

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, February 13, 2020

**CALL TO ORDER:** The February 13, 2020 Regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Scott Holzauer, at 7:01pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. Holzauer.

**ROLL CALL:** Present: Mr. Jim DeYoung, Mr. John Lynch, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Watson Perigo, Mr. Rick Wilson and Mr. Scott Holzauer.

Also present: Ms. Jessica Caldwell, Board Planner, Mr. David Brady, Board Attorney and Mr. David Simmons (in for Mr. Cory Stoner), Board Engineer, Ms. Kim Mantz, Board Secretary

Members Absent: Mr. Joe Cercone, Mr. Jim Chirip, Mr. Dan Conkling

Motion was made to excuse the absent members by Mr. Perigo and seconded by Mrs. Mullen.

No Discussion. All Ayes. Motion Carried. Abstentions: None

**MOTION TO APPROVE MINUTES:**

Land Use Board Minutes of January 9, 2020.

Mr. Wilson motioned to approve minutes and was seconded by Mr. Lynch. No Discussion. All Ayes. Motion Carried.

Abstentions: None

**RESOLUTIONS:**

Application: LU#1903

Owner/Applicant: Louis Tommaso

Block 19 Lot 7– 143 Creek Road, Andover, NJ 07821

Mr. Brady spoke to Mr. Tommaso and since we are coming up on a year from the approval Mr. Brady asked him to attend the next meeting to give an update to the Board. If he cannot make the next meeting in March, he will need to send a letter to the Board explaining his situation. Mr. Brady suggested memorializing the approval with the condition the approval is not effective unless and until they get the sign off from the State.

Application: PB#1305/1305B

Owner/Applicant: Crossed Keys

Block 22 Lot 2.02 – 287 Pequest Rd.

Mr. Brady stated he made sure he included information from the beginning since this application began so long ago.

He also added Mr. Stoner had some latitude with the “bump out” on the conservatory instead of the applicant having to come back to the Board. Mr. Stoner will be able to make other field changes as necessary.

A motion was made to memorialize the approval of January 9, 2020 by Mr. Perigo and seconded by Mr. Wilson.

Roll Call Vote: Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzauer.

All Ayes. No Discussion. Motion Carried. Abstentions: none

**OLD BUSINESS:** None

**NEW BUSINESS:**

Application: LU#1910

Owner/Applicant: VESI 25, LLC

Block 26 Lot 4.01 – 248 Brighton Road, Andover, NJ 07821

This application began at 7:08pm

Mr. Brady explained we received proof of notice and publication and everything was in order.

Mr. Neil Yoskin, attorney for the applicant, began by explaining VESI 25 LLC is a subsidiary of Viridity Energy Systems out of Philadelphia, PA which sets up an LLC for each of its battery storage system (BSS) sites.

He gave a brief explanation of the storage system and what the applicant was applying for, details will be better described in later testimony.

Mr. Simmons addressed the requested waivers:

1. Item No. 8 – LOI – This is not needed as there are no wetlands in the area that would impact the proposed storage system.
2. Item No. 28 - Location of existing and manmade features within 200 feet of the property - The applicant is asking for a partial waiver for this item. The site plan shows that based on the topography of the location the applicant has provided sufficient information for the Board to make a decision.
3. Item No. 29 - Topography within 200 feet of the subject property – The applicant has provided enough information to evaluate the drainage.
4. Item No. 41 – Buffer zones and landscaping plan – The applicant indicated some trees would be taken down to help nestle the storage system into a wooded area. It will not be visible from the public road.

Mr. Christopher Nusser, engineer/planner for the applicant, was sworn in by Mr. Brady.

A motion was made to allow the requested waivers by Mr. Muller and seconded by Mr. Perigo. Roll Call Vote: Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Muller, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.

All Ayes. No Discussion. Motion Carried. Abstentions: none

Mr. Nusser presented Exhibit A-1, Viridity Andover Exhibit, a rendering of the entire property and Exhibit A-2, Viridity Andover Exhibit enlarged, also a rendering with a focus on the proposed location of the BSS.

Mr. Nusser started with helping orient the Board in reference to the railroad bed on the southeast corner of the property and how it is elevated above the location.

The proposed site is on TAB Group's property behind their building. The applicant will use the existing TAB driveway from Brighton Road through their parking lot and loading area and then will branch off with a gravel driveway back to the BSS. The site consists of 7 battery storage systems encased in electrical cabinets which will sit on concrete pads.

There is an existing basin in the western portion of the existing building area where the stormwater runs to. There are proposed swales to collect the runoff around the BSS and from the BSS itself the stormwater will run into a small infiltration basin on the northern side between the existing stone drive and the proposed system. The concrete pads are surrounded by gravel and the entire area is fenced with access gates in the front and in the back. There will be two lights for security lighting which will be on

from dusk to dawn but will not impact any of the neighboring properties. This “facility” is not manned so there is no impact on traffic coming in and out on Brighton Road. There will only be maintenance employees on a regular schedule or if there is an issue.

The property is generally a meadow type area and there will be an infiltration basin. The runoff from the site is collected and then infiltrated into the ground, any overflow remains on its current path which takes it to the existing TAB basin.

Mr. Yoskin went through Mr. Stoner’s report dated February 7, 2020 which is attached to and made part of these minutes:

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4. Site Plan Comments:

- a. Covered by another witness yet to be called.
- b. This project will require a Soil Erosion Sediment Control plan and the applicant understand this would be a condition of approval.
- c. There is a design waiver for the curbing of the access roadway.
- d. The lighting will not represent a nuisance.

6. Other Comments:

- a. Mr. Nusser commented that there will be no noise generated by these units, but this will be covered in more detail by a witness yet to be called. Mr. Simmons requested data on the units be submitted to the Board to help verify the decibel level at the property lines. Mr. Yoskin stated the applicant is agreeable if this information was to be a condition of approval.
- b. Mr. Nusser explained the power line the facility is going to connect into is located along the old railroad bed to the south of the site. All lines are underground until it reaches the switch gear. The switch gear allows the facility to be remotely turned on and off, it then travels underground and back up to three utility poles that contain additional switching equipment. The first pole is a switch for VESI 25 the second pole is a switch for the utility and the third pole is a meter for the utility. The utility requires these poles be accessible which is why they are placed in this arrangement. The wiring then goes to a fourth pole and then further up the slope to an existing pole near the railroad bed. This is a standard design for this type of system.
- c. Mr. Nusser stated there would be no impact for the TAB facility to have this BSS placed on their property.
- d. Mr. Yoskin stated VESI 25 has a ten-year lease with 2 five-year renewal options.

Mr. Yoskin asked Mr. Nusser to explain the fire potential for this system. Mr. Yoskin also explained VESI typically trains the township’s fire department on how to fight a fire in one of the units as well as the entire site. He also stated any conditions the Board requested regarding fire safety and training is fine with the applicant.

Mr. Nusser explained there are both a fire detection and a fire suppression system built into each battery cabinet.

Mr. Brady asked Mr. Perigo if he believed the access drive allowed enough space for the fire trucks to respond. Mr. Perigo said yes.

Mr. Wilson asked how high the fence was around the facility. Mr. Nusser said the fence was 6 feet in height. Mr. Wilson then asked if the gates were locked how would the fire department be able to access the cabinets. Mr. Nusser explained a Knox Box or a specific padlock could be used so that VESI 25, the utility and the fire department have access.

Mr. Nusser stated the power lines are on the facility side of the railroad tracks along the bottom of the slope. The poles are regular wooden poles and are 47 feet tall.

Mr. Brady questioned the rear yard setback of 52.4 feet. Mr. Nusser explained the Green Township ordinance states the rear yard setback is 200 feet to the corner of the building, but this was not a building, in his opinion, so that set back does not apply to this site. Mr. Brady is going to check the ordinance.

Mr. Yoskin went through Ms. Caldwell's report dated February 10, 2020 which is attached to and made part of these minutes:

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5. Site Plan Review:

a. Lighting: Ms. Caldwell has no issue with the lights being on dusk to dawn.

b. Noise: Ms. Caldwell stated the facility does comply with the state noise standard.

c. Fence: Ms. Caldwell said the fence complies the township ordinance.

d. Mr. Nusser addressed the landscaping of the site. He explained the site is not visible from the road, the south where the railroad bed is elevated or from the east where there are woods. He does not feel there would be any negative impact. The lights are cut off fixtures so there may be some light visible, but it would not trespass on any neighboring properties. Mr. Brady asked if the applicant could make the lights be compliant with the dark sky standards. The applicant would agree if the Board requested it.

e. Facility Lifespan: Covered by another witness yet to be called.

Mr. Wilson asked Ms. Caldwell if a 6-foot fence is adequate for security purposes. She said they have seen other facilities that have 8-foot fences and the Board could ask for it but she wanted to wait and hear the security testimony to make a recommendation. The applicant stated they would install an 8-foot fence if the Board requested it.

Mr. David Carney, an electrical engineer employed by Viridity Energy and VESI 25, LLC, was sworn in by Mr. Brady.

Mr. Carney began his testimony by explaining the battery system. This storage system charges and discharges energy to and from the grid to help stabilize it. They work together with First Energy as to when to charge and discharge. There are 3 systems in operation in NJ, Atlantic City, Alpha Township and Plumsted Township. The location in Green is ideal to help the grid as well as the interconnection to the utility.

Exhibit A-3 – Photo of System. This exhibit is incorrectly labeled as “Operating 20 MW Site at Plumsted” it should be labeled “Operating 20 MW Site at Alpha”. Mr. Carney explained the system in Alpha uses slightly older technology and there would be 2 less cabinets which results in a smaller footprint.

Mr. Carney explained the components of the cabinets referring to Exhibit A-3 which is attached to and made part of these minutes:

At the far end are the battery enclosures which house the battery modules. On top of the enclosures are the HVAC units which provide cooling for the entire system. Next to the enclosures are the inverters that converts the voltage from DC to AC and last is the transformer which steps the voltage up from 480 volts to 34.5 kilovolts which is the same interconnection voltage at the end of ?????.

Mr. Carney explained security is not an issue. Each one of the cabinets has its own individual padlock, so even if someone scaled the fence, they would still not be able to get into the cabinets. There is no live voltage outside of the cabinets. There are also motion detection security cameras and a 24/7 network operations center that monitors cameras and the health of the batteries.

Viridity has about 10 systems they operate around the country as well as systems they operate but do not own and they have never had any security or theft issues. There are warning signs on each cabinet.

Mr. Carney stated each enclosure's own fire suppression system involves a nozzle which releases CO2 gas that extinguishes the fire, however, fires are very rare for this system. If there was a fire and the internal suppression system failed the battery is automatically deenergized. Additionally, there is a disconnect on one of the poles to shut down the whole site. VESI 25 would train the township's fire department, as they have in the other 3 NJ municipalities, to prepare for any type of fire at the site. The firefighters are instructed to stay away from the fire and allow it to burn due to the residual energy left in the battery.

Mr. Holzhauser asked if the site is susceptible to lightning strikes.

Mr. Carney said it is as much as any industrial site is but VESI 25 has conducted a lightning protection study done by an outside contractor who gave recommendations for an FPF???

VESI 25 participates in the utility programs that have financial incentives. For example, frequency response, where VESI 25 helps keep the frequency to 60hz on the grid by charging and discharging to the utility's signal.

Mr. Carney explained the BSS is designed to run for 15 years but it can be retrofitted to extend its lifetime. The facility could operate much longer based on upgrades due to new technology.

The maintenance schedule typically includes a single individual, in a car, one time per month and any time there is a failure. Over the last several years VESI 25 has never had a large component fail where it needed to be replaced.

Mr. DeYoung asked what area the grid encompasses.

Mr. Carney stated we are in First Energy's jurisdiction and this will support their grid. Mr. DeYoung was surprised it would not be placed closer to a more urban area. Mr. Carney explained there are a substantial number of solar panels in the area which creates grid instability.

Grid instability can be anywhere because the frequency must be maintained at 60hz. If there is more energy produced than being used it gets wasted unless you have a battery to store it in. If there is more demand and not enough energy then the utility company must kick on coal or natural gas generators. These batteries will be charging and discharging every day.

Mr. Wilson asked if the Green Township residents will directly benefit from this system. Mr. Carney said yes but not specifically Green, it benefits a large area including Green.

Mr. Brady asked what the battery units are made of. Mr. Carney reported the enclosures are made of steel, the insides are made of plastics and the batteries are lithium ion just like our phones, and they do not leak.

Mr. Nusser returned to give the planning testimony.

Mr. Holzhauser questioned the rear yard setback and this system being only 52 feet away from the property line.

Mr. Nusser responded by saying he interpreted the ordinance as being 200 feet from a building and since this was not a building it did not apply. It is not an occupied structure. He hoped if the variance was required that the Board would grant it. Ms. Caldwell stated she believes the applicant should get the variance so there are no questions in the future. She read the definitions from the ordinance and said the Board would need to determine if this is a "building or structure". Since this is a second principal use on the property Mr. Holzhauser would like to see them get the bulk variance and Ms. Caldwell agreed.

Mr. Nusser began testimony for the variance:

The rear yard setback is 52.4 feet to the fence and another approx. 5 feet to the first cabinet.

This is not one of the uses listed in the ordinance that would be considered inherently beneficial, but it has aspects of it such as benefits to the grid and to the community. The use of each of the principal uses are permitted in the zone and this site is suitable because of the access to the utility lines in the rear of the property. This is a perfect site because it hides itself, no one can see it from the road and the community would never even know it is there. There is no noise, no dust and no negative impacts with stormwater or traffic and is a very low intensity proposal. Usually with a second principal use on a property, it intensifies the uses and creates more traffic, more noise, and more dust and debris. It is Mr. Nusser's opinion the variances can be granted without detriment to the public good.

Ms. Caldwell stated this was a truly a general welfare type of application that benefits the community and beyond and this particular suitability for this site is clear.

Mr. Yoskin asked Mr. Nusser about any provisions or bonding to cover the guaranteed removal of the equipment when the lease is up. Mr. Nusser stated the lease was for up to 20 years and none of the three townships have required bonding and that it would be difficult to hold onto a bond for 20 years. There are conditions placed in the resolutions to require the removal of the facility at the end of life but it would be up to the municipality to enforce it if the operator does not remove it.

Mr. Holzhauser asked how the town would know if it was abandoned. Mr. Yoskin explained other than a tax revenue stream he honestly didn't have a good answer.

Mr. Wilson asked who will be maintaining the property around the site. Mr. Yoskin stated the agreement ends at the fence. The property owner will be taking care of the grass area surrounding the site. The applicant will maintain the gravel drive.

Mr. Holzhauser opened the public comment portion, but no one came up to speak so the public portion was closed.

The conditions of the approval include:

1. Will provide specs on the units for noise levels to be approved by the Board engineer
2. Fire Department will receive training
3. Provide a Knox Box or similar to provide access
4. Will confirm lights will meet the dark sky standards

Mr. Brady had a question for an 8-foot fence although members of the Board feel it is unnecessary so it will be taken out as a condition.

5. Remove the BSS when it is no longer in use.

Mr. Brady stated since this is on TAB property and they will be paying the taxes for it they would want it removed.

Mr. Yoskin stated the lease agreement requires the removal when the lease is up.

6. Mr. Brady added that a copy of the lease agreement with TAB Group is requested.

A motion was made to approve the variances and the application by Mr. Perigo and seconded by Mr. Wilson.

Roll Call Vote: Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Muller, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.

All Ayes. No Discussion. Motion Carried. Abstentions: None

The VESI 25, LLC application ended at 8:34pm

After a brief discussion about the landscaping at 7<sup>th</sup> Day Adventist property, Mr. Holzauer opened the public comment portion of the meeting. Since no one came forward the public portion was closed.

Mr. Brady briefly went over his Conflict of Interest memo.

Mr. Brady asked if the Board would like the professionals to work on clarifying the definitions for “building” and “structure” and “set back” and “yard”, etc. The Board agreed it should be looked at.

Kim explained Crossed Keys will not be pouring the foundation for the conservatory until the fall and that they are looking for a CO in April.

- **ATTORNEY’S REPORT** – None
- **CHAIRMAN’S REPORT** – None
- **CORRESPONDENCE** – None
- **SECRETARY’S REPORT** – Kim explained Rosa Alves’s resignation and that we need new members. There is a full Board but only 1 alternate.
- **PROFESSIONALS REPORT** – None

A Motion was made by Mr. Perigo to adjourn the meeting at 8:43pm and seconded by Mr. Lynch.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary  
Date approved: March 12, 2020