design waiver

Pinelands Certificate of Filing received 7-31-2019, re-submitted 7-28-2021 -Applicant feels they are still within the buffer established by the Pinelands Commission

Landfill cap will not be disturbed

12 trees will be removed

Additional basin will be a better way to capture runoff

Maintenance approximately once a month – van or pickup truck will enter off of Kettle Run Road

Grass mowing will continue

No proposed lighting

No proposed identification signage

Applicant will submit all outside agency approvals – including NJDEP, Pinelands Commission, Burlington County Soil Conservation District

Board Member Sullivan asked what the rationale was for adding Phase 2 and the uses

Mr. Franks – adding Phase 2 would fully utilize the site

Mr. Lerner – Phase 1 would be a grid connected system to sell power to the grid. Phase 2 would be a BPU Community Solar (also with ability to sell power to the grid) but allows individual users to purchase from the project. Typically, these have a 50% set-aside for low/moderate income individuals to purchase at discounted rates

Rakesh Darji – sworn

Eric Snee – sworn

Scott Taylor – sworn

Rakesh Darji, ERI letter dated 1-13-2022

Applicant has agreed to comments and concerns

Question regarding construction of both basins

Mr. Peters – both basins will be constructed in Phase 1

Question regarding access for emergency vehicles

Mr. Peters – access will accommodate vehicles

Mr. Bruno will monitor construction and has met with Emergency Services

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As for the request for design waiver – Mr. Darji agrees and defers to the Pinelands Commission for further comment

Scott Taylor – Taylor Design Group letter dated 1-12-2022

This is a permitted use in the zone

Applicant agrees to comply with comments and recommendations

Applicant will work with Mr. Taylor concerning tree removal, vegetation, fencing

Eric Snee – CME Associates letter dated 1-18-2022

Applicant agrees to comply with comments and recommendations

Mr. Snee request copies of all outside agencies approvals

Mr. Snee regarding waiver – has no objection to granting a waiver

Public Comment

Steffi & Gregory Pharo, 119 Deerfield Ave. – sworn

Property adjacent to site

Ms. Pharo stated that she did not receive notice of the previous application in October, 2019

Ms. Pharo asked what will she be looking at and will trees be removed

Mr. Peters – trees to be removed will not be on that side of their property. When project is complete, inspection will be made to check screening

Ms. Pharo concerned about the weight to the landfill and how it can compromise the cap

Mr. Frank stated that he has proof that Pharo's were noticed in 2019

Mr. Peters - landfill has been studied to accommodate weight. A structural analysis of the landfill has been done, approval has been received from NJDEP

Cap will not be disturbed

Ms. Pharo asked when will Phase 1 begin

Mr. Peters – preliminary work has begun under the approvals of PB 19-11

Ms. Pharo asked what will she be seeing over the tree line

Mr. Frank – cannot guarantee they will not see a panel out their window, but there will be significant tree/vegetation supplementation

Gregory Ferretti – sworn

Business agent for Local Iron Workers Union, Hamilton, NJ

Mr. Ferretti is not a resident but would like to speak on behalf of the Local Iron Worker to be considered for this project

Mr. Cucchiaro - this board does not have the jurisdiction in this matter

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Ila Vassallo, 5 Beauport Court – sworn

Ms. Vassallo thanked applicant for reviewing the Environmental Commission memo dated 1-10-2022

Ms. Vassallo feels it would be helpful to have had the Environmental Impact Report

Ms. Vassallo asked if native plants would be considered for the buffer

Mr. Frank – Environmental Impact Report is available and native planting will be considered

Richard Sweeney, 9 Aberdeen Court – sworn

Is a resident and a member of Iron Workers Union. Has done work on various landfills and would be happy to work on this project

Mr. Cucchiaro – this board has no jurisdiction in this matter

Vice-Chair Friedman – this is not relative to this Board

Andrew Gold – Legal Director – Pinelands Preservation Alliance – sworn

17 Pemberton Rd., Southampton Township, NJ

Mr. Gold asked about the Pinelands Certificate of Filing

Mr. Frank – COF dated 2019 still in affect

Mr. Gold suggest that the Environmental Assessment not be waived

Mr. Frank – Environmental Assessment submitted in 2019 is sufficient

Mr. Snee – did take into account the 2019 report, applicant has approval from Pinelands, areas are previously disturbed

Mr. Darji – as a condition of any approval applicant must submit approved plans that reflect all conditions set forth in Resolution

Mr. Taylor – current area and moving of basin and proposed native plants could an improvement

Mr. Gold – as far as directional drilling where does the Pinelands stand

Mr. Frank Pinelands did approve directional drilling

Jonathan Schmidt – sworn

13 Wayne Drive

Mr. Schmidt questioned lights at the sight at night and security lighting

Mr. Frank – no cameras proposed – security is remotely controlled

Deborah Larsen – Phone in, 486 Kettle Run Rd. – sworn

Back at the 2019 application company was different – did company change

Mr. Frank – AC Power project was purchased by NJR – there is a 25 year lease with Owens Corning – NJR is now the leasee

Ms. Larsen asked about the 12 trees to be cut down and will Mr. Bruno monitoring

Mr. Frank – yes

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Ms. Larsen – at time of 2019 approval questioned the integrity of the existing fence that has been damaged – will someone come to fix the fence

Mr. Bruno – will contact property owner, they have maintenance company

Ms. Larsen – what is the timeline for the work?

Mr. Bruno – hoping to complete Phase 1 in early April 2022, no date for Phase 2 at this time

Ms. Larsen – concerned about the buffering

Applicant will work with the Board Planner

Ms. Larsen questioned the signage on gates (No trespassing, High voltage) would not like them to be visible from her house

Ms. Pharo – previously sworn

Would like a copy of the Certificate of Filing from the Pinelands

Mr. Frank will email to her

John Ruhl, 6 Yorkshire Court – sworn

Mr. Ruhl's property is behind the southern portion and is confused about the buffer line to the wetlands

Mr. Peters – right side of property fence line to wetland's 107'

Mr. Ruhl – this is approximately 15' from the creek – there is substantial erosion and hopes it will be addressed

Mr. Bruno will contact maintenance

Mr. Ruhl – view does not cause him a problem

Mr. Ruhl – concerned about the asbestos and will it be maintained

Mr. Frank – study done to make sure

Closed Public Comment

Note – Councilman Freeman left meeting at 8:43 p.m.

Board Comment

Board Member Higginbotham stated concern regarding the relocation the inverter from the original approval

Board Member Sullivan – relying on the 2019 report is the proposed consistent with that approval

Mr. Cucchiaro – the professionals agree

Mayor Veasy – when looking at wetlands buffers on the site plan are the two bottom solar arrays necessary and will they compromise the wetlands?

Mr. Peters – Pinelands has stated as long as they stay on landfill cap it has no affect

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Mr. Taylor asked if there could be some meadow restoration
Mr. Frank – can be considered
Mayor Veasy asked about the location of the inverter pad
Mr. Darji – already a disturbed area and is not a concern

Motion to approve 450 Kettle Run Rd. – P21-06 – Touri
Second – Mehigan
Ayes: Mayor Veasy, Costello, Higginbotham, Mehigan, Sullivan, Touri, Friedman, Kavalkovich

Minutes – 12-16-2021

Motion to approve – Mayor Veasy
Second – Higginbotham
Ayes: Mayor Veasy, Costello, Higginbotham, Sullivan, Friedman, Kavalkovich

Resolutions

Motion to approve 2021-PB-18 – P21-04 – AMS – Higginbotham
Second – Kavalkovich
Ayes: Mayor Veasy, Costello, Higginbotham, Sullivan, Touri, Friedman, Kavalkovich

Motion to approve 2021-PB-20 – Master Plan Reexamination Report & Amendment –
Higginbotham
Second – Sullivan
Ayes: Mayor Veasy, Costello, Higginbotham, Sullivan, Friedman, Kavalkovich

New Business – None

Public Comment – None

Board Comment

Mayor Veasy thanked Board, Staff, and applicant’s professionals for their time and work on this project. Mayor also thanked the public for the interest and participation

Communication/Organization

Board Secretary Newton reported that a letter from the Pinelands Commission regarding the Commission’s review of the Township’s Housing Element and Fair Share Plan was received and the Commission has no substantial issues and requires no further review

Next Meeting – February 2, 2022

Meeting Adjourned – 9:25