

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
LAND USE BOARD
SUMMARY MINUTES
February 13, 2024**

REGULAR MONTHLY MEETING was called to order by Vice-Chairperson Lees at 6:15 P.M.

MEMBERS PRESENT: Councilman Bennett, Ms. Childs, Mr. Ciabaton, Chairperson Fisher, Ms. Lees, Mr. Ovens, Mr. Petro, Mr. Phillip, and Councilwoman Prettyman.

Also, in attendance were Solicitor Jon Batastini (in person), Board Professional, Lewis H. Conley, and Board Secretary Monserrate Gallardo.

MEMBERS ABSENT: Ms. Becica notified the Secretary that she would be unable to attend this meeting. Chairperson Fisher notified the Secretary that Vice-Chair Lees should start the meeting as she was going to be late due to work.

Adequate notice of this meeting was provided in compliance with the Open Public Meeting Act by notifying the Cape May County Herald on January 17, 2024, and by posting a copy of said notice on the Lobby Bulletin Board, of the Borough Hall, and on the Borough Website.

An audio recording of this Open Public Meeting is filed with the Secretary of the Board.

Vice-Chairperson Lees led the Board to the Pledge of Allegiance.

APPROVAL OF THE MINUTES for January 10, 2024, as prepared by the Secretary was:

OFFERED BY: Mr. Ciabaton

SECONDED BY: Ms. Childs

ROLL CALL: 7 Voted in Favor

1 Abstained 0 Opposed

Ms. Lees abstained. Chairperson Fisher was not present to vote.

ESCROW REPORT: The Secretary reported on the Pinelands and Regular Escrow accounts.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

New Application: William & Theresa Saduk

Application No. 2-2-24

Block 91 Lot 8

1044 Washington Avenue

Minor Subdivision

Completeness Review Results

Solicitor Batastini stated that the above-listed application had been deemed complete. The Secretary stated the following Board Members had reviewed said application for completeness: Councilman Bennett, Ms. Childs, and Mr. Ovens. Mr. Ovens stated that there were a few comments to address regarding the application. Board Professional Lewis H. Conley Jr. proceeded to state what those comments were. He agreed with Solicitor Batastini that the application had been deemed complete except that the Applicant did not appear to be the owner of the property. He stated that if the property was being purchased then a contract of sale should be

At this time, Chairperson Fisher stepped in to Chair the Nexamp Solar LLC Application Hearing. Councilwoman Prettyman recused herself stating a conflict of interest in the hearing of the Nexamp Solar LLC Application. The Secretary also mentioned Councilman Bennett, Ms. Childs, and Mr. Conley (A representative of Van-Note Harvey who is affiliated with Pennoni), were also recusing themselves. Engineer Bruce Graham heard the application via Zoom.

New Application: Nexamp Solar, LLC

Application No. 3-12-23

Block 117 Lot 1

1049 Fidler Road

Pre./Final Major Site Plan/

Variance Request

Attorney Henry Chou introduced himself before the Board. He proceeded to give a brief history regarding the above-listed application. He stated that the parties involved entered a Letter of intent (LOI) with the Borough of Woodbine April 2019 which has been extended seven (7) times. He stated that in the process, Nexamp Solar LLC had sought permits and several approvals. He stated that now was the appropriate time to be heard before the Board regarding this Site Plan Application.

Several witnesses were present to give testimony before the Board. The first one sworn in was Chad Gaulrapp, PE, for Pennoni Associates. He was there to speak regarding Site Plan issues. He gave his personal and professional experience. He described details regarding the site plan and introduced Exhibit A1 which was an aerial of existing conditions. It described the existing conditions of a capped landfill surrounded by woods and improved roads. He submitted A2 which was a proposed landscaping and Closure Plan. It described the access point as initially paved to be transitioned into a gravel access way further into the site. He described how the landfill would be cleared and covered. He also submitted Exhibit A3 which was a site plan of solar array. It described the placement of said arrays, access point, safety zones, and landscaping. Mr. Gaulrapp stated that the solar array would be locked but the local fire and emergency responders would be provided with the means to access the site. He discussed the bulk variance which was a landscaping buffer. In conclusion, he asked if there were any questions. There were no questions.

Solicitor Batastini stated that it would be better if all the professionals presented before Mr. Graham commented on the application. Mr. Graham agreed. At this time, fire safety was discussed. Victor Hartley, Fire Fighter for the Borough commented.

Stephen Barrett of Barrett Energy Resourcesz Group was sworn in next. He gave his personal and professional experience. He described the work of the FAA. He described two zones in the Airport, the runway protection zone, and the clearway protection zone, and what was allowed in those zones. Solicitor Batastini continued by stating that Mr. Graham had been working closely with Airport professionals to make sure their zone requirements regarding this application were being met. Exhibit A4 was submitted by Mr. Barrett. Chairperson Fisher questioned how the landfill would be capped. Mr. Gaulrapp addressed her question. A discussion was initiated by some of the Board Members. Mr. Gaulrapp explained more of the process of capping the landfill.

Solicitor Batastini continued the meeting by commenting that Mr. Graham would be explaining the “Glare Study,” and other studies that had been done. Mr. Barrett explained that in 2021 they revised the policy regarding the “Glare Study.”

Solicitor Batastini swore in Mr. Paul Gleitz, PP, AICP. He gave his personal and professional experience. He summarized the proposed work in capping the landfill, and the installation of the solar arrays. He also summarized the landscaping that would go in the area. He stated what was allowed in the redevelopment zone,

where the landfill is located. He described the existing conditions in the area. He discussed how the landfill could be capped without using the expenditure of public funds and make the site a usable one. He stated that he looked at the Master Plan and discussed what he found. He stated that he had given the history so that the Board could be made aware of the different aspects of capping said landfill. He stated it was a unique situation in trying to solve a public problem while using available funds. He stated that it was determined to be an inherently beneficial use. After Mr. Gleitz concluded his presentation, Mr. Batastini asked if anyone had any questions. Mr. Petro had a question which Mr. Gleitz addressed regarding the landscaping buffer.

Mr. Gleitz continued by describing the laying of the solar array, and the landscaping. Mr. Graham asked Mr. Gaulrapp if there was any ability to plant additional landscaping outside of the trash area and not to cover just the solar arrays, particularly along the roadway. Mr. Gaulrapp addressed his question. Landscaping along the roadway was further discussed. Solicitor Batastini stated he could make it a condition to satisfy the best efforts for the Borough Engineer.

Mr. Graham continued the meeting by commenting on the report created for this application. He described the length of the lease and other items regarding said lease. He stated that the Borough ultimately would retain ownership of the land. He also spoke of an offsite location.

Felix Aguayo, Vice President of Development for Nexamp Solar LLC was the last professional sworn in by Mr. Batastini. Solicitor Batastini asked what degrees he had. Mr. Aguayo addressed his question. He described how Atlantic City Electric would be involved in this project. He described the location of the substation as the intersection of Woodbine and Corson Tavern Road.

The next topic of discussion was the traffic that could be generated in capping the landfill, and the construction of the solar array. Mr. Gaulrapp gave details of same. Mr. Graham proceeded to tell Mr. Gaulrapp what items would be required by DOT. Solicitor Batastini gave details regarding the grant given to the Borough by the FAA. He stated that there would be requirements that would need to be met so the Borough can continue to comply with the FAA and keep their grants for the Airport. Mr. Graham continued to read the points from his report. He wanted to know if there would be any other issues. Mr. Gaulrapp addressed his question. He asked Mr. Aguayo if lighting was needed on the site. Mr. Aguayo addressed his question. Mr. Graham asked regarding any other approvals, and performance guarantees. Mr. Gaulrapp also addressed these items.

At this time, Solicitor Batastini asked the Board if they had any questions for Mr. Graham or any of the other professionals. There were no more questions. Harry Ciabatonni came up and was sworn in by Mr. Batastini. Mr. Ciabatonni commented on the benefits of capping the landfill. No further statements were given. Solicitor Batastini asked Attorney Chou if he had any closing statements. Mr. Chou had none. Solicitor Batastini summarized the hearing of the Nexamp Solar LLC Application which included the positive criteria. After the summary, a motion was made and seconded to approve the application.

MOTION TO APPROVE NEXAMP SOLAR LLC APPLICATION NO. 3-12-23 TO CAP THE WOODBINE LANDFILL AND TO CONSTRUT A SOLAR ARRAY ON BLOCK 117 LOT 1 ALSO KNOWN AS 1049 FIDLER HILL ROAD IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Councilman Bennett

SECONDED BY: Chairperson Fisher

ROLL CALL: 7 Present Voted in Favor

0 Abstained 0 Opposed

Both, Councilman Bennett, and Chairperson Fisher gave positive reasons for voting on the application.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 8:06 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Councilman Bennett

ROLL CALL: All Present Voted in Favor

SECONDED BY: Mr. Phillip

Respectfully submitted by:

Monserrate Gallardo

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Board Secretary