

FRANKLIN TOWNSHIP LAND USE BOARD
MEETING MINUTES
October 6, 2021

FLAG SALUTE:

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, October 6, 2021. Chairman H. Meltzer called the meeting to order at 7:31 p.m. and declared all aspects of the Open Public Meeting had been met by posting notice of this meeting on the bulletin board in the Municipal Clerk. Advertisement of notice was posted in the Star Ledger of Newark, NJ the Express Times of Easton, Pa. as well as the Franklin Township website.

OATH OF OFFICE: Attorney R. Schneider swore in Mr. Mike Balogh as Alternate #2 Land Use Board member.

ROLL CALL:

Members Present: Mayor Ferri, Mr. Onembo, Mr. Herzer, Mr. Meltzer, Mr. Santini, Mr. Butler, Mr. Handel, Mr. Corde, Mr. Balogh
Members Absent: Mr. Sigler, Mr. Kubik

MINUTES: Minutes from the August 4, 2021 meeting.

Eligible to Vote: Meltzer, Corde, Santini, Butler, Onembo, Kubik

A motion to approve was made by Mr. Corde, seconded by Mr. Onembo,

Vote: Corde, Onembo, Meltzer, Santini, Butler – Ayes, 0 – Nay,

0 – Abstain, all aye motion carried.

COMPLETENESS & PUBLIC HEARING ITEMS:

1. 2021-02 Elizabethtown Gas (ETG) Acquisition Corporation.
Second Completeness Review for a Preliminary & Final Site Plan Application for a proposed Renewable Natural Gas (RNG) Station for Block 41 Lot 11 located at 148 Edison Road. Mr. Santini and Mr. Herzer stepped down for the application.
Engineer M. Finelli reviewed waivers granted at the August 4, 2021 meeting. Engineer Finelli stated there were some additional outstanding items, wetlands may be an issue if so the applicant will obtain the required permits. A waiver was requested for checklist item #36, or report Item #8 on page 4 of the Engineer's report.
A motion to grant a waiver for item #36 was made by Mr. Meltzer, seconded by Mayor Ferri, all ayes motion carried.

A motion to deem the application complete was made by Mr. Meltzer, seconded by Mayor Ferri, all ayes motion carried.

Elizabethtown Gas (ETG) Acquisition Corporation.
Public Hearing for a Preliminary & Final Site Plan application for a Proposed Renewable Natural Gas (RNG) Station for Block 41 Lot 11 located at 18 Edison Road. The applicant was represented by Attorney Michele Beatty who briefly explained the Preliminary & Final Site Plan application which includes a variance for fence height. The 8ft. fence is required by BPU for protection of the utilities. Elizabethtown Gas is implementing at the New Village Station to meet the security requirements for best practices. Exhibit A-1 Letter from State Board of Utilities dated August 31, 2021.

Attorney R. Schneider swore in applicant Engineer M. Scacifero. Engineer Scacifero provided his credentials for the Board and was accepted as an expert witness in his field.

Engineer Scacifero stated that the location has been in use since the 1950's Elizabethtown Gas purchased the site in the 1960's. The proposed activity at the site would include the construction of an RNG loading/receiving station with (2) hose posts on a 40x60 foot concrete slab located in the rear of the property. The renewable natural gas is delivered by tanker trucks to the loading/receiving area before being injected into ETG's existing natural gas transmission line on the property. Exhibit A-2 Aerial Image of 148 Edison Road was reviewed. The process was reviewed including the process for the 53ft. long tractor trailers which would be one truck every two days done during regular business hours Monday through Friday. Exhibit A-3 photo of trailer was reviewed.

PUBLIC QUESTIONS:

Mr. R. Herzer of 156 Edison Road asked if the site will be manned, which was addressed by the applicant normal business hours, automated operation and the monitoring of the site.

Mr. S. Santini of 193 Good Springs Road asked if anyone remembered there was a fire there back in the 1980's and the area had to be evacuated a big tank could be a problem, the applicant explained the systems automatic shut offs.

Mr. Y. Lipens of 38 Asbury Broadway Road asked if more could be injected into their system, the applicant explained.

Mr. M. Pittore of 152 Edison Road stated that currently there are no tractor Trailers the applicant explained one truck every two days as well as the closed system.

Attorney R. Schneider stated approval granted is for one station would there be a site plan for a second station with an additional pad.

Mr. M. Handel of 15 Stewartsville Road asked if there would be any noise associated with the process such as hissing the applicant answered no.

Mr. R. Herzer of 156 Edison Road suggested the location be manned if would take the State Police a long time to respond the place should be manned. The applicant explained that there would be no change to the existing operation.

The applicant stated the Trucks will be driving the routes and will make a right off Edison Road the plan is to widen the driveway. Planner J. Kyle suggested also adding additional landscape screening.

Attorney R. Schneider swore in Engineer Matthew Beksel. Engineer Beksel provided his credentials for the board and was accepted as an expert witness.

Engineer Beksel reviewed the fence location on the eastern and front portions of the site as well as an electric gate. The applicant is proposing a concrete pad and fence and around the entirety of the property. The proposed fence would be 8ft. high with barbed wire on the top not to exceed a height of 9ft. 6".

Engineer Beksel reviewed sheet 3 of 5 which will include the removal of Light poles at the new concrete pad with zero ft. candles at the property line. Planner J. Kyle stated the pole height of 15 to 20ft. should be an improvement.

The second driveway has a manual gate the applicant is proposing an automated gate. Engineer Beksel stated that they have submitted to the Franklin Township Fire Chief for emergency situations.

Mr. Michael Redding, Supervisor of Operations stated all gate stations will open with a sensor.

Mr. Handel asked what would trigger the gate, Mr. Redding explained as well and the reasoning for a second concrete pad.

Mr. Santini suggested that the board just approve one pad in case there is a problem.

Attorney R. Schneider stated he would not invoke the need for site plan approval again.

Mr. Onembo suggested any conditions you would impose for the second station should be included.

The applicant took no exception to the Engineer's report. We can fill a gap here and there since we can't meet 40ft. buffer, the applicant agreed.

PUBLIC COMMENT:

Mr. Herzer of 156 Edison Road suggested there should be someone there to monitor the site, the site manager explained.

Planner J. Kyle technology has changed safety has improved in the last 41 years. The public hearing was closed at time.

A motion to grant preliminary and final site plan approval and fence height subject to all conditions was made by Mr. Onembo seconded by Mr. Corde, Vote: Onembo, Corde, Ferri, Meltzer, Butler, Handel, Balogh - Ayes, 0 – Nay, 0 – Abstain, all ayes motion carried. Mr. Santini returned to the board at this time.

2. 2021-03 – Broadway Solar, Owner is Broadway Energy LLC. Second Completeness Review for a Minor Site Plan application including a "D" Variance for Block 16.01 Lot 10.00 located at 2043 Route 57. Mayor Ferri and Mr. Herzer stepped down for the application. The applicant was represented by Attorney Mark Peck who briefly reviewed the previously project and returning for plan "B" for the site. Attorney Peck stated there were no bulk variances only a "D" variance for the solar use. Engineer M. Finelli reviewed his completeness report dated October 4, 2021 as well as completeness items addressed the primary one was wetlands. On October 4th plan revisions were provided for page 1 and page 2 to address Engineer's comments. A motion to deem the application complete was made by Mr. Meltzer, seconded by Mr. Corde, Vote: Meltzer, Corde, Onembo, Santini, Butler, Handel, Balogh – Ayes, 0 – Nay, 0 – Abstain, all ayes motion carried.

Broadway Solar, Owner is Broadway Energy LLC.

Public hearing for a Minor Site Plan application including a "D" Variance for Block 16.01 Lots 10 and 10.08.

Attorney M. Peck stated notice was in order the board has jurisdiction to proceed. Mr. Peck stated the applicant determined that the prior approval was not viable

for economic reasons. The applicant elected not to pursue installation of the facility in accordance with the prior approvals at this time.

Attorney Schneider stated the 2019 approval remains valid.

Attorney Schneider swore in Engineer Brett Nolt who is a member of Broadway Energy.

Attorney Schneider asked what the relationship was with MVE group.

Engineer Nolt explained MVE Group was hired by Broadway Energy to go through the project, Broadway Solar is the property owner.

PUBLIC QUESTIONS:

Nina V. resident of 17 Beidleman Road

Expressed multiple concerns with the project's location.

Yanis Liepens -Mr. Liepens asked since you have increased the size are you financially secure, Mr. Nolt said yes.

Attorney R. Schneider swore in Engineer Edwin Caballero who provided his credentials for the board. Engineer Caballero reviewed Exhibit A-1 sheet 2 with aerial. There are wetlands on the adjacent lot with a 50ft. buffer with no impact on the proposed improvements including a 6ft. high chain link fence and a solar panel setback of 50ft.

Mr. Corde suggested they move further east 30ft. and would increase the buffer from 50ft. to 80ft.

Engineer Caballero reviewed grading, meadow grass and stormwater management he stated there would be no detention basin required.

Mr. Corde asked how the panels are cooled Engineer Caballero explained, the panels would be cleaned with a water truck using a biodegradable cleaner only when required.

The applicant has received NJDOT approval but require DEP-LOI they will provide the letters showing compliance.

Engineer Nolt stated prior approvals have been obtained the applicant can comply with Engineer M. Finelli's report dated October 4, 2021.

PUBLIC QUESTIONS:

Mr. Yanis Liepens of 38 Asbury Broadway Road.

Mr. Liepens suggested that they keep trees as close to the road as possible, you need an angle.

Mr. Green requested vegetation on his side of the site.
Planner J. Kyle suggested that young trees be planted on the south side.

Attorney R. Schneider swore in Planner, Dan Bloch, Planner Bloch reviewed his credentials for the board. Planner Bloch described the HC zone district and explained is a "D1" variance and is not permitted in the zone.

The application is an inherently beneficial use, it will provide clean energy to the power grid. Mature trees will be supplemented for visual impact, the benefits outweigh and does meet the criteria.

The use is permitted as an accessory use for renewable energy resources you can't tell them to put it somewhere else, the HC zone is undeveloped track of land there is no town center.

The solar lifespan is approximately 25 years.

PUBLIC QUESTIONS:

Residents of 17 Beidleman Road the Green Farm.
Expressed multiple concerns with the project's location.

Mr. Yanis Liepens suggested seeking out redevelopment.

A panel height of 6'7", double row of evergreens, 30ft. to the east, 40ft. to the north, this concludes the testimony.

Planner J. Kyle suggested a post inspection for landscaping, buffer the gaps around the whole field which would address the public's concerns.

A motion to deny the application was made by Mr. Onembo, seconded by Mr. Santini, Vote: Onembo, Santini, Meltzer, Butler, Handel, Corde, Balogh-Ayes, 0 – Nay, 0 – Abstain, all ayes motion carried.

PUBLIC COMMENT: No additional public comment was made.

BILLS: A motion to approve bills submitted for payment was made by Mr. Corde, seconded by Mr. Butler, all ayes motion carried.

ADJOURNMENT: 10:55 p.m.

With no further business before the board and no further public comment offered the meeting was adjourned. A motion to adjourn was made by Mr. Corde, seconded by Mr. Butler, all ayes motion carried.

Respectfully Submitted

Margaret Housman, Secretary

