

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
APRIL 20, 2023**

The meeting of the Upper Township Planning Board was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Member	Attendance
Matthew Davidson, Class IV	Present
Gary DeMarzo, Class II	Absent
Brooke Handley Alt	Present
Joseph Harney, Class IV	Present
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Absent

Member	Attendance
Chris McGuire, Chairman	Absent
Colby Meloy Alt	Present
Jay Newman, Class I	Present
Gary Riordan, Vice Chair	Present
Sean Whelan, Class IV	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor, Paul Dietrich Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE MARCH 9, 2023 MEETING MINUTES

A motion to approve the minutes was made by Ms. Handley and seconded by Mr. Davidson.

In favor: Davidson, Handley, Meloy, Riordan,

Abstain: Harney, Hayes, Newman, Whelan

NEW BUSINESS

Mr. Harney steps down for the following application due to conflict.

ELMWOOD DEVELOPERS, LLC – BLOCK 597 LOT 34 – SD 01-2023

Applicant is requesting final approval of a proposed 4 lot Major Subdivision with variances for lot frontage and lot depth at 733 Route 9 South, Marmora, New Jersey.

Jon Batastini Esq., attorney for the applicant explains they are here for the final approval of a major 4 lot subdivision located at 733 Route 9 South in Marmora.

Joe Maffei, licensed engineer with EDA at 5 Cambridge Drive is sworn as a professional.

Tim Tower, 840 North Shore Road, was sworn.

Mr. Tower testified that there has been some clearing of the lots. They planted 27 Giant Arborvitae's. The last lot has not been cleared.

Mr. Maffei testified they are here for the final approval of a 4-lot major subdivision. The lot configuration has not changed. Proposed lot 34.04, currently wooded with a wetlands buffer. It is a unique property line and has frontage along a cul-de-sac. The side yard setback is 25' and they want to change to 50'. They request a variance for a 40' rear setback and a 40' front setback. If the cul-de-sac had been able to go through, they would not have needed a variance. The proposed subdivision allows for light, air and open space. There is no substantial detriment to the public good. There is no substantial detriment to the zone plan or zoning ordinance. There is no use variance. All lots are above elevation 9.

The meeting was open to the public.

Joe Harney, 19 Dolores Avenue, was sworn. Mr. Harney testified that he believed the applicant had done a good job. He was happy with the planting of the Arborvitae. He questioned the driveway of proposed lot 34.04.

Mr. Maffei – It has not been designed but it will be normal at about 15’-20’ with curb fill-in.

Jack Kelly, 7 Timber, was sworn. Mr. Kelly request planting a buffer to block open exposure to Route 9.

Bill Vogt, 746 Ocean Crest, was sworn. Mr. Vogt thanked Mr. Tower for his efforts overall. He is concerned with debris clean up.

Mr. Batastini – Yes, they will be cleaning up debris.

John Parker, 22 Timber, was sworn. Mr. Parker is on the cul-de-sac and is overall pretty happy with the project.

Hearing and seeing no one else, the public portion was closed and return to the board for findings of fact.

Mr. Dietrich explained the project meets the requirements including roadway. There will be a performance bond required.

Ms. Hayes – The applicant, Elmwood Developers, LLC have come before the board seeking final approval for a major subdivision located at 733 Route 9 South in Marmora known on the tax map as block 597 lot 34. We heard testimony from Tim Tower with regards to current activity. We also heard testimony from Mr. Maffei that they are requesting a 40’ front and rear yard setback. All lots are above elevation 9. Mr. Dietrich stated that it meets all standards.

Mr. Davidson – There was comment from Mr. Kelley about noise created by clearing lots and adding a buffer.

Mr. Batastini – The applicant is actively speaking with the neighbors. He does not intend on adding any addition buffer.

Ms. Handley – Nothing to add.

Mr. Meloy – Nothing to add.

Mayor Newman – Nothing to add.

Mr. Whelan – Nothing to add.

Mr. Riordan – There are wetlands on the property

Mr. Barnes frames a motion to approve a final 4-lot major subdivision with variances for lot frontage and lot depth.

A motion to approve the application was made by Ms. Handley, seconded by Mr. Davidson.

In favor: Davidson, Handley, Hayes, Meloy, Newman, Whelan, Riordan

Mr. Harney returns to the board.

HEIDELBERG MATERIALS NORTHEAST, LLC - BLOCK 414 LOT 44 – PB 02-2023

Application is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation at 1100 Dennisville-Petersburg Road. (Julie’s Pit)

Rocco Tedesco, Esq., for applicant, Heidelberg Materials Northeast, LLC. They are before the board today for there 5-year renewal for the property located at 1100 Dennisville-Petersburg Road, commonly known as Julie’s Pit. Mr. Dietrich’s comments are all acceptable. They will provide surveys of field work done. They agree to buffer requirements.

They agree to monitor and control access, they currently inspect regularly. It is an active site they try to prevent all unauthorized access.

Mr. Harney – Confirms this is a continuation of current approvals.

Mr. Tedesco – There are no changes.

Mr. Dietrich – They are well within what is permitted. This site is limited on what can still be done. Mining areas not being mined require reclamation. There are no issues other than some ATV's, but not as many as other pits.

The meeting was open to the public. Hearing no one and seeing no one, this portion was closed and returned to the board for findings of fact.

Mr. Harney – The applicant, Heidelberg Materials Northeast, LLC have come before the board for preliminary and final site plan approval for the renewal of the mining license for Julie's Pit located at 1100 Dennisville-Petersburg Road. Known as block 414, lot 44. This is a standard 5-year application. We heard from the Township Engineer about reclamation with a follow up survey due by 7/1/2023.

Mr. Davidson – The site is to be monitored.

Ms. Handley – Nothing to add.

Mr. Hayes – Renewal November 30, 2027.

Mr. Meloy – Nothing to add.

Mayor Newman – Nothing to add.

Mr. Whelan – Nothing to add.

Mr. Riordan – Correspondence was submitted by Mr. Dietrich dated April 19, 2023 in which he reviewed the property. Comments from the correspondence was addressed.

Mr. Barnes – The motion is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation at 1100 Dennisville-Petersburg Road. (Julie's Pit)

A motion to approve the application was made by Mr. Whelan and seconded by Ms. Hayes.
In favor: Davidson, Handley, Harney, Hayes, Meloy, Newman, Whelan, Riordan

HEIDELBERG MATERIALS NORTHEAST, LLC - BLOCK 453 LOT 4 – PB 03-2023

Application is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation at 1401 Dennisville-Petersburg Road. (Upper Sand and Gravel)

Rocco Tedesco, Esq., for applicant, Heidelberg Materials Northeast, LLC. They are before the board today for their 5-year application to renew their mining license for the property located at 1401 Dennisville-Petersburg Road, commonly known as Upper Sand and Gravel. The comments made by Mr. Dietrich are all acceptable.

Mr. Dietrich – There has been no mining activity for about 6-7 years. They have reclaimed some portions of the site. But extensive areas that have not been reclaimed. If this is not resolved to satisfaction by next renewal, he may need to make a recommendation to the Township Committee to call in the bond to make sure the reclamation is done to satisfaction.

Andrew Guttshall, 252 Lori Lane, was sworn. Mr. Guttshall testified that they are uncertain about what the future holds for this property. The future plans may affect the reclamation. They may sell but any necessary reclamation will be

addressed. He is aware of Mr. Dietrich's recommendation. There is some sand left at the site so there is still some mineral that could be extracted. But they do not have an active processing plant at this site.

Mr. Dietrich – It doesn't necessarily need to be completed but must make some efforts.

Mr. Tedesco – The applicant is exploring options with pit once it is used up.

The meeting was open to the public. Hearing no one and seeing no one, this portion was closed and returned to the board for findings of fact.

Mr. Harney – The applicant, Heidelberg Materials Northeast, LLC have come before the board for preliminary and final site plan approval for the renewal of the mining license for Upper Sand and Gravel located at 1401 Dennisville-Petersburg Road. Known as block 453, lot 4. The applicant was represented by Rocco Tedesco. There were drawings done from Marathon by Jesse Dougherty, dated 11/8/22. We heard from Mr. Guttshall, a representative from the mining company. We heard from Mr. Dietrich about areas that need to be reclaimed. We heard there was no mining activity in the past five-year cycle. If there is no mining in the next cycle, it is recommended by Mr. Dietrich that if they have not done some extensive reclamation, they may need to look at calling in their bond.

Mr. Davidson – Nothing to add.

Ms. Handley – Nothing to add.

Mr. Hayes – Nothing to add.

Mr. Meloy – Nothing to add.

Mayor Newman – Nothing to add.

Mr. Whelan – Nothing to add.

Mr. Riordan – Correspondence was submitted by Mr. Dietrich dated April 19, 2023 in which he reviewed the property. Comments from the correspondence was addressed.

Mr. Barnes – The motion is to approve preliminary and final site plan approval and recommendation to Township Committee for the continuation of the existing mining operation at with a return of December 31, 2027 with a condition that significant reclamation shall occur from now until the time period in which the return date is given.

A motion to approve the application was made by Mr. Harney and seconded by Mr. Riordan.
In favor: Davidson, Handley, Harney, Hayes, Meloy, Newman, Whelan, Riordan

Brooke Handley will be stepping down for the remainder of the meeting due to conflict.

OCEAN WINDS, LLC – BLOCK 479 LOT 76 – PB 01-2023

Application is for preliminary and final site plan approval with a two-lot minor subdivision at 900 North Shore Road, Beesley's Point, New Jersey.

Exhibit List

Exhibit A1 – BL England Nearmap Aerial Exhibit entitled "Proposed Substation and Cable Route" prepared by PSE&G Surveys and Mapping, dated April 18, 2023 – (1 page).

Exhibit A2 – BL England Site Plan Exhibit entitled "Proposed Substation Parcel and Cable Route" prepared by PSE&G Surveys and Mapping, dated April 12, 2023 – (1 page).

Exhibit A3 – TJD&A Site Plan Exhibit entitled "BL England Substation", photography by Robinson Aerial Surveys, Inc. dated July 10, 2022, 3-dimensional model prepared by Burns and McDonnell, dated April 17, 2023 – (1 page)

Exhibit A4 – TJD&A BEV (Bird’s Eye View) Site Map and Data Exhibit entitled “BL England Substation”, photography by Robinson Aerial Surveys, Inc. dated July 10, 2022, 3-dimensional model prepared by Burns and McDonnell, dated April 17, 2023 – (1 page)

Exhibit A5 – Bird’s Eye View 1: Existing Conditions Exhibit entitled “BL England Substation”, prepared by Terrence J. DeWan & Associates, dated April 17, 2023 (1 page).

Exhibit A6 – Bird’s Eye View 1: Visualization Exhibit entitled “BL England Substation”, prepared by Terrence J. DeWan & Associates, dated April 17, 2023 (1 page).

Exhibit A7 – Bird’s Eye View 2: Existing Conditions Exhibit entitled “BL England Substation”, prepared by Terrence J. DeWan & Associates, dated April 17, 2023 (1 page).

Exhibit A8 – Bird’s Eye View 2: Visualization Exhibit entitled “BL England Substation”, prepared by Terrence J. DeWan & Associates, dated April 17, 2023 (1 page).

Exhibit A9 – Bird’s Eye View 3: Existing Conditions Exhibit entitled “BL England Substation”, prepared by Terrence J. DeWan & Associates, dated April 17, 2023 (1 page).

Exhibit A10 – Bird’s Eye View 3: Visualization A Exhibit entitled “BL England Substation”, prepared by Terrence J. DeWan & Associates, dated April 17, 2023 (1 page).

Exhibit A11 – Lighting Plan Exhibit entitled “Offshore Wind Farm – BL England 275/138KV Substation Plan External Lighting System Permitting” prepared by Burns and McDonnell, dated January 3, 2023 – (1 page).

Keith Davis, Esq., attorney for the applicant, Ocean Winds, LLC come before the board seeking preliminary and final major site plan approval and a minor subdivision for the property located at 900 North Shore Road in Beesley’s Point known as block 479 lot 76. This application is specific to the establishment of a substation on approximately 7.2 acre tract of real estate. The power would be generated by windmills in the Atlantic Ocean and would make landfall on Roosevelt Boulevard to Route 9, making a right and making its way to, what we know as, BL England Plant area. This location has historically been used for utility uses and what is being proposed is consistent with that. The site in question is almost 295 acres. Only a small portion of that is what is involved in this application.

The governing body deemed this property suitable for redevelopment. They then adopted a redevelopment plan. Earlier this year it had been amended. Those amendments allow for this substation. They established a series of bulk requirements and standards. Their professionals will testify that the plan will comply with the standards that were approved by the governing body. There are no variances required, this is a buy rite plan of development. The minor subdivision in question is pursued because of what the Township and Beesley’s Point Redevelopers (owners of property) want the substation located. The original plan was to place it on the golf course tract, but Ocean Wind was asked to move it. By doing so, it took it from 10 acres to 7.2 acres. It had reduced the land area which limits their ability to provide landscaping. It is surrounded by the rail line. Beesley’s Point Developers want to maintain for future development. They have established the substation in a portion of the tract to maximize the balance of development in the future. This location does not have improved public street frontage. They are essentially asking for a land locked lot with a private easement which will be negotiated between Beesley’s Point Redevelopers and Ocean Wind. In section 13 of the redevelopment plan it is contemplated that lots such as this can be created without having improved public street frontage if it is 20’ wide, for emergency vehicles. Even though the redevelopment plan allows for it they are asking for a planning exception under section 36 of the municipal land use law. There will be access with a private driveway.

Gladys Doran, PSE&G. Licensed Professional Engineer, 80 Park Plaza, Newark was sworn as an expert.

Kathy Hering, E2PM, and Licensed Professional Planner and Engineer, Certified Municipal Engineer, 2517 Route 35, Manasquan was sworn as an expert.

Tiffany Morrissey, Licensed Professional Planner, 7 Equestrian Drive, Galloway was sworn as an expert.

Ms. Doran, Senior Project Manager, PSE&G. Ms. Doran has been there for over eleven years and was accepted as an expert. She is fully familiar with the plan presented tonight and fully experienced. The proposal includes the installation of an onshore transition system which is part of the offshore wind project. This includes the installation of an underground circuit and substation. The substation will be next to and interconnect with the existing ACE station. The purpose of the substation is to transmit the power from the windfarms. An aerial map is presented and marked as Exhibit A1. Ms. Doran

describes that path to the substation which connects to the ACE Substation and then to the grid. This will benefit the entire state.

Ms. Hering, Project Manager, E2Project Management

. Ms. Hering has been with them for 10.5 years and was accepted as an expert. She is fully familiar with the plan presented tonight. She has prepared the site plan. The plans conform with all regulations and ordinances. Referencing exhibit A1, Ms. Hering explains the proposed location of the subdivision for the substation is referred to as the coal pile area. To the north is the existing station that is being decommissioned. You also have the Sea-Doo dealership and the Tuckahoe Inn. There are some single-family residences Continuing south-southwest there is vacant forested upland area and wetlands. And then the existing ACE substation they are tying in to. Referencing exhibit A2, shows the rail line running along the east of the proposed subdivision. The proposed is in the Beesley's Point Redevelopment area which governs redevelopment in this area. Originally adopted January 2021 and amended February 2023. The proposed complies with the redevelopment plan. Due to the request to relocate the original site of the substation they are essentially shoe-horned in and restricted by the wetlands to the west and the rail line, which Beesley's Point wishes to retain, to the east. The remainder of the lot will be used for stormwater basins. This location will be lot 76.02 with 7.267 acres of the 295-acre tract. It will not have improved road frontage which is allowed under section 13 of the redevelopment plan. There are requirements and standards in terms of accessing this lot. It requires adequate access for emergency vehicles and employee vehicles. It requires a minimum width of 20', and the plan complies with this. The roadway will be improved with a water macadam or other asphalt surface. It will be suitable for fire and emergency vehicles. This will be subject by a cross access easement to be negotiated with Beesley's Point Redevelopment Group. The substation does not require frontage to function. It will be an unmanned station, it will be visited regularly, maybe monthly. There will be the access for employees and emergency vehicles.

While this is allowed in the redevelopment plan, they are requesting this planning exception. Under section 35, of the Municipal Land Use Law, frontage is required. Under statute 36 of the Municipal Land Use Law, you may ask for an exception. The board has the power to grant the exception provided they can demonstrate that adequate access is provided. There is another easement for the underground cable. This is coordinated with Beesley's Point because it parallels an existing easement to ACE. This will consolidate the underground conduit. Another easement is from the proposed substation to the existing ACE station for underground cable. Everything proposed is underground cable. Of course, the cable must come up into a riser structure and then it goes in with overhead conductors and ties into an open position in the ACE substation. The riser structure and overhead wires were contemplated by the redevelopment plan. There are also two small easements to the north and south of the station for points of discharge for stormwater management. Exhibit A3 is an aerial, prepared 4/17/23, of existing conditions from a photo taken in June 2022. There is an access road, water bound macadam. The gray area will be $\frac{3}{4}$ inch loose station gravel. Beyond the station fence is the stormwater management system. A3 has the best view of the rail line. During construction there will be a staging area where there are two white tanks to be removed. They will lay down materials, contractor parking and anything else needed during the construction phase. Ms. Hering submitted exhibits A5 through A9. A5 shows the Sea-doo dealership in the foreground and shows the coal pile, that has since been removed along with the generating station. Exhibit A6 is the same view showing the proposed station in the background and the underground cable route.

There was a comment in the board planner's letter about some trees being removed that will be relocated and will be shown on the tree removal plan. There are both underground and overhead cable. A7 is Bird's Eye View #2 of pre-existing conditions. A8 shows that it is still heavily forested with proposed conditions. A9 – Existing from south. Limited impact to area. Ms. Hering refers to exhibit A3. With regards to the electrical equipment. There will be 2 new 275/138 transformers. The power coming in is at 275 and needs to be stepped down to 138 to tie into ACE. There are 2 new 275 reactors. There are a couple new buildings on site. The longer rectangular one is the control building approximately 135'X144'. The second building is the Dynamic Reactor Compensation Building (DRC) this provides the voltage and frequency regulation for the power. Not shown is a proposed storage shed to house spare parts estimated to be about 8'X20' on a concrete pad. Around the site there will be 20 lightning masts 75' tall coupled with the air terminals on the 2 buildings will provide lightning protection. The structure that brings the cables overhead to ACE will be 95' tall. All connections underground except going into ACE. There is a proposed security fence. It is nonconductive and non-metallic mesh. The total height is 8' with last foot of it will be angled in for safety. It complies with the national electric safety code. There will be a private driveway with a gate. The station will be unmanned with monthly maintenance. There will be no public access. Entry by keycard only. Five parking spots plus additional along the macadam access road that is 20'

wide near the equipment. There will be enough room for vehicles to navigate around when parking on this road. There will be no septic or trash removal because the station is unmanned. There will be no impact on traffic due to minimal activity.

Exhibit A11 shows 4 types of lighting. One type is wall mounted on the buildings and on from dusk to dawn; will be provided with shields if needed. Around the station there will be pole mounted flood lights mounted at 20' from dusk to dawn. They will be off at night but with motion sensors. Once triggered they are on about 10 minutes and then shut off. There is a series of up lights and downlights that will be mounted at about 7'. The downlights will be from dusk to dawn. The up lights will be operated manually and only by technicians to do any emergency or nighttime work. The lighting plan complies with the township ordinance with all the lights on. There were comments from the township planners' letter about lighting and they agree to comply with what is required. The station was being drained to provide positive drainage from the east fence line to the west. Along the perimeter there is a series of stormwater management swales that will pick up the runoff and convey the water to manufacture treatment devices. By virtue of redeveloping the area from the coal pile to the substation they are decreasing the percentage of impervious coverage. Overall, stormwater is being improved due to development.

Orsted is preparing an emergency response plan that will be shared with local fire department and police department. They will schedule a meeting with the fire department to discuss how Orsted will be the first responders. They will monitor the station 24/7 remotely. If there are any problems, they will dispatch someone. With the accommodations made for the location of the substation and level of development they are unable to provide landscaping on site. In lieu of the landscaping they propose a monetary contribution to a tree fund that would be put towards landscaping in the redevelopment area more appropriately once a better plan is in place. The redevelopment plan has a formula to calculate an in-lieu contribution. There are limits of clearing that are in the one strand that there are existing utilities where the underground conduit will be coming in that there will be limited tree clearing. The township environmental checklist with a supplemental environmental impact statement has been provided that will address many of the topics on the checklist. They are currently expecting DEP approval at the end of the month and Cape Atlantic Soil Conservation District is under review. This is an inherently beneficial use under energy systems. They agree to comply with the comments made in the letter from the township planner. Any critical equipment will be above the 100-year flood elevation.

Mr. Harney questions remediation.

Mr. Dietrich – The DEP has approved.

Mr. Davis – This is the responsibility of the current owner, not Ocean Wind.

Ms. Hering – The site is under the supervision of an LSRP and DEP.

Ms. Morrissey – The Redevelopment Plan is very detailed resulting in only a few comments. There were comments regarding where the underground utilities were located which they covered the one area that will not be underground. The trees that would be removed for those underground utilities and the lighting. The monetary contribution for the landscaping. Outside of that everything does comply. She agreed with the requirement for the waiver from section 36 of the MLUL is appropriate. She agreed that the site does not require access from the street.

Mr. Dietrich agreed with the analysis of the stormwater improving and what they are providing does meet the state and township ordinance requirements. There was also discussion regarding a chain link fence and potentially changing it to something more decorative and screening. They have also engaged a fire safety expert. This is a unique facility that does not meet traditional needs. This would be a condition of approval based on the fire safety report.

Mr. Whelan questions where first responders would be dispatched from.

Ms. Hering – The plan is to have a more local presence.

Mr. Davis – They intend to work on an emergency plan with the township.

Mayor Newman – What is the distance between the northern end of the proposed substation and the southern end of the existing station.

Ms. Hering – Approximately 200’.

Mr. Davis – Minor subdivisions run for 190 days and a site plan for 2 years. He requests that they run concurrently for 2 years.

Mr. Barnes believes this to be a reasonable request to avoid having to come back multiple times before the board.

The meeting is open to the public.

George Riley, 15 Harding Avenue, was sworn. Mr. Harding expressed concern about any noise. Is there a decibel rating? Will there be any humming or buzzing at night? Is there a simulation to compare?

Ms. Hering – An acoustical study was done and submitted as part of the application. It meets all requirements both day and night. The decibel levels are 50 decibels or lower at the closest property. A normal conversation is generally between 65-85 decibels.

Mr. Riley – Will there be any monitoring of radiation levels?

Mr. Davis – We did not offer this witness originally but would like to at this time. Dr. Pamela Dopart.

Dr. Pamela Dopart, 17000 Science Drive, Bowie, MD was sworn. Dr. Dopart has her PHD in environmental health studies from Johns Hopkins University. She has a Master’s in public health from the University of Michigan. And a Certified Industrial Hygienist. She has expertise in the aspect of utility installation and the exposure of EMF. She has provided testimony to other boards as an expert and is acknowledged as such. Dr. Dopart explained that electricity is everywhere. Such as household items i.e., microwave ovens, vacuums, televisions, power tools, all the wiring in the house are all a source of EMF. As well as power lines and infrastructure. It is challenging to picture EMF. She compares a cup of coffee and feeling the heat from the thermal energy. The levels decrease as you move away. The EMF being produced from this project is like what is being generated by electrical equipment. There have been thousands of studies that have been reviewed extensively and they show that there will be no adverse effects to the public within 200’.

Tim Tower, 840 North Shore Road was sworn. Mr. Tower questioned why the power lines aren’t going down the rail line as opposed to Route 9.

Ms. Hering – The current owner wants to maintain the railroad tracks. The cables are following existing ACE lines.

Mr. Tower - Are the lines going to be on eastside or westside of Route 9? And what if there is a problem.

Ms. Doran – It would be unlikely. Any issues would be identified and dig in this location. There would be minimal damage or work. The lines would be in concrete for protection.

Mr. Tower – Why can’t the lines be overhead.

Ms. Doran – Monopoles are much more invasive.

Mr. Tower – Concerned about EMF with underground cables.

Dr. Dopart – The EMF, including underground, dissipate very quickly. There are no guidelines. The electric field will be blocked by concrete.

Mr. Tower – Who pays for asphalt being redone.

Mr. Davis – Ocean Wind.

Mr. Tower – Why not rail line?

Mr. Davis – The redevelopers want to maintain the rail. There are existing easements they are utilizing.

Shani Kovacevic, 33 Red Oak, was sworn. Ms. Kovacevic questions the difference of electricity.

Ms. Doran – 138 to 275 Volts.

Ms. Kovacevic does not support this application. She believes this is premature due to the growing resistance with the 33 shore towns. She pleads with the board to not allow anymore variances.

Mr. Davis – This is a variance free application. They fully comply. The only exception is the planning exception with the unique circumstances of the lot they are being required to create. This board does not have the ability to delay this application. There are specified time frames by the MLUL.

Ms. Morrissey – In section 36 the redevelopment plan contemplates what is proposed here so it isn't even technically required.

Danielle Platt, 443 S Sixth Avenue, Galloway was sworn. Ms. Platt is in support of responsible offshore wind. This project is a critical piece in ending our reliance on fossil fuels. It will support many jobs. It is a great way to repurpose BL England. Upper Township has an opportunity to play a huge role to progressively move NJ in the direction to secure a livable future if done responsibly.

Anne Poole, 43 Four Mile Road, Pemberton was sworn. Ms. Poole is commenting as president of the Board of Directors of the NJ Environmental Lobby or NJEL. It is a 51-year-old advocacy organization. It focuses on clean air, clean water, and clean land for NJ. NJEL supports this application. On a personal level she is a homeowner in Wildwood Crest and sees a lack of permanent jobs that she believes this can improve. She also supports this application from a personal level.

Chelsea Headley, 380 Woodbine Road was sworn. Ms. Headley is a licensed professional geologist. She works in the environmental remediation field she is happy that BL England is being cleaned up. However, she does not support this application. She comes from a background of generations of commercial fisherman that may lose their livelihood. There is litigation going on and Upper Townships absence has been noticed. What does the township get out of this.

Ms. Hayes – The township has limited involvement. This agreement was negotiated between the previous owner of BL England and Ocean Wind. The township became involved when the plan was put forth and the purchaser of BL England realized it was in the middle of the redevelopment zone. Because it was in that zone, they engaged in conversations with Ocean Wind to make changes and create limitations and restrictions to minimize the impact.

James Akers, 404 Northwest Boulevard, Landisville was sworn. Mr. Akers is in support of the application. It makes sense as the demand for electricity goes up. It will create jobs.

Ms. Kovacevic, previously sworn, believes this will be a burden to the township residents if something goes wrong. This is not an accurate representation of what the township believes. Many that spoke in favor of the application are not residents of Upper Township.

Hearing and seeing no one else the public portion was closed and the meeting returned to the board for findings of fact.

Mr. Harney – The applicant Ocean Winds, LLC is before the board for preliminary and final site plan approval with a two-lot minor subdivision at 900 North Shore Road, Beesley's Point, also known as block 479 lot 76. This is within the redevelopment area. It will be used as a substation and grid interconnection for Orsted and Ocean Winds in the future. There are no variances required. Keith Davis, Esq. made the presentation. We had plans from Burns McDonnell dated 1/3/23 that went over by Gladys Doran from PSE&G and Kathy Hering from E2PM. They went over what would be in

the substation. They went over the soil issues. They went over how the cables would run, easements, railroad easements which were a concern to some citizens. It will be an unmanned station with 5 parking spaces. No trash or recycling. There will be a tree planting fund. There will be many transformers, voltage regulators, harmonic filters. There will be one control building and one DRC building. There will be a shed on a concrete pad. There will be a security fence. There will be lighting onsite. There will pole mounted antennas for lightning protection. They addressed stormwater planning. There was even more information presented to the board than what was presented. Every question has been answered. There are open permits for DEP and Cape Atlantic Soil Conservation to be addressed. There is an inherently beneficial use. We heard from the township planner, Tiffany Morrissey. We heard from the township engineer, Paul Dietrich. They agree with the professionals that testified.

Mr. Davidson – We heard from Dr. Pamela Dopart about the effects of EMF being negligible. They addressed digital access. Security fencing, drainage, emergency access. Very detailed presentation. We discussed this parcel will be landlocked. They asked to allow the subdivision and site plan run concurrently.

Ms. Hayes – This is an existing use. There is an existing station that has been in use for over 50 years. They spoke with the engineer that there be a condition in regards to the fire safety expert.

Mr. Meloy – Nothing to add.

Mayor Newman – The fire and emergency concerns have been addressed. They have worked well with the planner and engineer to put together a plan that is consistent with the master plan and redevelopment plan.

Mr. Whelan – Nothing to add.

Mr. Riordan – The applicant submitted a very comprehensive and detailed presentation. Keith Davis, Kathy Hering, Tiffany Morrissey all commented that everything conforms to the Beesley's Point Redevelopment.

Mr. Barnes – The motion is to approve a preliminary and final site plan approval with a two-lot minor subdivision along with a section 36 exception with the following conditions. That the cross-access easement be filed simultaneously with the subdivision subject to the applicant and/or the Beesley's Point Developer or whoever their successor may be make an application to make an amendment if needed. The fire safety facility coordination shall continue between the applicant and the township. The non-conductive fence, also to continue to have discussions with the township as to any alternatives that may be required. The landscaping in-lieu fund to be established to figure out the appropriate monetary is and where the contribution will be deposited. And that the minor subdivision itself will run concurrent with the final site plan approval to allow the applicant sufficient time to make whatever adjustments need to occur in order to perfect the plan.

A motion to approve the application with stated conditions was made by Mayor Newman and seconded by Mr. Davidson. In favor: Davidson, Harney, Hayes, Meloy, Newman, Whelan, Riordan

DISCUSSION

RESOLUTIONS

None

PUBLIC PORTION

BILLS

A motion to pay the bills as submitted was made by Mr. Whelan and seconded by Ms. Hayes, with all Board members present voting in the affirmative.

ADJOURNMENT

A motion was made by Mr. Whelan and seconded by Ms. Hayes to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 9:54 p.m.

Submitted by,

Liz Oaks