

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
February 27, 2018**

Roll Call:

Present:

Mayor Matthew Anesh
Stephanie Bartfalvi; Alt. 1
Brian Bythell; Alt. 2
Rich Houghton
John Mocharski
Peter Smith
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Councilman Derryck White
Michael Pellegrino
Paul Grzenda

Also Present: Alex Fisher, Esq.; Stan Slachetka, PP, AICP

Chairman Ackerman opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: (2)

December 12, 2017 Meeting

Chairman Ackerman calls for a motion to *approve* the above listed Minutes. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Mr. Bythell; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

January 9, 2018 Re-Organization Meeting

Chairman Ackerman calls for a motion to *approve* the above listed Minutes. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Mr. Bythell; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Resolutions: None

Current Files: None

Informal Hearings: None

Public Hearings: (1)

A. Case #780 - ONYX Renewable Partners, LP
Block 255; Lot 11.02; M-3 Zone
501, 601, 701 Kentile Road

The applicant is requesting a *Preliminary and Final Site Plan* approval for solar panels in detention basin.

Gary Forshner, Esq. – Greenbaum, Rowe, Smith & Davis LLP, 99 Wood Avenue, South, Iselin, New Jersey – attorney for the applicant addressed the Board. An application for solar panel arrays on the property located on Kentile Road to service the facility that exists today. The opportunity for solar have been maxed out. This is an opportunity to increase the solar by renewable energy with number of different benefits. Most important, our

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legislator have declared this to be an inherit beneficial use. The use itself is permitted but there are minor variances. The variances are: having panels in the front yard and depending upon the interpretation of the ordinance, front yard setback. Kentile Road dead-ends at this property. It is not a through travel roadway. It is not visible to the public. Therefore, no impact on the public.

F. Mitchell Ardman, PE – The Reynolds Group Inc., 575 Route 28, Suite 110, Raritan, New Jersey – is sworn in and accepted as a Professional Engineer and Professional Planner. Mr. Forshner questions Mr. Ardman:

- Were the plans that are the subject of this application prepared by your Engineering Division? Yes, they were.
- Have you had the opportunity to review the relevant ordinances for this application? Yes, I have.
- Have you seen the reports that have been prepared by the Board professionals? Yes, I have.

Using Exhibit A-1 – coloring rendering of sheet 2 of the plan set with the revision date of January 18, 2018 – Block 255 Lot 11.02 – 501 and 601 Kentile Road. Mr. Ardman describes the site:

- Two (2) existing buildings.
- Building at 501 is approximately 335,722 square feet.
- Building at 601 is approximately 231,141 square feet.
- Third building is approximately 13,000 square feet in the north-east corner of the property.
- Bounded by Lehigh Valley Railroad to the North.
- Industrial development to the West. Jayne Enterprises building – 401 Kentile Road.
- Kentile Road is to the South.
 - Physical portion of Kentile Road dead-ends at the western end of the property.
 - Right-A-Way extends half way through the parking lot.
- Access to the site is South-West of the property.
- Loading docks and pavement circles around the entire property.
- Parking lot as soon as you enter the site along the front of the property.
- East portion of the property – 601 Kentile Road – is surrounded by loading docks and pavement.
- Active site.
- Warehouse and storage.
- South-East of the property is wooded.
- M-3 industrial zone.
- Within building coverage - fifty percent (50%) is allowed.
- Additional green space. Minimum of fifteen percent (15%) allowed.
- Requesting solar arrays.
 - Two (2) sets of arrays.
 - One (1) set at building 501.
 - In detention basin.
 - One (1) set at building 601.
 - In detention basin.
 - Bottom of panels will be above the one hundred (100) year flood level.
 - Applicant and installer have experience in this.
 - Outside each building (501 & 601) will be a convertor.
 - Buildings are climate controlled. Therefore, higher electric need.
 - Jayne Enterprises already has solar panel on roofs.
 - Believes most appropriate location... for open space and keep clear from the trucks.
- No change to parking or lighting.
- Building 501 has a water line and fire connection in front.
 - Will be extended for easier access by Fire Department.
- Small modifications to detention basins.
- New handicap parking space. Will bring to compliance.
- Improvements to the parking lot... upgraded.

Chairman Ackerman asked if the panels are fixed or movable. Per Mr. Ardman, they are fixed.

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Mr. Forshner begins to review the Professional Reports. Starting with Najarian Associates review letter dated December 20, 2017, Mr. Forshner stated that they can comply with most of the items:

- Item C 1a; Will supply a survey.
- Item C 1b: Requesting waiver of Traffic Report. No traffic will be produced from this improvement.
- Item C 1c: Requesting waiver of Environment Impact Statement. Believes this is environmental positive.
 - Mr. Bucco stated that in the Environmental Commission's review letter dated January 11, 2018, there is no objection to the waiver.
- Item C 2a: Will supply recycling plan.
- Aware that bulk variance is required for the accessory structure... solar panels in the front yard.
- Item D 2: No parking needed.
- Item D 4: Submitted to Middlesex Planning Board. Will submit copies.
- Item D 5: Submitted to Freehold Soil Conservation.
- Item E 1-4: Waivers – no objections.
- Item E 5: Previously testified that a handicap parking space is being relocated.
- Item E 6: Lighting. Mr. Ardman stated the lighting onsite is PSE&G leased lighting. There were a few lights out. The owner contacted PSE&G and they replaced the lights as required. Waiver for lighting.
- Item E 7-8: Cost estimate. New statue regarding Performance Guarantee. Improvements that are dedicated to the public are to be bonded. Willing to work with the Borough if any Bonds are necessary. Mr. Bucco stated that this has to be inspected. Would like to prepare a Performance Bond Estimate to determine the Escrow... six percent (6%). Only required to post Escrow Fee for inspections.
- Item F: Previously discussed. Referring to the post in the existing concrete channels, Mr. Ardman stated the placement of the post will have limited impact to the detention basin drainage flow. Spaced the panels to miss the critical features. There will be silt and material for the excavation... Will be taken off-site.
- Item G: Informational.
- Item H 1: Will comply.
- Item H 2: Will span the waterline. If the waterline needs to be repaired, the panels will be.
- Item I 1 & 2: Fine.
- Item I 3 & 4: Mr. Ardman stated that the slopes with the panels will be weed wacked. The panels are spaced enough to get mowers through. Documented in the Stormwater Plan.
 - Chairman Ackerman asked who is responsible for the maintenance? The applicant is responsible (ONYX Renewable Energy).
- Item I 5: Informational.
- Item J 1-4: Acceptable.
- Item K: Acceptable.

Mr. Forshner reviews the Bureau of Fire Prevention review letter dated December 15, 2017:

- Documentation of the F.D.C. moved closer to the curb. Mr. Ardman stated that it is documented on the plans that it is moved closer to the curb.

Mr. Forshner reviews the Traffic Safety Committee review letter. No comments or concerns listed.

Mr. Forshner reviews the Environmental Commission review letter dated January 11, 2018:

- Stormwater Impact Report – noted the adjustment of drainage to prevent negative impact.
- Environmental Impact Statement – no objection to the waiver.
 - Noted - short, slow growing grass to be planted to reduce the need for mowing.
- No Tree Removal/Replacement required.
- Recycling Program – informational.

Mr. Forshner reviews Middlesex County Department of Health review letter dated December 12, 2017. No objections listed.

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Chairman Ackerman asked the Board if anyone has any questions regarding Mr. Bucco's report including Mr. Bucco. No questions from the Board Members. Mr. Bucco stated that there were several meetings prior to the hearing and majority of the items were resolved during those meetings. He has no concerns at this point.

Paul Ricci, PP – Najarian Associates - is sworn in as the Borough's Conflict Planner.

Mr. Forshner reviews the Najarian Associates Planner review letter dated December 22, 2017:

- Item 1 a4 – Questions if front setback variance is required for the solar panel array in the setback. Mr. Forshner requested the variance so there would future issues. Is aware need a variance for placing the panels in the front yard.
- Item 1 a5 – Impervious coverage. There is a provision in the MLUL stating that the panels do not count against impervious coverage. Believes lot coverage, FAR and imperious coverage is not applicable. Mr. Fisher advised the Board Members that it correct. Mr. Ricci agreed with the applicant.
- Item 1 a6, 7, 8 – Mr. Ardman stated that it is a dead-end street. Not impacting neighboring properties. If there is an issue, additional landscape will be considered.
- Item 1 b1 – No impact to circulation
- Item 1 b2 – The owner has already repaved and restriped the parking lot.
- Item 1 b3 – Testified to the relocation of the additional handicap parking space. Mr. Ardman stated that there are seventy-three (73) total spaces; three (3) handicapped - one (1) is van accessible. Meets the ADA Standards.
- Item 1 c1 – Testified the bulbs were replaced. No new lighting.
- Item 1 d1 – Proposing to plant two (2) new arborvitae.
- Item 1 d2 – Does not believe it is necessary for any additional landscaping. However, willing to discuss with the Board.
- Item 1 e1 – No architectural changes. No architectural signage.

Mr. Ricci stated that the applicant was very thorough with testimony.

A color aerial exhibit of the area is distributed to the Board Members – Exhibit A-2 (Aerial Exhibit – Halls Warehouse dated February 26, 2018).

Using Exhibit A-2, Mr. Ardman addressed the Board:

- Aerial photo of site and surrendering areas.
- Building 501 and 601.
- Same as Exhibit A-1 – a real life perspective.
- Solar panel arrays – marked with a red dotted line.
- Wooded area to the South-East corner.
- Kentile Road dead-ends just passed the entrance to the site.
- Partial warehouse to the south with trailers backed into them.
- Variance noted:
 - Permitted accessory use.
 - Panels determine to be inherent beneficial.
 - Negative criteria to satisfy the variances.
- Placement on the site... roofs have been taken up with solar panels.
 - Not practical to fit panels in another place... around the isles and parking space due to the size and type of panels.
 - Due to the amount of trucks that visit the site it would not be practical to put them in the pavement.
- Encroachment of the front yard.
 - Panels on the South-East corner. The closes to the property line is 12.3'. Only corner of the panels. 90% of the panels are beyond the front yard setback.
- The remaining panels are in front of the building.
 - Per ordinance, accessory structures are not permitted in the front.
 - As previously stated, that is the only appropriate and available property left to place the panels.
 - There is no traveling public.

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- Kentile is a dead-end street.
- Fully wooded to the South-East.
- Parking lot in front of the South-Western panels.
- Glare or glintz will not be a problem.

Chairman Ackerman questioned if the parking lot to the left of building 501 is Jayne Enterprises. Per Mr. Ardman, they are.

Mr. Ardman continued:

- No visual impact to the neighbors.
- No negative impact to the zone plan.

Chairman Ackerman requested an explanation of the panels, the operation, the connection etc.

John Drexinger – 1 Grove Farm Road, Pittstown, New Jersey – Senior Vice President of Business Element for ONYX Renewables, is sworn in and describes the operation of the panels:

- Panels are installed on racking in the basins.
- Panels are plugged together in series of eighteen (18) modules.
- Each series is connected to one inverter.
 - Those inverters will get connected.
 - Then connected to a disconnect on the outside of the building.
 - Then connected to the electrical switch gear box that serves the building.
 - The invertors convert the power from DC to AC power which is accepted in the building.
- The wiring will be left to right.
- Wiring will be above the basin.
- Outer perimeter of basin will have conduits that will run to the invertor.

Chairman Ackerman asked if one array is for one building and the other array for the other building. Mr. Drexinger replied yes.

Mr. Bucco asked if there will be 'net metering'. Mr. Drexinger stated yes... they will be behind the meter.

Mr. Forshner asked Mr. Drexinger to explain what 'net metering' is. Mr. Drexinger explains:

- New Jersey allows the owner of a solar project to tie the system into their building.
- Once completed and receive certificate of approval, a copy of the paperwork is sent to the utility.
- The utility will install a by-directional meter that measures the electric that comes into the building and the additional solar power being generated that goes out to the grid.
- Monthly, the utility will take a reading from that meter.
- Credit is applied to your bill.

Mr. Forshner asked Mr. Drexinger if the main purpose of these panels is to provide direct power the buildings on site. Mr. Drexinger stated yes.

Mr. Mocharski confirmed that ONYX will be sending their people to maintain the grass... not someone not familiar. Mr. Drexinger stated they have an asset management group that subcontracts out to those who know how to work around the panels. ONYX will own the project long term.

Mr. Bythell asked if the new panels will be hooked up to the panels on the rooftop. Mr. Drexinger stated no. Mr. Bythell continued... are the rooftop panels used to power the buildings as well? Mr. Drexinger stated yes.

Mr. Forshner stated these will supplement those on the rooftop.

Chairman Ackerman opens the discussion to the public. No comments or concerns.

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Mr. Forshner addressed the Board. This type of application is not only labeled as beneficial by the State but encouraged throughout New Jersey. Not only has been declared by Legislator as beneficial, this type of application is routinely encouraged throughout New Jersey. It provides nothing but positive things. It provides renewable energy as opposed to fossil fuel energy. The site is more cost effective and creates a better long-term member in the community of South Plainfield as a result of having the efficiencies of the energy that is being produced. Being inheritably beneficial, it focuses primarily on the negative criteria as discussed and any detriment to the public good zoning ordinance is minimal at best. The only impact from this site are esthetics and visibility. Given the location of this site, the trees around it, dead-end road and the industrial sites around it, this application has minimal impact. A positive for the property owner and the community.

Mr. Fisher reiterates this is for a preliminary and final site plan with bulk variances for C1 and C2 - front yard setback and front yard accessory structures with waivers for section C, D and E of Mr. Bucco's report. Compliance with what has been testified to on the record as conditions.

Chairman Ackerman calls for a motion to *grant* preliminary and final site plan with variances and conditions. Mr. Mocharski made motion, seconded by Miss Bartfalvi. Those in favor: Mayor Anesh; Miss Bartfalvi; Mr. Bythell; Mr. Houghton; Mr. Mocharski; Mr. Smith; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Old Business: None

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** - Council President White – absent. Mayor Anesh reported progress.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

Minor Site Plan: None

New Business:

Mr. Mocharski asked if Chairman Ackerman or Mayor Anesh received a letter for a street name from the Fire Department. Both acknowledged they have not.

Mr. Mocharski asked about the paper street names that have been vacated. Chairman Ackerman stated those names go back a long time. It was determined if someone comes forward and requests a vacated paper street name to be used, it will be addressed at that time. All veteran name request have been used.

Correspondence: None

Audience Comments: None

Executive Session: None

Mayor Anesh asked what Board All Sports Academy is before. Joanne advised the Zoning Board of Adjustments. That is the Board that heard the case originally. Mr. Fisher confirms the same.

Adjournment: 8:15 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary