

**Township of Lumberton  
Land Development Board  
Regular Meeting  
September 15, 2011**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday September 15, 2011, at 7:40 p.m.

Chairman Bennett read the following statement:

In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner:

On January 20, 2011 advance written notice of this meeting was posted on the bulletin board in the main lobby in the Town Hall; was mailed to the Burlington County Times and the Courier Post; was filed with the Clerk of Lumberton Township and was mailed to all persons who requested and paid for such notice.

Please note that unless otherwise modified by Resolution of the Land Development Board, all meetings shall begin at 7:30 p.m. and no new matter shall be initiated after 11:00 p.m., except where the Land Development Board, by majority vote of those present, shall specifically authorize the extension of the meeting beyond 11:00 p.m.

Those testifying before the Board on any application are required to be sworn in. The Board's Engineer and Planning Consultant have taken an oath upon their agreement and their testimony on an application is under oath on a continuing basis.

**Roll Call**

Citizen Member

Robert Bennett, Chairman  
Sheldon Evans  
Beverly Marinelli, Absent  
Robert Morton  
John Pagenkopf, Vice- Chairman  
Craig Potter

Representatives of Governing Body

James Conway, Jr., Absent  
Lewis Jackson, Absent  
Nancy Bleznak  
Thomas Bintliff  
Ed Borm  
Sean Earlen, Absent

Alternate #1  
Alternate #2  
Alternate #3  
Alternate #4

Solicitor  
Consulting Engineer & Planner

Chris Vanette, Esq.  
Thomas Cundey, P.E.  
Remington, Vernick & Arango  
Joseph Petrongolo, L.L.A., R.L.A., P.P.  
Remington, Vernick & Arango

Consulting Planner

Board Secretary

Catherine Borstad

**Minutes**

Meeting minutes for the August 18, 2011 Regular Meeting:

Motion was made by Mr. Evans, seconded by Mr. Potter to approve the August 18, 2011 Regular Meeting minutes. The vote was affirmative with the exception of Mr. Morton, Mr. Bintliff and Mr. Borm who abstained and the motion carried.

### **Correspondence**

### **Resolutions**

- a. 2011-15 Radwell International, Inc., 111 Mt Holly Bypass, Block 115.04, Lot 2.05. Preliminary and Final Major Site Plan for Use Variance. Continued to September 15, 2011 meeting.

Motion was made by Mr. Potter to approve Resolution 2011-15, seconded by Ms. Bleznak. The vote was affirmative with the exception of Mr. Pagenkopf and Mr. Bintliff who abstained and the motion carried.

- b. 2011-16 Effisolar Energy Corp., Stacey Haines Road, Block 37, Lot 7. Preliminary and Final Major Site Plan for Use Variance. Continued to September 15, 2011 meeting.

Motion was made by Mr. Evans to approve Resolution 2011-16, seconded by Mr. Potter. The vote was affirmative and the motion carried.

- c. 2011-17 Mount Holly Garage II, LLC, Route 38 and Smithville Road Block 22, Lot(s) 11.02 and 11.03. Minor Subdivision. Approved

Motion was made by Mr. Evans to approve Resolution 2011-17, seconded by Mr. Pagenkopf. The vote was affirmative with the exception of Mr. Morton, Mr. Bintliff and Mr. Borm who abstained and the motion carried.

### **Items for Action**

- a. ***Roman, Leanna***  
***3 Hopewell Road***  
***Block 53.01 Lot 3***  
***RA/S Zone***

Applicant has requested this matter be continued to the October 20, 2011 meeting.

Motion was made by Mr. Pagenkopf to continue this application to the October 20, 2011 meeting, seconded by Mr. Evans. The vote was affirmative and the motion carried.

- b. ***Radwell International***  
***111 Mt. Holly By Pass***  
***Block 15.04, Lot(s) 2.01, 2.05***  
***I-2 Zone***

Applicant has requested this matter be continued to the October 20, 2011 meeting.

Motion was made by Mr. Morton to continue this application to the October 20, 2011 meeting, seconded by Ms. Bleznak. The vote was affirmative with the exception of Mr.

Pagenkopf who abstained and the motion carried.

***c. EffiSolar Energy Corporation  
Stacey Haines Road  
Block 37, Lot 7  
RA/S Zone***

Mr. John Giunco attorney for the applicant introduced the application to the board. Mr. Giunco stated the applicant is seeking a Use Variance to permit the installation of a Solar Facility and also Preliminary and Final Major Site Plan with variance for Fence Height, this project is proposed in two phases.

Chairman Bennett asked the professionals if this application can be deemed complete.

Motion was made by Mr. Morton to deem application complete, seconded by Mr. Evans. The vote was affirmative and the motion carried.

Chairman Bennett asked Mr. Giunco if he had an opportunity to review the letter dated July 18, 2011 he stated yes.

Mr. Richard Roseberry with Maser Consulting was sworn in to provide testimony. Mr. Roseberry stated his credentials and was deemed an expert.

Mr. Giunco asked Mr. Roseberry if he prepared the exhibits for tonight's meeting, he stated yes. Several additional exhibits were introduced and marked A-1 thru A-5.

Aerial exhibit marked as A-1 describes the site and surrounding properties. Mr. Roseberry describes the existing site. Mr. Roseberry stated that the site does have wetlands and that they have received their Letter of Interpretation. Mr. Giunco asked if this site was in the air safety zone, Mr. Roseberry stated no. Effisolar Energy Corporation is a direct tie into the grid pgma (Penn Maryland Grid). Mr. Roseberry described how the solar panels are installed. Mr. Roseberry stated that they are proposing an eight foot high chain link fence around the property. The panels are set at 4 ½ ft high and spacing between panels is 6 ½ ft. They are proposing a significant landscape buffer along Stacey Haines Road and between the surrounding properties.

Exhibit A-2 is the Landscape plan for this project.

Mr. Roseberry stated that this project is being proposed in two phases. Phase one consisting of all non-wetlands areas and while phase one is being constructed they will be applying for permits from wetlands for Phase two which contain conservation/wetlands areas. Mr. Giunco asked Mr. Roseberry to describe how maintenance is performed at these types of facilities. Mr. Roseberry stated that they are low in maintenance and they are unmanned facilities, they are monitored off site. Routine maintenance is performed once a month. Maintenance plan has been provided with the application. Chairman Bennett asked what the access roads would be made of, Mr. Roseberry stated grass. Discussion was held in regards to the Fire Marshall concerns in regards to the Turning Radius. Exhibit A-3 is the Truck Turn Exhibit. Ms. Borstad stated that the Fire Marshall has reviewed this plan and has no concerns. Mr. Cundey asked if this was a revised plan, Mr. Roseberry stated yes that they met with the county last week and this is the plan that reflects the changes.

Mr. Roseberry stated that they are proposing an 8 ft high black vinyl clad chain link fence around the site no barred wire. The fence will be set back 100' from the front property line along Stacey Haines Road and rear property line and fifty from side property. The purpose of this fence is for security and they will be installing two gates and they will provide lock boxes. Mr.

Petrongolo asked if all components of the fence will be black, Mr. Roseberry stated yes. Ms. Bleznak asked why the fence needed to be 8 ft fence, Mr. Roseberry stated for security purposes. Mr. Petrongolo stated that a variance for the height along Stacey Haines Road is required, where 4 ft is permitted and they are proposing 8 ft and also around the property where 6 ft is permitted and they are proposing 8 ft. Chairman Bennett asked if they would have cameras on site, Mr. Roseberry stated no. Ms. Bleznak asked for some clarification about the need for an 8 ft fence. Mr. Roseberry stated that the purpose of the fence is to protect the facility. Mr. Petrongolo asked why they need an 8 ft fence and not a 6 ft fence; Mr. Roseberry stated it is just for security. Mr. Petrongolo asked if the fence is behind the landscaping along Stacey Haines Road, Mr. Roseberry stated yes. Mr. Roseberry stated they are not intending to remove any existing trees. Mr. Roseberry stated that they have reviewed the Landscape plan with our professionals and they have revised their plan according to the remarks from Mr. Petrongolo. Mr. Roseberry presented Exhibit A-4 Section Exhibits for the Landscaping plan. Mr. Roseberry stated that they are proposing a mix of planting to the already existing buffer.

Chairman Bennett asked if the chain link fence is open, Mr. Roseberry stated yes. Chairman Bennett asked why black instead of green, Mr. Petrongolo stated that black blends in better. Chairman Bennett asked when the plantings would be complete. Mr. Roseberry stated that typically they wait until after the project has been completed and that it would depend on the timing for plantings. Phase one construction is projected to take roughly nine months. Phase two is dependent upon when they receive approval from DEP. Mr. Morton asked if all plantings can be done with Phase one, Mr. Roseberry stated yes. Mr. Roseberry stated that they would install the plantings along with the fence during Phase one. Ms. Bleznak asked if for some reason they don't receive DEP approval the fence will already be installed including any wetland areas, Mr. Roseberry stated yes.

Mr. Pagenkopf asked about the access roads and running through the wetlands, Mr. Roseberry stated that they would maintain the required 20' setbacks and not encroach into the wetlands during Phase one construction. Mr. Pagenkopf asked about the road stabilization, Mr. Roseberry stated that they will work with the Township Engineer on site to ensure that any areas that may require stabilization and discuss what materials would be suitable to maintain stabilization of the access road. Mr. Pagenkopf asked if this was their first application encroaching into wetlands, Mr. Roseberry stated no. Mr. Pagenkopf concern is that in the future if the site becomes too soft that they may start bringing in stone. Discussion was held in regards to maintenance of the travel lanes. Mr. Pagenkopf asked about the cross section Exhibit A-4 and if it is possible to move back the proposed buffer along Stacey Haines Road closer to the fence. Chairman Bennett asked if the professionals had any preference. Mr. Petrongolo stated that typically they prefer the buffer along the street line.

Ms. Bleznak asked if they have discussed with DEP the installation of the fence, Mr. Roseberry stated yes that is part of their application to DEP. Ms. Bleznak stated that she agreed with Mr. Pagenkopf in regards to setting back the buffer for a different reason, Ms. Bleznak has concerns in regards to the wild life in that area and that if they block that area with both a fence and landscaping the potential for accidents will increase. Mr. Evans asked if they intend to remove any trees, Mr. Roseberry stated they will not be removing any trees along the perimeter of the property.

Mr. Cundey asked about the Transformers on site. Mr. Roseberry introduced Exhibit A-5 Substation Transformers. Mr. Petrongolo asked what color they are; Mr. Roseberry stated that they are typically grey. Discussion was held in regards to color of transformer.

Mr. Borm asked about glare from the panels, Mr. Roseberry stated that all the panels will face due south and they are very low in deflecting sunlight.

Mr. Roseberry testified that they have received approval from the FAA.

Mr. Petrongolo stated that the applicant still needs to address the Use Variance. Mr.

Petrongolo stated that within the Environmental Impact Statement he refers to some endangered species. Mr. Roseberry stated that when the Environmental Impact Statement was completed prior to them receiving their Letter of Interpretation from DEP and it has been determined that the two species, Bald Eagle and Sand Piper have been removed from this site and this site is no longer suitable for these species.

Mr. Joseph Layton, Professional Planner, sworn in to provide testimony. Mr. Layton outlined his credentials and has been deemed an expert.

Mr. Layton stated that the applicant is requesting a Use Variance, Mr. Layton stated that he has reviewed Lumberton Township's Master Plan and has visited the site. Mr. Layton stated that the Municipal Land Use Law has described the installation of solar panels as inherently beneficial use and any negative impact is negligible and the site will be adequately screened, Mr. Layton stated that there would be no impact on schools, water, air, light, noise and traffic. Mr. Layton testified that the solar panels would create clean energy and there would be no substantial detriment to the public good. Mr. Layton pointed out that although this is farmland that only 25% is quality farmland.

Chairman Bennett asked if any board members have any questions. Mr. Potter asked about the buffer along Stacey Haines Road being moved back and that if they move back the buffer they will now have a space of roughly eighty feet that will need to be maintained, Mr. Roseberry stated that they will plant the same low grass that is being proposed for the solar panels.

Discussion was held in regards to conditions of approval as outlined in the approved resolution.

Ms. Borstad asked about the installation of the fence in the area that is located in Phase Two wetlands area, Mr. Roseberry stated that they will not install the fence in the area marked Phase Two until they receive approval but if in the event they do not receive approval they will go around that area but they do anticipate receiving approval within the nine months of construction for Phase One.

Mr. Petrongolo stated that they have no objection to moving the buffer along Stacey Haines Road closer to the fence. Mr. Pagenkopf asked for informal poll of the board members, all members are in agreement that the buffer be moved back closer to the proposed fence.

Chairman Bennett opened the meeting to the public.

Ms. Brooks, 49 Stacey Haines Road

Ms. Brooks asked if they would have any lights, Mr. Roseberry stated no, Ms. Brooks asked if they would produce any electrical interference, cell phones, etc. Mr. Roseberry stated no. Ms. Brooks asked about a fire hazard, Mr. Roseberry stated that the panels themselves would pose no fire hazard but a brush fire is possible and they have addressed that with the access roads. Ms. Brooks asked about noise levels, Mr. Roseberry stated it would be the same as an air conditioner. Ms. Brooks stated that according to the plan and that it appears that one of the access driveways is her driveway that has a cross access easement; Mr. Roseberry stated that is correct. Ms. Brooks stated that the driveway often washes out when it rains and that she needs to consistently restore the driveway, Ms. Brooks stated that the drainage ditch does not function properly. Mr. Roseberry stated that they will make every effort to correct this situation and that they will arrange a site visit with Ms. Brooks and the Township Engineer to review their options.

Ms. Brooks asked about the proposed gate, Mr. Roseberry stated the gate will be setback 100 ft from the property line. Ms. Brooks stated that she is opposed to the 8' fence mostly because of the deer in the area, she is fearful that the deer are able to jump an 8' fence and they will be roaming around the side of road and cause a danger to passing motorist.

Mr. Gary Miller, Representing English Setter Club

Mr. Miller asked about the buffer on the North, Eastern Side of property specifically the fence setback, Mr. Roseberry stated 50' from property line. Mr. Miller asked about the fire lane on the Eastside, Mr. Roseberry stated that the access road will be 20' between the fence and panels, open area maintain with grass.

Mr. Miller asked about the fence in regards to the height and the wild life and he feels that a 6' fence is better than 8' fence.

Chairman Bennett stated that the question is valid and asked Mr. Petrongolo his views. Mr. Petrongolo stated that the Township does allow fences around Utility uses to be higher than 6' for security purposes. Mr. Petrongolo stated that this question has been asked of the applicant and the only answer has been that it is your standard, is there another reason the fence needs to 8'. Mr. Giunco stated it gives greater security, an insurance requirement states that the fence needs to be 8". Mr. Giunco stated that they understand the concern for the wild life and that they would be open to installing a corridor for the deer. Mr. Petrongolo stated that the idea of a deer corridor would satisfy the concern for the wild life.

Chairman Bennett asked Mr. Giunco if had anything further, Mr. Giunco stated nothing further.

Chairman Bennett asked if anyone from the Public had anything further to ask. There being none this portion of the meeting was closed.

Motion was made by Mr. Evans to approve the Use Variance, seconded by Mr. Potter. The vote was affirmative and the motion carried.

Motion was made by Mr. Morton to approve Preliminary and Final Major Site plan for Phase One and Preliminary for Phase Two subject to DEP approval, seconded by Mr. Evans. The vote was affirmative and the motion carried.

Motion was made by Mr. Morton to approve the Fence Variance with the deer corridor, seconded by Mr. Evans. The vote was affirmative and the motion carried.

**Old Business**

**Comments from Professionals**

**Comments from the Board**

1. Bill List

A motion was made by Mr. Evans, seconded by Mr. Pagenkopf to approve the bill list. The vote was unanimous and the motion carried.

**Adjournment**

At 9:48 p.m. a motion was made to adjourn. The vote was unanimous and the motion carried.

Respectfully submitted,

Catherine A. Borstad  
Land Development Board Secretary