

**MINUTES  
BUENA VISTA TOWNSHIP  
PLANNING/ZONING BOARD  
REORGANIZATION MEETING  
January 15, 2015**

The Reorganization meeting of the Buena Vista Township Planning/Zoning Board was held on January 15, 2015.

Board Secretary Lisa A. Tilton called the meeting to order at 7:31 p.m.

Board Secretary Lisa A. Tilton stated the following announcement:

On December 19, 2015, Notice of this meeting was mailed to *The Daily Journal & The Press* and duly posted in the Main Lobby of the Municipal Complex. All requirements of the Open Public Meetings Act have been met in compliance with the Sunshine Law.

Mayor Chuck Chiarello led the flag salute.

New Board members were sworn in and signed the Oath of Allegiance. Those members were Mayor Chuck Chiarello, Kathleen Babel, Rick Bracaliello, Michael Bylone, Teresa Kelly, Tony Monfredo, Sr., Teresa Seelman, Fred Rohs, Victor Rovani, Sr., and David Turner

The following members were present:

Mr. Akers, Member  
Ms. Babel, Alt. #1  
Mr. Bracaliello, Member  
Mr. Bylone, Member  
Mayor Chiarello, Member  
Mrs. Kelly, Member  
Mr. Merighi, Member  
Mr. Monfredo Sr., Alt. #2  
Mr. O'Connell, Member  
Mr. Rohs, Alt. #4  
Mr. Rovani, Member  
Mrs. Seelman, Member  
Mr. Turner, Alt. #3

**Election of Officers:**

Chairman: Michael Bylone  
Vice Chairman: Victor Rovani, Sr.  
Secretary: Lisa A. Tilton

**Appointment of Professional Staff:**

**Solicitor:** James E. Schroeder, Esq.  
Roll Call Vote: **Ayes:** Akers, Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner

**Engineer:** Schaeffer, Nassar & Scheidegg – David Scheidegg  
Roll Call Vote: **Ayes:** Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner  
**Nays:** Akers

**Alt. Engineer:** Battistini Consulting Services  
Roll Call Vote: **Ayes:** Akers, Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner

**Planner:** Tiffany CuvIELlo, PP

Roll Call Vote: **Ayes:** Akers, Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner

**Adoption of Resolution 2015-1 – Affirming Board Appointments:**

On a motion by Kelly, seconded by Merighi:

Roll Call Vote: **Ayes:** Akers, Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner

**Approval of 2015 Regular Meeting & DRC Dates:**

On a motion by Rovani, seconded by O'Connell:

Roll Call Vote: **Ayes:** Akers, Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner

**Approval of Minutes from December 18, 2014:**

On a motion by Chiarello, seconded by Kelly:

Roll Call Vote: **Ayes:** Bracaliello, Chiarello, Kelly, O'Connell, Rovani, Sr., Seelman, Babel, Rohs

**Approval of Bill List – January 15, 2015:**

On a motion by Chiarello, seconded by Rovani:

Roll Call Vote: **Ayes:** Akers, Babel, Bracaliello, Bylone, Chiarello, Kelly, Merighi, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr., Seelman, Turner

Mayor Chuck Chiarello, Deputy Mayor Teresa Kelly, Rick Bracaliello and Fred Rohs recused themselves from the application.

**Zoning Applications:**

**Zoning Completeness:**

#08-2014 Cedar Branch Solar LLC  
Prelim & Final Major Site Plan / Use Variance / "C" Variances  
B. 7402, L 6 & 7

On a motion by Akers, seconded by Merighi the application was deemed complete:

Roll Call Vote: **Ayes:** Akers, Babel, Bylone, Merighi, Monfredo, Sr., O'Connell, Rovani, Sr., Seelman, Turner

**Zoning Hearing(s):**

Start Time: 7:46 p.m., End Time: 11:35 p.m.  
App# 08-2014  
Prelim & Final Major Site Plan / Use Variance / "C" Variances  
B. 7402, L 6 & 7  
Applicant: Cedar Branch Solar LLC

**Exhibits:**

A-1 Aerial Photo – Site and Surrounding Area  
A-2 Aerial Photo with Site Plan Superimposed  
A-3 As Filed Site Plan  
A-4 Three Photos of Solar Equipment  
A-5 Buffer Cross Section

The applicant is represented by Stephen R. Nehmad, Esq., of Nehamd, Perillo & Davis.  
Applicant Engineer is James Mellett, PE of Churchill Engineers  
Applicant Planner / Engineer is Gary White, PP, PR of Churchill Engineers  
Applicant professional Dr. Thomas Tuffey  
Applicant Electrical Engineer Steve Hazel with Community Energy

The applicant proposed construction of a solar renewable energy facility on Vine Road. Solar array is proposed to be enclosed by an 8' tall chain link fence with landscape buffering. The site consists of a single-family home, active farming operation and several greenhouses.

The site contains 51.13 acres. The storm water runoff will be decreased with the planting of turf grass and a 3' berm directing water away from Vine Road. No additional traffic will be created with this development.

The proposed development is considered an inherently beneficial use by providing photovoltaic renewable energy.

Steve Hazel provided background on Community Energy and the reason for the selection of the site. Location near existing power grids is a must.

Gary White provided the negative and positive criteria for the Use Variance of the Solar Facility. Only negative impact is visual which is cured by the plantings of the trees, fence and installation of berm.

The Board took a break at 9:30 PM and reconvened at 9:39 PM.

Board Engineer David Scheidegg provided his report to the Board. Requesting lot consolidation as a condition of approval. Wetlands delineation with the application to the State should be a condition of approval which includes DEP, Flood Hazard and Wetlands buffering. Maximum height of panels is proposed at 10-feet. 12-feet for roof above equipment, equipment are 8-feet tall. Existing farm road is proposed to be improved into an asphalt driveway. Drive way 12-feet with a 20-foot turn radius. 20 foot gate is proposed to be installed with a lockbox for the Fire department.

Stephen Nehmad, Esq., stated his client agreed with the report.

Board Planner Tiffany Cuvillo provided her report to the Board. Reviewed the positive and negative criteria with the negative impact being visual for the panels. Requesting additional landscaping to be installed. Panels are proposed to rotate with the sun and no sound will be made with the move. The panels will be installed with concrete footings, and requested the applicant to provide a decommissioning plan.

Stephen Nehmad, Esq., stated his client agreed with the report.

**Board Comments:**

O'Connell questioned the 50' foot buffer and possible wetlands on the property.

Babel questioned who would be responsible for the decommissioning if the company is bankrupt or no longer exists, and who makes the decision at the end of the lease as to when decommissioning occurs.

**Public Comment:**

Dale Ott questioned how many feet was his house from the inverter and questioned what level of noise will come from the site.

John Renn was concerned about the current water issues and drainage in that area. Questioned if weed killer was going to be used and how much.

James Ott questioned the buffer and farm land across the street already floods and additional drainage this site will produce.

Susan Simpson passed out opposition exhibits and stated the Solar is not part consistent with the master plan. The solar arrays are too close to the road on the west side of property, requested the panels be pushed back and more buffer be added.

Stephen Nehmad Esq., requested due to the late hour that the application be continued onto the February 19, 2015 Board Meeting.

On a motion by Monfredo, seconded by Akers, the application was continued to the next meeting:  
Roll Call Vote: **Ayes:** Akers, Babel, Bylone, Merighi, Monfredo, Sr., O'Connell, Rovani, Sr., Seelman,  
Turner

**Board Discussion:** None

**Public Comment:** None

On a motion by Monfredo, seconded by Akers the meeting was adjourned at 11:35 p.m.

Respectfully submitted,

*/s/ Lisa A. Tilton*

Lisa A. Tilton  
Planning/Zoning Board Secretary