SPECIAL PLANNING BOARD MINUTES
August 17, 2026

The special meeting of the Planning Board was called to order by Vice Chairman Mr. David Catalana at 6:00 PM at the Landis Theater, located at 830 E. Landis Avenue, Vineland, N.J. 08360.

Members Present:
John Casadia
Douglas Menz
Thomas Tobolski
Scott Reale
Sandy Velez
Janine Andreoli
Robert Odorizzi
Elizabeth Arthur
David Catalana

Also present were:
Michael Malinsky, Planning Board Solicitor
Amanda Moscillo, Alternate Planning Board Solicitor
Alena Broshchan, Substitute Planning Board Secretary
Kathleen Hicks, Supervising Planner
Ryan Headley, Planning Board Planner/Engineer
Elizabeth Jambor, Assistant Planner
Thomas Leisse, Pennoni Associates
Gregory Maines, Jensen Hughes

FLAG SALUTE

This meeting is being held in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was given on August 7, 2026, and has been posted on the Official Bulletin Board in City Hall, posted on the City's website and published in the Vineland Daily Journal.

PUBLIC HEARING

DataOne Vineland, LLC–amended preliminary/final major site plan approval to construct an AI Data Center facility over two phases:

a) Phase 1 includes the construction of a 129,622 square foot AI Data Center Building along with associate site plan improvements (currently under construction)
b) Phase 2 includes the construction of the following:
    1) 587,980 square foot two-story AI Data Center Building Expansion to existing Phase 1 Building (293,990 square foot per floor)(currently under construction);
    2) Four (4) ground-mounted Bloom Power areas (52,200 square feet each);
    3) Three (3) 2-Story Platform Bloom Power areas, measuring the following:
        a) 104,420 square feet (52,210 square feet per floor);
        b) 104,702 square feet (52,351 square feet per floor);
        c) 110,734 square feet (55,367 square feet per floor);
    4) Two (2) 3-Story Bloom Power Areas (194,061 square feet each, 64,687 square feet per floor);
    5) 92,466 square foot Chiller Building;
    6) 8,660 square foot Liquefied Natural Gas (LNG) Tank and Related Infrastructure;
    7) LNG Facility & Filling Station;
    8) 6,750 square foot Water Treatment Plant with three (3) treated water tanks;
    9) 161,896 square feet of Megabay structures in two areas (53,096 square feet and 108,800 square feet); and
    10) Associated parking, landscaping, and site plan improvements.

The Vice Chairman, Mr. Catalana explained that the Planning Board does not have a specific rule limiting the total length of a meeting. He noted that the Board's rule provides that no new application may begin after 11:00 p.m. Since that limitation was not implicated during the prior hearing, the Board continued the matter until midnight and then concluded the meeting. He stated that the Board would evaluate the length of the August 17 meeting as the hearing progressed and would determine during the meeting how long the proceedings would continue. He further explained the procedure for the public comment portion of the hearing, which was expected to constitute the majority of the evening's proceedings. Attorneys would be provided an opportunity to speak first, followed by members of the public. He clarified that the Planning Board does not follow the same five-minute public-comment limitation utilized by City Council and does not operate a timer

for public speakers. Nevertheless, given the number of individuals wishing to address the Board, the he requested that members of the public generally limit their comments to approximately three to five minutes and remain respectful of the time available to other speakers. He stated that the Board would not cut off a speaker merely because the speaker exceeded the requested time, but that speakers could be asked to move on if their comments became repetitive of matters already addressed. He explained that individuals who wished to agree with a prior speaker could simply state their agreement, which would be placed on the record and would carry the same weight as if the individual had repeated the prior speaker's comments. Mr. Catalana emphasized that the Board intended to allow members of the public to speak for as long as there was a desire to provide relevant comments. He also clarified that the Board could only act upon the application presently before it. He stated that the Board could not vote on a matter that had previously been approved or disapproved and that, if the Board reached a vote that evening, the only matter upon which it could vote would be the application currently before the Board.

Board Solicitor Mike Malinsky then explained that the evening's proceedings would continue from the point at which the prior hearing had concluded. Mr. Ray Went, attorney for Andrew and Stevi Groetsch, and that Mr. Went would continue with his witness testimony.

For housekeeping purposes, Mr. Malinsky noted that Mr. Went had submitted objection exhibits numbered 1 through 5, which would be renumbered to correspond with the exhibit list as Groetsch Exhibits 1 through 5. Additional exhibits that had been distributed to the Board would be pre-marked as Groetsch Objection Exhibits 6 through 11, dated August 17, 2026. Mr. Malinsky explained that the hearing would proceed in substantially the same manner as the prior hearing, with Mr. Went presenting his witnesses, followed by cross-examination by Mr. Fralinger; Ms. Bellevue and Mr. Parts would then have an opportunity to present witnesses on behalf of Sustain South Jersey, who could also be cross-examined by Mr. Fralinger. Mr. Fralinger would then have an opportunity to present rebuttal witnesses, followed by cross-examination by Mr. Went, Ms. Bellevue, or Mr. Parts. The Board would then proceed to public comment.

Mr. Went introduced himself as counsel for Andrew and Stevi Groetsch and advised the Board that he would first identify several exhibits before calling Mr. Andrew Groetsch as a witness. Mr. Went identified Groetsch Exhibit 2 as an aerial photograph depicting the Groetsch property in relation to the DataOne project, along with photographs of the DataOne site. Groetsch Exhibit 3 consisted of noise measurement reports and County notices of violation. Mr. Went stated that the Groetsch family, among others, had submitted noise complaints to the County and that the County had followed up on those complaints and issued notices of violation. He stated that Mr. Groetsch would testify concerning his family's personal experience with noise from the project. Mr. Went also introduced materials relating to the previously discussed use-variance issue. He reiterated his position that a use variance was required for the application and for prior applications. Groetsch Exhibit 6 was identified as Ordinance 2022-44, which Mr. Went stated was the ordinance that changed the zoning of the property. He commented that the map attached to the ordinance did not identify the prior zoning classification and, in his view, continued to show residential districts within the area. Mr. Went again raised concerns regarding the zoning map displayed on the City's website, stating that he believed the incorrect map had remained on the website for several years.

Mr. Went identified additional materials concerning permitted uses under the applicable zoning regulations. He submitted copies of Vineland and Hamilton land use regulations concerning permitted uses and stated that, in his position, the language was similar. He represented that Hamilton applies a specific-use approach to use variances and argued that Vineland should apply the same approach. Mr. Went reiterated his position, previously presented through Mr. Steck's testimony, that because a data center is not specifically identified as a permitted use in the Business Industrial Zone, the proposed use requires a use variance. Groetsch Exhibit 8 was identified as Section 425-289 of the City's zoning ordinance concerning the IB Zone.

Mr. Went identified Groetsch Exhibit 9 as an email from Fire Official Murray dated July 24, 2026, attaching the applicable fire prevention code. He stated that the correspondence identified numerous matters concerning the property and characterized it as information the Board should consider. Mr. Went stated that the document was a public record and that he would not testify on behalf of the Fire Official or ask his client to do so.

Mr. Went then addressed the Board's authority to consider the application even if the use-variance issue were set aside. He argued that the Board retained discretion to deny a site plan application if it determined that insufficient information had been provided to make a decision. He specifically referenced potential concerns involving health, safety, and welfare, ingress and egress, and the ability of first responders to access the property and surrounding properties. Mr. Went maintained that the absence of a use-variance application did not deprive the Planning Board of its authority to consider those matters. He urged the Board to consider whether it had sufficient information to make a decision and whether the information presented raised concerns relevant to the Board's review.

Mr. Went then identified Groetsch Exhibits 10 and 11, stating that they consisted of stop-construction orders issued by the City on August 6, 2026, and August 10, 2026, respectively. Mr. Went characterized the issuance of the orders as evidence of construction proceeding before certain matters had been resolved and stated that the orders were being made part of the record. He also introduced Groetsch Exhibit 12, identified as a Board of

Public Utilities (BPU) petition dated February 26, 2026. Mr. Went stated that the petition concerned a requested 125-megawatt facility and argued that the information was relevant because, in his view, the applicant had presented different information concerning the project to different governmental agencies. He further argued that matters within the jurisdiction of other governmental agencies could nevertheless be relevant to the Planning Board's consideration of the application. He referenced DEP, air-quality, and BPU matters and maintained that the Board should consider information relating to health, safety, and welfare even where another governmental agency has jurisdiction over a particular issue. He stated that, in his view, the Board did not have sufficient information to make a decision that evening and that testimony concerning stormwater and other environmental matters should be considered before the Board acted. Mr. Went then requested that Andrew Groetsch be sworn in to provide testimony concerning his personal experiences and the effects of the project on his property.

Mr. Andrew Groetsch was sworn in and confirmed that he would provide truthful testimony. Mr. Went explained that, due to the availability of a single microphone, he would ask several introductory questions and then allow Mr. Groetsch to describe his experiences directly rather than proceeding through a traditional question-and-answer format. Mr. Groetsch confirmed that the aerial photograph previously identified as Groetsch Exhibit 2 accurately depicted the location of his property in relation to the DataOne project. When asked whether the noise measurements identified in Groetsch Exhibit 3, including measurements dated March 10, 2026, were taken from his property, Mr. Groetsch stated that he believed they were. He also noted that several documents had been obtained through an OPRA request and that addresses had been redacted from some of the materials.

Mr. Groetsch then began describing the noise conditions experienced at his property. He stated that the issues began approximately in the fall of 2025. He described hearing a humming sound that appeared to come through the windows of his home and reflected off the metal roof. According to Mr. Groetsch, the sound would typically begin at night and continue into the morning and, at times, interfered with his sleep. He stated that, as recently as the prior week, he had been sitting in his living room waiting for his air conditioner to turn on so that the sound of the air conditioner would mask the other noise. Mr. Groetsch testified that the noise had been disturbing and that he had experienced anxiety and difficulty sleeping as a result.

Mr. Went then asked Mr. Groetsch to proceed through the written outline of his concerns regarding the project and its effect on his property and family. Mr. Went advised Mr. Groetsch that he could refer to his notes while presenting his testimony. Mr. Groetsch continued his testimony regarding the history of the DataOne application and the representations made during an earlier application in 2024. He stated that, at that time, the attorney representing DataOne or the applicant had indicated that data centers generated virtually no noise and that power generation would be heard only if the power went out. Mr. Groetsch testified that, as a reasonable person, he understood that statement to mean that the backup power generators would operate only during power outages, which he indicated did not occur frequently and therefore was not a significant concern at the time. He characterized the prior representation as ambiguous and stated that he was not certain whether that ambiguity was intentional.

Mr. Groetsch stated that the generators currently being heard at the site, in his opinion, were not being used solely for construction purposes but were being used primarily to support the data-processing operation. He stated that this was different from what he believed had originally been represented to the Board and the public. He then expressed concern regarding the current application and the extent to which the proposed LNG storage tanks would be utilized. He referenced Groetsch Objection Exhibit 12, which he identified as a February 26, 2026, petition to the Board of Public Utilities (BPU). Mr. Groetsch referred specifically to paragraph 7 of that document, which he stated indicated that the pipeline was sufficient to deliver 125 megawatts. He contrasted that figure with the current proposal, which he stated contemplated a data center requiring approximately 300 to 350 megawatts. He questioned where the difference in power capacity would come from and stated that he assumed, although he acknowledged that he could be mistaken, that the additional capacity would be supplied by natural gas from the proposed LNG tanks. He stated that the applicant had not, to his knowledge, clearly explained whether the LNG system would be used only for backup or emergency situations or for daily operations.

Mr. Went asked whether any testimony had been presented regarding the frequency with which LNG would be transported to the site and the anticipated number of LNG tanker trucks. Mr. Groetsch responded that he had not heard testimony identifying the anticipated volume of LNG tanker traffic. He recalled that the applicant had shown four LNG tanker unloading bays in an exhibit presented at the prior hearing. He stated that the presence of four bays suggested to him that they would be used relatively frequently. Based on calculations he had made, he estimated that the facility could involve approximately 20 to 25 LNG tanker trucks per day, although he acknowledged that this was his own estimate. He stated that, to his knowledge, there was not currently LNG tanker traffic traveling down Route 55 in the area and questioned how LNG would be transported to the site, how frequent deliveries would occur, and how many trucks would be required. He stated that he believed these were matters the Board should consider.

Mr. Groetsch also referenced an earlier submission, identified as Exhibit 5, which he stated was a 2013 study identifying Lincoln Avenue as having the third-highest accident rate per mile. He expressed concern about

introducing additional LNG tanker traffic in the area in conjunction with traffic associated with Northeast Precast and related facilities. He stated that he believed the additional truck traffic presented a potential concern. Although he acknowledged that testimony presented at the prior hearing had not characterized an LNG tanker as particularly dangerous, he stated that he had reviewed information that led him to a different understanding.

Mr. Went then addressed the Board regarding arrangements for additional noise measurements at the Groetsch property. He stated, for purposes of transparency, that discussions had taken place between himself and the applicant's attorney regarding obtaining noise readings. He explained that he had contacted Mr. Fralinger later in the week, approximately Thursday, and advised him that the Groetsch family wanted noise readings taken from their property line between 11:55 p.m. and 3:00 a.m. Mr. Went stated that Mr. Fralinger responded within minutes and advised that there were logistical issues affecting the availability of his expert, but that the expert was available the following Monday, Tuesday, and Wednesday to conduct the measurements. Mr. Went stated that he hoped the readings could be obtained and noted that they were not available at the time of the hearing. He encouraged other residents in the neighborhood who had concerns to similarly request measurements and stated that Mr. Fralinger had been responsive to their request.

Mr. Groetsch indicated that he had no additional specific testimony regarding the exhibits. Mr. Catalana then asked for confirmation of his address, and Mr. Went confirmed that Mr. Groetsch’s address was 1661 Sheridan.

Mr. Went then concluded his presentation on behalf of the Groetsch family. He stated that there were many interested members of the public present and that the family had significant concerns regarding the application. He reiterated his position that a use variance was required and stated that, in his view, the testimony of his expert and the exhibits submitted to the Board provided the information necessary for the Board to determine that a use variance was required. He characterized the issue as potentially requiring further consideration by the Board's professionals and emphasized that he considered it a threshold issue. He further stated that he was preserving all other notice-related issues concerning prior approvals, while acknowledging that those prior approvals were not before the Board that evening. He concluded by stating that the Board had discretion regarding the application and could deny it, and that the application was not a by-right subdivision. He stated that the Groetsch family's presentation was complete and thanked the Board.

Mr. Malinsky asked Mr. Fralinger whether he had any questions. Mr. Fralinger indicated that he had no questions. Mr. Went confirmed that he had no additional witnesses and concluded his presentation.

Mr. Malinsky called upon Ms. Bellevue and Mr. Parts, representing Sustain South Jersey, to present their first witness. Mr. Parts introduced himself as Colin Parts representing Sustain South Jersey. Mr. Parts then indicated that their first witness would be Clay Emerson. Mr. Emerson testified that he is a civil engineer employed by Princeton Hydro, a consulting engineering firm. He stated that he is a professional engineer licensed in the State of New Jersey and works as a water resources engineer, with a focus on stormwater, hydrology, floodplain calculations, and related matters. He testified that he had been performing this type of work for approximately 18 to 19 years at Princeton Hydro. Mr. Emerson stated that he holds an undergraduate degree in civil engineering from Rowan University, a master's degree in civil engineering from Drexel University, and a Ph.D. from Villanova University. He also testified that he has served as an adjunct professor at Rowan University and currently serves as an adjunct professor at Villanova University in the College of Engineering. He confirmed that his New Jersey professional engineering license was in good standing and stated that he is very familiar with State and federal stormwater management requirements, as such requirements constitute a substantial part of his professional work. He further stated that he is familiar with State green infrastructure requirements as they relate to stormwater management.

Mr. Parts offered Mr. Emerson as an expert in stormwater management, groundwater management, and green infrastructure. Mr. Malinsky asked whether there was any objection, and Mr. Fralinger indicated that there was no objection. Mr. Emerson was therefore accepted to testify as an expert in those areas.

Mr. Emerson testified that he had been retained to review the application with a specific focus on stormwater management and to determine whether the application before the Board complied with the City's local stormwater ordinance. He stated that he applied standard principles and methods in conducting his evaluation. Mr. Emerson prepared a report dated August 4, 2026, which was submitted prior to the previous hearing, and a supplemental report dated August 17, 2026. The August 4, 2026, report was marked as Earthjustice Exhibit 6, and the August 17, 2026 supplemental report was marked as Earthjustice Exhibit 7. Three slides at the end of the presentation were identified as a single PowerPoint presentation and marked collectively as Earthjustice Exhibit 8.

Mr. Emerson testified that, based upon his detailed review of the application materials available to the Board, it was his professional opinion that the stormwater component of the application was not currently compliant with the City's local stormwater ordinance. Mr. Parts first questioned Mr. Emerson regarding soil testing requirements. Mr. Emerson explained that the applicable rules and supporting documentation issued by the New Jersey Department of Environmental Protection (DEP) contain specific requirements concerning testing

necessary to ensure that stormwater systems are properly designed and will function as intended. He stated that those requirements include the number of soil tests required for each basin, the locations where the tests must be conducted, and other testing criteria.

Mr. Emerson testified that, in his review of the application, the locations of the soil tests did not correspond with the locations of the proposed stormwater basins. He stated that the soil tests appeared to have been laid out at a time when a different application or site design may have been contemplated because the test locations were not substantially related to the locations of the proposed stormwater systems. He stated that soil investigations were required at each proposed basin and expressed his professional opinion that the locations of the soil tests were not appropriate. Specifically, regarding the basins at the southern end of the site, Mr. Emerson testified that there were no test pits at or near the proposed basin locations. Mr. Emerson was also questioned regarding the required depth of the soil testing. He testified that the test pits did not meet the applicable depth requirements. He explained that the DEP guidance establishes requirements not only for the horizontal location of soil testing but also for the depth to which the testing must extend. He stated that, in his opinion, the depth of the testing was also noncompliant and noted that he believed this issue had been raised previously by the City in its review letter. Mr. Emerson explained the importance of accurate soil testing to stormwater design. He testified that soil testing is one of the most important considerations in designing a stormwater management system because inaccurate soil information can result in a system that does not function as designed. He stated that he had spent significant time working on these issues, including work with the State in developing some of its stormwater guidelines.

By way of example, Mr. Emerson referenced a prior application in the City, which he stated occurred approximately 10 to 15 years earlier, where errors in soil testing resulted in an incorrect determination of the seasonal high groundwater table. He stated that the issue involved a project on Brewster Road and occurred before Mr. Headley's tenure with the City. Mr. Emerson testified that the issue had only recently been resolved and that the errors in soil testing had resulted in consequences for an adjoining property owner and the City. When asked to identify those consequences, Mr. Emerson testified that, in that instance, the adjoining property had periodically flooded as a result of outflow from a stormwater system that was not functioning as intended. He stated that the flooding resulted from some of the same types of soil-testing errors that he was discussing in connection with the DataOne application. Mr. Parts asked whether the issues with DataOne's soil testing could be addressed without conducting additional testing and potentially redesigning the stormwater plan. Mr. Emerson responded that he did not see how a stormwater system could be designed and expected to function properly without the appropriate soil testing being completed before the design. He reiterated that this was the reason the DEP had prescriptive guidance regarding what soil testing must be performed and where it must occur.

Mr. Emerson then discussed the concept of maximum contributory drainage area. He explained that the DEP had made a substantial change to its stormwater regulations several years earlier involving green infrastructure. He stated that an important component of the DEP's definition of green infrastructure is managing stormwater close to the location where it is generated. He explained that, historically, a typical approach in New Jersey was to construct the building and parking areas and then place a single stormwater basin at the lowest point of the property. He stated that this approach generally was not functioning adequately throughout the State, leading New Jersey to follow other states in implementing green infrastructure requirements. Under those requirements, he explained, no more than 2.5 acres of contributory drainage area could be directed to a single basin. He characterized 2.5 acres as the applicable limit for the amount of area, such as a parking lot, that could contribute drainage to one basin. Mr. Emerson explained that, for a large site such as the DataOne property, which contains more than 2.5 acres, the requirement means that an applicant cannot simply provide one large basin at the bottom of the site. Instead, smaller stormwater basins must be distributed throughout the site so that stormwater is managed closer to the areas where it is generated.

Mr. Emerson confirmed that he had been present at the prior hearing. Mr. Parts asked whether Mr. Emerson agreed with testimony presented at the prior hearing that DataOne's proposed stormwater basins satisfied the maximum contributory drainage area requirement. Mr. Emerson stated that he firmly disagreed. He testified that most of the proposed basins did not satisfy the requirement, identifying Basin AH in the front portion of the site and Basin S at the bottom of the site as notable examples.

Mr. Emerson explained that exceeding the maximum contributory drainage area limit would mean that the application was not compliant with the applicable requirements. He stated that the limit was 2.5 acres and that a basin exceeding that limit would not be approvable in its current form. He explained that the purpose of the DEP requirement was to ensure that stormwater systems function as designed by distributing basins throughout a site rather than relying upon one or two large basins at the bottom of the property. When asked whether DataOne could correct the issue without redesigning its stormwater management plan, Mr. Emerson stated that, in his professional opinion, it could not.

Mr. Emerson then addressed what he described as water-quality basin separators or separations shown in the plans. He stated that the term was used in the plans but that such an approach was not recognized by the DEP as satisfying the maximum contributory drainage area requirement. He explained that, when the green infrastructure requirement was first implemented, some applications attempted to continue using a traditional

approach of directing drainage to one large basin at the bottom of a site while dividing that basin into smaller sections with internal dividers. Mr. Emerson stated that the DEP subsequently issued guidance clarifying that this approach did not satisfy the applicable requirements.

Mr. Parts directed the Board's attention to the second slide of the PowerPoint presentation, which had been marked as part of Earthjustice Exhibit 8. Mr. Emerson explained that the slide contained an example from a DEP fact sheet addressing the issue. He stated that the fact sheet was developed in response to attempts to place a building and parking area in a convenient location and then direct the drainage to multiple smaller basins located together in the same general area. According to Mr. Emerson, the fact sheet specifically illustrated that dividing one large basin into multiple smaller sections in the same location does not satisfy the green infrastructure requirements.

Mr. Emerson then addressed Basin S, which he had previously identified as one of the basins that did not satisfy the maximum drainage area requirement. He directed the Board to the third slide of Earthjustice Exhibit 8. He explained that the slide contained a cropped, unedited image from page 36 of the site plans and depicted Stormwater Basin S. Mr. Emerson stated that, although Basin S was identified as a singular basin, the plans appeared to divide it into approximately 10 smaller sections using gray lines, including horizontal lines and one diagonal line. He stated that, in his opinion, the application was attempting to characterize the area as approximately 10 individual basins, whereas the DEP guidance identified this type of configuration as noncompliant. Mr. Emerson testified that the drainage area being managed at that location was approximately 50 acres in total and that the drainage area contributing to Basin S was more than 20 acres, substantially exceeding the 2.5-acre maximum. When asked whether Basin S complied with the green infrastructure requirements, Mr. Emerson stated that it did not and characterized it as an example of a configuration that did not comply.

Mr. Parts asked whether the Basin S issue could be corrected without redesigning the stormwater management plan. Mr. Emerson stated that correcting the issue would constitute a major change to the plans. He explained that, when viewing the site plans, there did not appear to be substantial additional space available for relocating or adding stormwater facilities. He referenced testimony from the prior hearing that the applicant was seeking a waiver for retaining walls around a number of the basins, including Basin S. Mr. Emerson explained that the use of retaining walls could indicate that space was at a premium because retaining walls allow a basin to occupy a smaller footprint by eliminating or reducing the need for side slopes. Based upon his experience reviewing numerous applications, he stated that the presence of retaining walls and the limited apparent space on the site suggested to him that the applicant had maximized the available impervious area. He further stated that, in his opinion, the other stormwater issues he intended to discuss indicated that the proposed stormwater management system was insufficient for development proposed. He therefore characterized the necessary correction as a major change.

Mr. Parts next turned to water quantity. He referenced testimony from the prior hearing that the site contained six existing drainage areas but that the proposal provided only two discharge points. Mr. Emerson explained that sites of this type can straddle multiple drainage areas and that the applicable stormwater regulations establish requirements for managing water quantity within each drainage area. He described these requirements as the DEP's equivalent of flood control measures intended to ensure that development does not cause flooding on downstream properties. He stated that drainage must be managed within each applicable drainage area and that existing drainage patterns and drainage devices must also be respected so that water historically flowing toward particular properties is not redirected toward other properties that had not previously received that flow.

Mr. Parts asked about the proposal to direct approximately half of the site's drainage toward the Northeast Precast property through one of the two proposed discharge points. Mr. Emerson stated that it was the applicant's burden to demonstrate that the proposed drainage arrangement would not create a problem and that this burden was specifically addressed in the stormwater regulations. He stated that ownership of the receiving property was irrelevant to the analysis because the stormwater requirements had to be satisfied at the property line.

Mr. Parts asked where the downstream Northeast Precast basin, which would receive drainage from approximately half of the DataOne site, ultimately discharged. Mr. Emerson testified that the site straddled the direct Maurice River watershed and the Menantico Creek watershed. He stated that the applicant had not provided sufficient information for him to clearly determine where the drainage from the Northeast Precast basin ultimately went, but that it ultimately discharged downstream onto another property. When asked whether DataOne had demonstrated that the receiving stream or the Northeast Precast facility could accommodate the proposed volume of water, Mr. Emerson stated that, in his professional opinion, DataOne had not made that demonstration.

Mr. Parts then questioned Mr. Emerson regarding the hydrologic modeling used for the project. He noted that the Board had previously heard testimony concerning the unit hydrograph used by DataOne to calculate flow rates and asked whether the City of Vineland was located within the Coastal Plain. Mr. Emerson confirmed that it was. He explained that the applicable BMP Manual requires use of the Delmarva unit hydrograph for

sites located within the Coastal Plain. Mr. Emerson stated that the use of the Delmarva unit hydrograph was not optional and disagreed with prior testimony suggesting that the applicant had a choice between the Delmarva and standard unit hydrographs. Mr. Emerson characterized this as a straightforward requirement and stated that the entirety of the City of Vineland is within the Coastal Plain. He testified that DataOne had used a standard unit hydrograph rather than the required Delmarva unit hydrograph and, in his professional opinion, that failure meant the application did not comply with the applicable State requirements.

Mr. Parts next asked about land-cover information and modeling at the site. He referenced prior testimony that DataOne had used aerial modeling rather than survey data to determine land cover and that such aerial modeling had been described as an acceptable methodology. Mr. Emerson stated that aerial modeling can generally be acceptable when performed appropriately and accurately. However, he testified that his review identified areas that had been characterized as non-forested even though, based upon his review, those areas were forested. He stated that these inconsistencies raised concerns regarding the accuracy of the land-cover characterization. He explained that, when available, ground-truthing or firsthand surveying is generally relied upon to verify such information.

Mr. Parts then asked whether it was fair to characterize DataOne's land-cover information as inaccurate. Mr. Emerson confirmed that the land-cover characterization in the application was not accurate. He explained that, in his opinion, the misidentification resulted in an overestimation of the site's existing discharge. He stated that existing conditions establish the baseline against which the performance of the proposed stormwater management system is evaluated, both for flood control and groundwater recharge. Therefore, if the existing discharge is overestimated, the resulting stormwater basins would be smaller than necessary. He emphasized that the applicant is required to accurately represent the existing flow rate and should not underestimate or otherwise mischaracterize existing runoff conditions. When asked whether a potential inaccurate characterization of the existing flow rate would result in an oversized or undersized stormwater management system, Mr. Emerson testified that the system would be undersized. He stated that an undersized stormwater management system could result in downstream impacts, including flooding, increased runoff leaving the site at a faster rate, and additional stress on the City's downstream stormwater infrastructure, both along the site frontage and farther downstream. Mr. Emerson was asked whether the issue could be corrected without redesigning the stormwater management system. He stated that it was not clear that it could and that additional calculations would be necessary to demonstrate compliance. He emphasized that the burden of demonstrating compliance rested with the applicant, rather than the Board or the professionals reviewing the application.

Mr. Parts next questioned Mr. Emerson regarding groundwater mounding and referenced testimony from the prior hearing that DataOne had assumed an initial saturated-zone thickness of 150 feet. Mr. Emerson explained that groundwater mounding analysis is related to the soil investigations previously discussed. He stated that the DEP guidance addressed a maximum assumption of 10 feet and, with additional testing, allowed an assumption of up to 75 feet. He testified that the applicant had instead used 150 feet. Mr. Emerson explained that these requirements are addressed in Chapter 13 of the BMP Manual, which was developed in part by DEP when the green infrastructure requirements were considered. He testified that he participated in a stakeholder group of approximately five or six people involved in developing the guidance and that the individual who authored the paper and developed the tool used by the applicant was also, to his recollection, a member of that work group and a hydrogeologist with the United States Geological Survey (USGS). Mr. Emerson stated that the DEP and the stakeholder group established 75 feet as the upper limit. He stated that the applicant had provided no explanation for its use of 150 feet and maintained that 75 feet should be the upper limit. When asked about the effect of using twice the stated upper limit, Mr. Emerson testified that using 150 feet lowered the apparent groundwater mound in the applicant's calculations. He explained that, when stormwater is infiltrated into the ground, the groundwater table rises. If the groundwater table rises to the elevation of the bottom of a stormwater basin, the basin may no longer function as designed and could overflow when it is not supposed to. Mr. Emerson again referenced the Brewster Road matter as an example of the potential consequences, stating that he had worked with the City's previous engineers in connection with resolving that issue.

Mr. Parts then turned to groundwater recharge. Mr. Emerson described groundwater recharge as one of the important aspects of the application. He explained that groundwater recharge is the process by which precipitation infiltrates into the ground and replenishes the aquifer. He stated that the City's municipal water supply and private wells rely upon the aquifer and that, if development were to pave over the City without maintaining recharge, precipitation would no longer infiltrate at the same rate and the aquifer would not remain as reliable a water source for residents and businesses.

Mr. Emerson testified that the State has recognized the importance of groundwater recharge for decades and that the applicable requirement has been in place since approximately 2004 to 2006. He explained that the requirement is intended to maintain the amount of water infiltrating into the ground at a property after development. Although development may include buildings and parking areas, the stormwater management system must be designed so that at least the same amount of water can continue to infiltrate and replenish the aquifer. When asked what would be at stake if groundwater recharge were not maintained, Mr. Emerson stated that the issue concerned the availability of reliable and sustainable water resources for both private well owners and municipal water supply sources that rely on the same aquifer. Mr. Parts asked whether DataOne

would meet its groundwater recharge obligation. Mr. Emerson responded that, in his professional opinion, it would not. He explained that, as with flood-control calculations, an important part of demonstrating compliance with groundwater recharge requirements is accurately determining the amount of recharge occurring under existing conditions.

Mr. Emerson then described the existing conditions at the site. He stated that the property was unique from a groundwater-recharge perspective for several reasons. First, he noted that the property was large, consisting of more than 100 acres. Second, he stated that the site was situated at a relatively high elevation and at a drainage divided between the direct Maurice River watershed and the Menantico Creek watershed. Mr. Emerson further testified that the soils in the area were predominantly sandy and well-drained, consistent with the Coastal Plain, and that such soil was generally conducive to infiltration and groundwater recharge. He identified the property's former mining history as another significant characteristic. He explained that the site contains large, closed depressions, man-made depressions resulting from previous mining activity into which rainfall from a substantial portion of the site, which he estimated to be close to 50 percent, flows and cannot readily flow out by surface drainage. He stated that these existing depressions capture rainfall and allow it to infiltrate into the ground.

Mr. Parts then directed the Board to the first slide of the PowerPoint presentation. Mr. Emerson explained that the figure was taken from page 5 of the stormwater management report and that he had shaded four existing drainage areas in blue. He selected those four areas because the applicant itself had identified them as draining toward closed depressions. He explained that rainfall occurring within the shaded areas flows downhill into the depressions, which constitute dead ends for surface drainage. According to Mr. Emerson, water entering these areas does not immediately flow off the property and, in many cases, does not flow off the property at all. Instead, it flows into large depressions remaining from previous mining activity. When asked whether DataOne's stormwater management plan accurately accounted for these existing conditions, Mr. Emerson testified that it did not. Specifically, with respect to groundwater recharge, he stated that these conditions were completely ignored in the applicant's analysis.

Mr. Emerson explained that the applicant had attempted to reclassify certain soils and characterize them as providing no recharge. He stated that, regardless of whether those soils generated runoff, any runoff entering the identified closed depressions could not leave the site through surface drainage. Instead, the water would either evaporate, which he characterized as a slow process, or infiltrate into the ground through the closed depressions. He noted that two of the closed depressions included regulated wetlands along the southern portion of the site. Mr. Parts asked Mr. Emerson to identify the amount of groundwater recharge per year calculated by DataOne using its methodology. Mr. Emerson testified that the applicant characterized approximately 60 acres of the site as providing zero groundwater recharge. He stated that DataOne nevertheless used the GSR-32 groundwater recharge spreadsheet to calculate recharge under existing and proposed conditions.

Mr. Emerson testified that the GSR-32 spreadsheet could not account for unique site characteristics such as the closed depressions present on the DataOne property. He emphasized that the site's closed depressions were a particularly unique characteristic and stated that the spreadsheet was not designed or intended for use on sites containing surface-water features or closed depressions that prevent surface water from flowing off the property. He stated that his firm had previously objected to the use of the standard GSR-32 groundwater recharge spreadsheet on applications involving similar closed-basin topography because of concerns that the methodology could underestimate groundwater recharge. He stated that the position was supported by guidance and was not merely his opinion. Mr. Emerson further referenced DEP guidance and a New Jersey Superior Court, Appellate Division matter concerning Thomas Orban/Square Properties and Freshwater Wetlands General Permit No. 6, identified as docket number A-3072-1612 in the testimony. He stated that the matter involved a challenge by a nonprofit organization and that, in his view, the similarities between that decision and the DataOne application were significant.

Mr. Parts then asked about the two groundwater-recharge figures presented by DataOne for existing conditions. Mr. Emerson testified that DataOne's GSR-32 analysis, which he stated was not applicable to almost half of the property, calculated approximately 5.5 inches per year of groundwater recharge on average. He explained that this figure effectively established the baseline against which the applicant's proposed stormwater system would be measured. Mr. Emerson then identified a second figure contained elsewhere in the stormwater report, which he believed appeared in Appendix G, at approximately page G2. He stated that the applicant had also developed a groundwater model, apparently using approximately two years of observation-well data, and that the model produced a recharge estimate of approximately 13 inches per year. He characterized the two figures as inconsistent because the application used 5.5 inches per year when establishing the existing-condition baseline for sizing the stormwater system, while another portion of the application indicated approximately 13 inches per year.

Mr. Emerson also referenced statewide mapping published by the State, explaining that although the mapping did not provide site-specific estimates, it indicated an average recharge rate of approximately 13 inches per year for the approximately 150-acre site. He noted that the statewide estimate also did not account for the site's closed depressions. Mr. Emerson concluded that the figures presented in the application were confusing

because the applicant used the lower 5.5-inch figure when establishing the baseline for its stormwater system, while identifying a 13-inch-per-year recharge rate elsewhere. He stated that, in his opinion, the actual recharge at the site was substantially greater than the 5.5-inch figure and had not been properly calculated.

Mr. Parts asked Mr. Emerson whether, even assuming an existing groundwater recharge rate of 13 inches per year, DataOne's proposed stormwater management plan would achieve that level of recharge. Mr. Emerson testified that it would not. He stated that the applicant had characterized approximately 60 acres of the site as requiring no groundwater recharge measures and therefore had not designed groundwater recharge systems for that portion of the property. He also identified design concerns with the portion of the site frontage associated with Basin AH, which he stated may alternatively be characterized as 10 basins depending upon how the configuration was viewed. Mr. Emerson concluded that, when considering the requirements for appropriate soil testing and groundwater-mounding analysis, the amount of groundwater recharge that the applicant had actually demonstrated in a manner consistent with the applicable rules was zero.

Mr. Parts referenced prior testimony regarding the amount of water DataOne would use and asked Mr. Emerson to consider an example involving 8 million gallons. Mr. Emerson confirmed that, if the project were to consume approximately 8 million gallons while demonstrating zero groundwater recharge in accordance with the applicable State requirements, that would be the result of the analysis he had presented. He noted that the Board had heard different figures regarding water consumption, including an average of approximately 8 million gallons and an anticipated amount of approximately 27 million gallons available for use in a given year. Mr. Emerson explained that groundwater can be depleted in two ways relevant to the project. The first is consumptive use, including water used for cooling the power-generation facility. The second is preventing groundwater recharge by covering the existing landscape with impervious surfaces. He stated that, in his opinion, the project involved both circumstances because it would include consumptive water use while also preventing recharge that currently occurs under existing conditions. Mr. Emerson used an analogy comparing the aquifer, which he identified as the surficial aquifer and referred to as the Kirkwood-Cohansey, to a communal resource. He compared the existing groundwater recharge from properties throughout the City to a communal "potluck" and stated that, in his opinion, DataOne would receive the benefit of the communal resource without contributing the groundwater recharge that currently occurs on its property. He further stated that the project would also consume groundwater without providing the corresponding recharge.

Mr. Parts then asked Mr. Emerson whether he stood by his previous statements that the various stormwater issues he identified could not be corrected without redesigning the stormwater management plan. Mr. Emerson confirmed that he did. He stated that his opinion was based not only upon his familiarity with the applicable rules but also upon his review of the DataOne application and his experience reviewing numerous applications each year. When asked for his professional opinion as to whether DataOne's stormwater management plan satisfied State and local stormwater management requirements, Mr. Emerson stated that it did not in its current form. Mr. Parts indicated that he had no further questions.

Mr. Malinsky asked Mr. Fralinger whether he wished to cross-examine Mr. Emerson. Mr. Fralinger advised the Board that he had only received the August 4, 2026 report that evening and that the August 17, 2026 supplemental report had been emailed to him at approximately 6:00 p.m. He stated that, because he had not yet had an opportunity to adequately review the reports, he wished to reserve his opportunity to cross-examine Mr. Emerson until he could better understand the materials. He further stated that he would have a rebuttal witness prepared to address issues raised by the testimony that evening.

Mr. Catalana then asked Mr. Emerson to clarify whether his earlier testimony that DataOne could not "fix" the stormwater issues meant that the site could never accommodate a compliant stormwater plan, or whether a modified plan could achieve compliance. Mr. Emerson explained that his prior answer was directed to whether the applicant could maintain the currently proposed amount of impervious cover, the proposed number of power-generation units, the square footage of the data center, and the associated pavement while fitting a compliant stormwater system into the remaining available space. He stated that, in his opinion, the answer to that question was no.

Mr. Emerson clarified, however, that the site could accommodate a compliant application if the project were modified. He explained that there was a finite amount of infrastructure, structures, and pavement that could be accommodated on the property and stated that, in his professional opinion, the current proposal had exceeded the amount that could be accommodated while also providing a compliant stormwater system.
Mr. Catalana then asked Mr. Emerson to clarify his testimony concerning groundwater recharge. Mr. Catalana noted that Mr. Emerson had stated that the applicant had demonstrated zero recharge but observed that some recharge would presumably occur under developed conditions even if it was not at the level claimed by the applicant. Mr. Emerson clarified that his testimony concerned the amount of recharge the applicant had demonstrated under the proposed conditions in a manner consistent with the DEP and the City's requirements. He acknowledged that some lawn areas might absorb rainfall and that some water entering the proposed stormwater basins might potentially recharge groundwater. However, he stated that the applicant had not demonstrated to him that such recharge would occur in accordance with the applicable requirements and therefore his conclusion was that the applicant had demonstrated zero compliant groundwater recharge.

Mr. Catalana also asked Mr. Emerson about the 2.5-acre maximum contributory drainage area requirement and whether, given a site approaching 150 acres, the project would require more than 60 basins to comply. Mr. Emerson stated that the calculation was more complicated because the requirement applies to certain portions of ground-level impervious cover where pollutants are presumed to occur. He explained that the precise number of basins would also depend upon whether configurations such as the basin shown in Earthjustice Exhibit 8 were considered to constitute one basin or multiple basins. Mr. Emerson stated that it was his opinion, and the DEP's opinion as he understood it, that such a configuration constituted one basin rather than multiple basins. He stated that the project would require a substantial number of basins but clarified that he was not saying that exactly 60 basins would be required and estimated that the actual number could be approximately 20 to 30 basins.

Mr. Catalana stated that the applicant would have an opportunity to present rebuttal testimony and that the Board would rely upon its own professionals in evaluating the issues raised by the witnesses. The Board member thanked Mr. Emerson for his testimony.

Ms. Casandia Bellevue of Earthjustice, representing Sustain South Jersey, then presented Nichole Gardner as a witness. Ms. Gardner was sworn in and identified herself as a Vineland resident and member of Sustain South Jersey. She stated that she had become involved with a group of residents in approximately November after becoming aware of activity at the DataOne site and that the group subsequently incorporated as a nonprofit organization in March 2026. Ms. Gardner stated that she had not visited the site but had driven past it and observed cranes, large walls, and what she described as a large gray structure that substantially obstructed views from the roadway.

Ms. Gardner testified that her principal concerns involved what she characterized as unknowns associated with the size and scale of the project. She stated that she understood the project to be the largest hyperscale data center on the East Coast and that it involved technology being deployed at a scale that she considered new. She expressed concerns about changes in information presented concerning the project and stated that she did not have confidence in the information provided by DataOne. Ms. Gardner testified that the CEO of DataOne attended a town hall meeting in January and provided information concerning the project that, in her view, contained what she characterized as “loopholes.” She stated that, when residents questioned the information presented, the responses changed. She further testified that a website had been established to provide information concerning the project and the project’s progress but was subsequently taken down. She also stated that an email address had been provided for residents to submit frequently asked questions, but that, in her experience, emails sent to that address frequently went unanswered. She stated that these circumstances contributed to her concerns regarding the consistency and completeness of information being provided about the project.

Ms. Gardner identified water, power, and CO2 emissions as areas where she believed information had been inconsistent. Regarding water, she referenced an earlier representation that the project would be a net-positive producer of water and contrasted that with figures of approximately 22 million gallons, approximately 8 million gallons discussed at the prior hearing, and a 27-million-gallon reservoir. Regarding power, she referenced early reports of a potential 1-gigawatt facility, subsequent statements disputing that figure, and the previously discussed BPU application identifying 125 megawatts. She stated that she remained concerned about the amount of energy that would ultimately be required by the project. She also expressed concerns regarding CO2 emissions associated with Bloom Energy and referenced testimony that the site was approximately 400% larger than the company's next-largest site. Ms. Gardner stated that, based upon these issues, she did not have confidence in the experts presented by DataOne.

When asked what DataOne could do to address her concerns, Ms. Gardner stated that she believed an independent environmental impact study conducted by an independent company with no relationship to Northeast Precast Consulting or DataOne would be helpful. She stated that such a report should address matters identified in the Vineland Environmental Commission statement, the Pennoni Report provided to the Planning Board, and questions raised on August 5, 2026, and the August 17, 2026, hearing. She also requested a community benefits program involving direct discussions with Vineland residents concerning the project and the use of tax revenue. Ms. Gardner was then asked what she would request from the Planning Board. She stated that, in her view, the Board should not approve the application at that time because additional information and questions had arisen during the August 5 and August 17 hearings. She stated that she believed there could potentially be a way for the project to move forward but that additional questions should be answered before the Board acted.

Mr. Fralinger called Tim Ruga as the applicant's first rebuttal witness. Mr. Malinsky confirmed that Mr. Ruga remained under oath from the prior hearing and asked whether his professional licenses and certifications remained in good standing. Mr. Ruga confirmed that they did.

Mr. Fralinger asked Mr. Ruger to respond to the testimony of Mr. Emerson, beginning with the assertion that Basin S did not comply with the 2.5-acre maximum contributory drainage area requirement. Mr. Ruga disagreed. He explained that, in his opinion, the applicable rules allow alternative methodologies and that the approach used by DataOne was appropriate. He stated that the project uses 2.5-acre areas in small-scale,

immediately adjacent water-quality basins and that this approach is used for recharge in the front portion of the site and in a number of the other basins. With respect to Basin S, he stated that the configuration distributes water throughout the basin rather than concentrating it in one location and that, in his opinion, this satisfied the intent of the regulation.

Mr. Fralinger then asked Mr. Ruga to address Mr. Emerson's testimony concerning soil testing. Mr. Ruga stated that soil testing was required for the recharge basin located near Lincoln Avenue and that sufficient borings had been conducted in or sufficiently close to that basin to satisfy the regulations. He stated that the other basins did not require soil testing because they were bioretention basins and that, in his opinion, DataOne had complied with the applicable requirements.

Mr. Ruga confirmed that the stormwater system associated with Basins A through H in Phase 1 had previously been reviewed and approved twice. He further confirmed that the system had been approved as being in accordance with the NJDEP stormwater regulations. Regarding the depth of the soil borings, Mr. Ruga stated that the borings associated with the infiltration basin had been advanced to the depth required by the regulations. He acknowledged that not all the other basins had the same type of boring but maintained that sufficient borings had been completed in the relevant area.

Mr. Fralinger next asked about Mr. Emerson's characterization of the configuration at Basin S as using "soil separators" that were not permitted by the DEP. Mr. Ruga disagreed. He stated that neither the applicable regulations nor the Best Management Practice Manual prohibited the approach. He acknowledged that he had not seen the other documents referenced by Mr. Emerson but stated that he did not believe there was a technical reason prohibiting the configuration. He confirmed that the technical regulations themselves did not expressly prohibit the approach.

Mr. Fralinger then addressed the issue of the two proposed discharge points. Mr. Ruga explained that the two points were located at Lincoln Avenue and toward the Northeast Precast property. He stated that these represented the two primary areas where stormwater flowed off the site historically. He acknowledged that there had been other minor drainage points on the property but stated that those areas currently had no water flowing off the site. He maintained that the two proposed discharge points were the site's two primary discharge points and that the proposal complied with the applicable regulations because the required discharge controls were provided at those locations. When asked whether the stormwater system would adversely affect downstream properties, Mr. Ruga answered that it would not.

Mr. Fralinger next questioned Mr. Ruga concerning the requirement to use the Delmarva unit hydrograph. Mr. Ruga explained that, at the prior hearing, he had testified that DataOne used the SCS hydrograph because, based upon his experience, it was more conservative. He stated that DataOne had subsequently recalculated the flows and determined that the SCS hydrograph was indeed more conservative with respect to flow in the pipes. Mr. Ruga stated that DataOne had no objection to using the Delmarva unit hydrograph. He explained that, when the calculations were rerun using the Delmarva methodology, the basin sizes were not affected. The Lincoln Avenue basin, including its recharge function and outlet structure, was not affected, and the sizes of the bioretention basins also remained unchanged. He stated that the Delmarva unit hydrograph predicted lower flows and therefore required smaller hydraulic controls in the outlet structures, including the orifices and weirs. Mr. Ruga testified that DataOne had made those adjustments in its calculations and that it would defer to the City Engineer as to whether the Delmarva unit hydrograph should be used, stating that the applicant was prepared to revise the outlet structures accordingly.

Mr. Fralinger then asked Mr. Ruga about the use of aerial survey information for topography and land-cover analysis. Mr. Ruga stated that he believed the aerial survey had been used correctly. He explained that Mr. Emerson's testimony did not identify specifically what portion of the analysis was allegedly incorrect and that DataOne's professionals had also conducted ongoing on-site verification. He stated that the project team had been at the site frequently and therefore understood the existing site conditions. When asked whether the site had been inaccurately characterized with respect to land cover, Mr. Ruga indicated that he did not understand what Mr. Emerson was referring to and maintained that the information used by DataOne accurately represented the existing conditions.

Mr. Fralinger then turned to groundwater mounding and the use of 150 feet rather than 75 feet for saturated thickness. Mr. Ruga explained that the Best Management Practice Manual provides guidance concerning mounding calculations but also allows alternative methodologies. He stated that DataOne had used an alternative methodology because substantial hydrogeologic information was available for the area.
Mr. Ruga specifically referenced Island Well 17 immediately adjacent to the site and stated that the New Jersey Geological Survey had used a saturated thickness of 200 feet for that well and a hydraulic conductivity of 80 feet per day. He testified that DataOne did not increase the hydraulic conductivity for its mounding analysis and instead retained the State guidance value based upon the vertical factor. He stated that DataOne used a saturated thickness of 150 feet, which was less than the 200-foot thickness referenced for the nearby well, and that the resulting calculated groundwater mounding was within the applicable requirements.
Mr. Ruga further testified that, if the calculations were adjusted using the transmissivity measured at the nearby well, the calculated groundwater mounding would likely be approximately 2 to 3 feet, as opposed to the

9.2 feet calculated using the methodology employed in the application. When asked whether the methodology used by DataOne was consistent with the applicable rules, Mr. Ruga answered yes. He also confirmed that the analysis had previously been submitted and reviewed and stated that the project had received two approvals since 2024 without an objection being raised concerning that methodology.

Mr. Fralinger then began questioning Mr. Ruga regarding groundwater recharge and the obligation to maintain the amount of groundwater recharge occurring under pre-development conditions following development. He stated that DataOne had applied the groundwater recharge spreadsheet in accordance with the NJDEP methodology and disagreed with the assertion that the project had failed to account for the site's existing depressions. He explained that, if the depressions had been sand pits, water entering those areas would have been captured and forced to recharge the groundwater, which would have required the project to account for that recharge. However, he stated that the site consisted of former clay pits that had been in operation for more than 160 years. According to Mr. Ruger, testing of the soils within the former pits demonstrated low permeability, with the soils being predominantly classified as C and D soils after the pits were reclassified. He therefore maintained that the application of the groundwater recharge spreadsheet was accurate and that DataOne stood by its methodology. When asked about testimony that approximately 60 acres of the site provided zero groundwater recharge, Mr. Ruga stated that DataOne had evaluated the entire site using the GSR-32 groundwater recharge spreadsheet and was unsure of the basis for the reference to 60 acres. He confirmed that GSR-32 was the spreadsheet used and stated that, in his opinion, it was appropriate for the site.

Mr. Ruga was then asked to explain the difference between the 5.5 inches per year and 13 inches per year recharge figures referenced in the project reports. He explained that the 5.5-inch figure resulted from application of the NJDEP groundwater recharge spreadsheet using the soils covering the site, including soils that had been reclassified based upon field testing. The 13-inch figure, he stated, was a different value used to approximately calibrate a groundwater model developed from two years of observation-well data to determine seasonal high groundwater conditions. That figure was applied over a much larger groundwater shed rather than solely to the DataOne property. Mr. Ruga explained that the larger groundwater shed included areas with varying soil conditions, including sandy soils that would provide greater recharge and clay soils, such as those found over portions of the project site, that would provide little or no recharge. The 13-inch figure therefore represented an average over the larger groundwater model area rather than a site-specific recharge value. Mr. Ruga further explained that the regional 13-inch recharge figure referenced during prior testimony was also a generalized value calculated by NJDEP over a large area using rainfall and stream base-flow data. He stated that the regional calculation did not account for site-specific conditions such as those present at the DataOne property. For that reason, he maintained that the site-specific recharge calculation required use of the groundwater recharge spreadsheet as DataOne had applied it. When asked whether he believed the spreadsheet had been used properly, Mr. Ruga responded affirmatively. Regarding the project's water use, Mr. Ruga disagreed with the characterization that the project would have a "double take away" from the groundwater system because water would be withdrawn and then not returned through groundwater recharge. He stated that DataOne disagreed with the groundwater recharge criticism and believed the project would provide the recharge that existed under predevelopment conditions. He compared the project's evaporative water use to water use by a farm, explaining that water pumped for agricultural purposes is applied to crops and much of it is subsequently lost through evapotranspiration. He stated that the proposed use was a permitted use of water for evaporative purposes and was a type of water use commonly conducted in Vineland.

Mr. Ruga confirmed that the project's stormwater basin design had been reviewed and approved previously, including the front portion of the project, and that the remaining portions were currently under review by the City of Vineland. He confirmed that DataOne had received a City review letter and, when asked whether there was anything in that review letter with which the applicant could not comply, he responded that there was none. Mr. Ruga stated that, notwithstanding the testimony of Mr. Emerson, it remained his professional opinion that the project's stormwater design complied with the applicable rules and regulations.

During cross-examination by Mr. Parts, Mr. Ruga was asked whether NJDEP had reviewed or approved of the current application. He responded that it had not. He acknowledged that, pursuant to N.J.A.C. 7:8-5.2, an alternative methodology for complying with green infrastructure requirements must be approved by NJDEP and must qualify as green infrastructure. Mr. Ruga confirmed that he had characterized the methodology proposed for Basin S as an alternative methodology. When asked whether that methodology would have to be reviewed by NJDEP, he stated that it would have to be reviewed if NJDEP chose to do so. Mr. Ruga nevertheless maintained that the Basin S design complied with the regulations and the NJDEP Best Management Practice Manual.

Mr. Ruga was also questioned regarding his prior statements that portions of the stormwater plan had been approved twice. He acknowledged that the project plans had changed multiple times since 2024. He explained that his reference to prior approvals concerned the basin located along Lincoln Avenue, rather than the basins located toward the rear of the property. He stated that, in 2024, basins were proposed in the same general area and performed essentially the same function as the basin currently proposed along Lincoln Avenue. He further stated that the basin was approved in 2025 in essentially the same configuration as it exists today and was subsequently constructed pursuant to that approval. When asked whether the Lincoln Avenue basin also involved an alternative methodology, Mr. Ruga stated that it did with respect to the use of a 150-foot distance

in the groundwater mounding analysis. He stated that, to his knowledge, that methodology had not been reviewed by NJDEP.

Mr. Ruga acknowledged that the NJDEP Best Management Practice Manual identifies 75 feet as the maximum distance referenced for the groundwater mounding methodology. When asked whether it was nevertheless his opinion that a 150-foot distance could be used, or twice the 75-foot figure, Mr. Ruga responded affirmatively. He maintained that DataOne's methodology was supported by the hydrogeologic information available for the site. The discussion then returned to the groundwater recharge issue. It was clarified for the record that Dr. Emerson's prior testimony concerning "zero recharge" referred to zero recharge that had been demonstrated in a manner compliant with the applicable State requirements, rather than a statement that absolutely no groundwater recharge would occur on the property. Mr. Ruga was asked whether it remained his opinion that the project was providing groundwater recharge in a manner approved by the State. Mr. Ruga stated that it was DataOne's opinion that the project was providing groundwater recharge in a manner approved by the State. When asked whether NJDEP had reviewed the current application, Mr. Ruga confirmed that it had not.

Mr. Catalana stated that the testimony presented conflicting opinions from duly qualified experts regarding the stormwater and groundwater recharge issues. He explained that, as is customary in planning matters, when an application contains issues requiring additional review or revisions, he may refer those matters back to its professional staff to work with the applicant and ensure that the proposal complies with the City's requirements. He noted that the DataOne application had undergone numerous changes and that the Board would often rely upon its professionals to confirm compliance with the Vineland Code.

Mr. Catalana asked Mr. Ruga whether stormwater from the DataOne property would overflow or otherwise discharge toward the Northeast Precast property, noting that there was common ownership between the properties. Mr. Ruga confirmed that there was an existing flow toward Northeast Precast and stated that such flow had historically occurred. He explained that the amount historically flowing toward Northeast Precast constituted part of the existing condition and that there were restrictions governing the allowable discharge rate. He stated that DataOne had met those requirements.

Mr. Catalana then asked Mr. Headley to clarify the soil-testing requirements applicable to the proposed stormwater facilities. Mr. Headley stated that soil testing must comply with Chapter 12 of the NJDEP Best Management Practice Manual. He explained that his review report contained a comment concerning the requirement and that Mr. Ruga had agreed to address it. Mr. Headley stated that the requirement applied to non-infiltration BMPs where there was a required separation between the bottom of the basin and the seasonal high groundwater table, noting that bioretention facilities would fall within that category. He therefore confirmed that soil testing was required for non-infiltration BMPs in accordance with Chapter 12 and that the requirement would need to be satisfied as noted in his review report. When asked whether the depths of the proposed basins and soil borings were sufficient under the City's and NJDEP's regulations, Mr. Headley stated that he did not recall the specific depths offhand but explained that the testing would have to comply with the Chapter 12 soil-testing criteria, which specifies where testing is required.

Mr. Catalana then asked about the process for reviewing alternative methodologies before an application proceeds to NJDEP. Mr. Headley explained that the City does not routinely encounter alternative methods and therefore such matters do not normally go to NJDEP unless an additional NJDEP permit is required. He stated that when alternative methods are proposed, they do have to be submitted to NJDEP. He further explained that the NJDEP regulations do not provide extensive guidance as to whether that review must occur before municipal approval or may occur as a secondary review. At that point, he stated, the City places the responsibility on the applicant to submit the alternative methodology to NJDEP for review.

Mr. Catalana asked what would occur if the City determined that an alternative methodology met its requirements but NJDEP subsequently disagreed. Mr. Headley stated that the applicant would have to work with NJDEP to address any comments concerning the alternative methodology and that, depending upon NJDEP's determination, revisions or changes to the stormwater design could potentially be required.
Mr. Catalana then asked Mr. Headley whether, based upon the City staff's review to that point, there remained issues concerning groundwater recharge or stormwater management. Mr. Headley stated that, with respect to water quantity, the City believed the proposal met the applicable requirements because it satisfied what he identified as Criteria A, requiring a reduction in runoff rate at every pre-discharge point. Regarding groundwater recharge, he stated that the City had identified several questions in its review report for purposes of clarification, and that the applicant had agreed to provide the requested information. With respect to water quality, Mr. Headley stated that the requirements would primarily be met through the proposed bioretention basins. Mr. Catalana asked whether the unusual topography of the site, including the depressions, affected the City's review. Mr. Headley explained that where there are depressions or areas that essentially have no outflow, those conditions must be accounted for in the pre-development existing hydrograph calculation. Mr. Ruga confirmed that this was the methodology used by the applicant.

Mr. Menz then asked Mr. Ruga whether the outfall directed toward Northeast Precast had been reduced so that, during a peak event such as a 100-year storm, the maximum quantity discharged toward that property would be reduced. Mr. Ruga stated that the discharge rates had been reduced to meet the State requirements. He

acknowledged that the quantities had not been addressed specifically but stated that DataOne believed the resulting discharge would be acceptable and that the design met the applicable regulations.
Mr. Menz asked whether construction of the proposed bioretention and other stormwater basins had begun. Mr. Ruga stated that construction of those basins had not yet begun. Mr. Menz then discussed the testing that would be required following construction. A representative of the City stated that a percolation-rate test would be required after the basins were constructed, and Mr. Ruga confirmed that DataOne understood that requirement. Mr. Headley clarified that each infiltration basin would be subject to post-construction testing by the City's designated consultant or other party selected by the City. Mr. Headley clarified that the City ordinance requires three post-construction items for stormwater basins: certification from the project engineer that the basin was constructed in accordance with the approved design, an as-built survey to verify the basin's size and weir configuration, and, for infiltration basins, an as-built permeability test to confirm that the basin complies with the permeability rate used in the original design.
When asked about the requirements for bioretention basins, Mr. Headley explained that bioretention facilities have an underdrain and therefore do not technically rely upon infiltration as a component of the calculation. Accordingly, they would require the engineer's certification and an as-built survey, but not the post-construction infiltration testing required for infiltration basins. He further stated that bioretention basins are still required to fully drain within 72 hours in accordance with the applicable City and State regulations and that infiltration through those facilities is not used as part of the groundwater recharge calculation.

Mr. Fralinger called Creigh Raincamp as the next rebuttal witness. Mr. Raincamp was sworn and agreed to testify truthfully.

As a housekeeping matter, Mr. Malinsky marked Applicant's Exhibit A8 into evidence. A8 consisted of an August 17, 2026 email and attachments, including the public notice packet sent to property owners within 200 feet; the Deputy Clerk's affidavit of mailing concerning the public notice; materials relating to the 2022 zoning change; a June 16, 2022 email from the Clerk's Office to relevant parties, including the County Planning Board and Matt Pisarski, Director of County Planning; the adopted ordinance attached to that email; a read receipt confirming Mr. Pisarski's receipt of the adopted ordinance; the Zoning Officer's February 21, 2024 determination regarding the use; the 2018 reexamination report; and the 2020 amendment to the Land Use Element. He also marked Applicant's Exhibit A9, consisting of an email from Richard Franchetta dated May 12, 2022, sent to surrounding clerks, together with the accompanying May 12, 2022 pre-notice letter.

Mr. Rahenkamp was called as the applicant's next rebuttal witness. He testified that he is a professional planner with 45 years of experience and has been licensed in New Jersey for 36 years, with his license currently valid and continuously maintained during that period. He stated that he has worked in New Jersey for 36 years, having originally practiced in Philadelphia. During the last 15 to 20 years, his practice has primarily involved representing landowners seeking zoning changes and use variances, as well as developers and private-sector applicants before land use boards. Earlier in his career, he performed master plan work. Mr. Raincamp stated that he was a vice president of his professional association for eight years and had been qualified as an expert in more than 100 trials in New Jersey, four states, and three federal districts. He also testified that he had previously appeared before land use boards in Vineland and had been qualified as an expert in professional planning numerous times during his New Jersey practice. Mr. Raincamp was offered and accepted without objection as an expert in professional planning.

Mr. Rahenkamp testified that he had reviewed a report prepared by Peter Steck, including Mr. Steck's discussion of Ordinance 2022-44. He explained that the ordinance changed zoning and proceeded through the customary referral process from City Council to the Planning Board and then back to City Council before adoption. Mr. Raincamp addressed Mr. Steck's objection concerning the Planning Board's consistency review and its reference to the 2018 reexamination report. He stated that, based upon his understanding of a case from Ship Bottom in which he had testified as an expert, a consistency review should not use a reexamination report itself as the benchmark because a reexamination report is an assessment of the existing master plan and recommendations for potential changes, rather than being a component of the master plan itself. He stated that the subsequent step is the adoption of a master plan amendment implementing the identified policies.

The Board reviewed Planning Board Resolution 6509, which was marked as Applicant's Exhibit A10. Mr. Raincamp identified the first "whereas" clause on the second page as specifically referencing the reexamination report. He explained that the resolution contained a series of recitals addressing City planning policies and ultimately concluded that the proposed zoning change was consistent and recommended adoption by the governing body. Mr. Rahenkamp identified portions of Resolution 6509 that, in his opinion, were relevant to the consistency review. He referred to paragraphs in which Ms. Hicks provided planning testimony to the Planning Board and explained that the Board was aware of prior planning work affecting the area, including a 2017 redevelopment plan, the 2018 reexamination report, and the January 2020 amendment to the Land Use Element. He stated that the 2018 reexamination report identified the policy consideration of adding industrial lands to the City. The 2020 Land Use Element amendment then effectuated changes to the Master Plan supporting expansion of industrial lands, ending split zoning, and adding smaller lots to larger parcels. Mr. Raincamp stated that these documents provided the foundation for Ms. Hicks' planning testimony and the Planning Board's 2022 consistency review. He further stated that language in the second and third "whereas"

clauses from the bottom of the first page of Resolution 6509 was drawn directly from the Land Use Element amendment.
Mr. Rahenkamp explained that a consistency review is the Planning Board's process of comparing a new policy initiative being advanced through an ordinance with the community's existing Master Plan. He stated that a Master Plan may consist of multiple elements, including a Housing Element, Open Space Element, and Land Use Element amendment. According to Mr. Rahenkamp, the Planning Board's responsibility is to integrate those components, compare them with the new policy initiative, identify departures from prior planning policies, and determine whether any such departures are substantial. He further stated that the Planning Board may express an opinion regarding the proposed policy, which, in this instance, resulted in a recommendation that the ordinance be adopted. Mr. Rahenkamp confirmed that he had reviewed the 2020 Land Use Element amendment. It was clarified that Applicant's Exhibit A8 included both the 2018 reexamination report and the 2020 amendment to the Land Use Element.

Mr. Fralinger then asked Mr. Rahenkamp to address Mr. Steck's opinion that the zoning change was inconsistent with the 2008 Master Plan. Mr. Rahenkamp stated that a consistency review must consider the Master Plan as it existed at the time of the consistency review, including amendments that had been adopted. He confirmed that he had reviewed the 2008 Master Plan, the 2018 reexamination report, and the 2020 Land Use Element amendment, and that the consistency review occurred in 2022. Mr. Rahenkamp explained that the 2018 reexamination report identified the need for additional industrial space, the elimination of split-lot zoning, and the potential addition of peripheral parcels to larger tracts. He stated that those recommendations were subsequently implemented through the 2020 Land Use Element amendment. He characterized the amendment as taking the policy initiatives identified in the Land Use Element and formally incorporating them into the Master Plan. He stated that the amendment did not establish an entirely new direction for the City but instead implemented previously identified planning concepts and identified specific areas with split zoning, redevelopment opportunities, and opportunities to bring adjacent parcels into industrial districts. The amendment recommended specific zoning changes for parcels identified by the City in 2020.

Mr. Fralinger asked whether the property involved in the DataOne application was included in the 2020 Land Use Element amendment. Mr. Rahenkamp initially confirmed the property was addressed after the fact in the amendment. The discussion clarified that the property at issue included a 14.5-acre addition to the property on which the data center was being constructed. Mr. Rahenkamp confirmed that the existing data center property was already zoned IB, while the 14.5-acre addition was not. He further confirmed that Ordinance 2022-44, adopted in 2022, addressed the zoning of that 14.5-acre area and that the Planning Board's consistency review concerned that addition. When asked whether the 14.5-acre parcel was among the properties specifically identified in the 2020 Land Use Element amendment as an area the City intended to change to industrial zoning, Mr. Rahenkamp stated that it was not. He explained that the core property that ultimately became the subject of the application was already in an existing industrial use at the time and therefore had not been identified by the City as a property requiring expansion, review, or a zoning change. When asked whether that circumstance was fatal to the consistency analysis, Mr. Rahenkamp stated that it was not. He explained that the consistency review was intended to take the policies established in the Land Use Element amendment and apply them to a new factual situation in order to determine whether the proposed zoning change was consistent with the City's overall planning policies.

Mr. Rahenkamp further explained that the Land Use Element amendment was concerned less with creating entirely new zone districts than with moving boundaries between existing land-use areas. He stated that the amendment determined that additional industrial opportunities were beneficial to the City and should be added and then identified opportunities involving split-lot zoning or smaller parcels adjacent to larger parcels that could potentially be consolidated into larger development tracts for redevelopment. He confirmed that proximity to Route 55 interchange was a consideration for the particular DataOne property. He clarified, however, that the City's broader policy initiative to expand industrial opportunities was not limited to properties near the Route 55 interchange and that other parcels were expanded even though they were not necessarily associated with an interchange.

When asked whether his review identified inconsistencies between the zoning change and the Master Plan as amended, Mr. Rahenkamp stated that the Planning Board had identified the change in zoning from residential or agricultural zoning to IB as the inconsistency requiring consideration. He stated that he was not aware of another inconsistency identified by the Planning Board that required a separate determination. He explained that, from a professional planning perspective, a consistency resolution should contain testimony identifying the City's planning policies and explaining their relationship to the zoning change being considered by the governing body. Mr. Rahenkamp clarified that, although a reexamination report should not be used as the benchmark for a consistency review, it is not improper for a resolution to identify the reexamination report as the point in time when the City began considering a particular planning issue. He stated that the important subsequent step was that the City implemented the identified policy through an amendment to the Master Plan.

Mr. Rahenkamp testified that the 2020 Land Use Element amendment implemented the City's previously identified planning policies and that Ordinance 2022-44 relied upon those policies in determining that the zoning change was consistent with the City's overall planning objectives. He confirmed that the Planning Board formally adopted its consistency resolution and that, to his understanding, the resolution was then

transmitted back to City Council. He identified Ordinance 2022-44 as the ordinance through which the governing body adopted the zoning change that had been referred to the Planning Board.
When asked whether he identified any professional planning issues with Ordinance 2022-44, Mr. Rahenkamp stated that he did not. He explained that the governing body accepted the Planning Board's recommendation and that the ordinance contained "whereas" clauses setting forth the applicable planning policies, demonstrating, in his opinion, that the governing body understood the purpose and basis of the zoning change. He stated that the only inconsistency apparent on the face of the ordinance was the change in zoning from residential and agricultural zoning to industrial IB zoning. He further testified that he found no procedural or substantive error in the process used to adopt the ordinance. Mr. Rahenkamp disagreed with Mr. Steck's conclusion that Ordinance 2022-44 was inconsistent with the Master Plan as amended. He stated that he agreed with the general principle that a reexamination report should not serve as the benchmark for a consistency review but maintained that the subsequent implementation demonstrated an appropriate planning history in which the relevant information was presented to the Planning Board before it rendered its decision.

Mr. Fralinger then discussed the June 2023 amendment to the redevelopment plan. Mr. Rahenkamp explained that the June 2023 amendment amended the original 2017 Redevelopment Plan to reflect the land area that had subsequently been rezoned. As a result, the entirety of the parcel that is the subject of the current application was included within the Redevelopment Plan. He stated that this was significant for two reasons: first, it confirmed that the City had addressed the property through the planning and zoning process more than once; and second, because the current application was being reviewed under the Redevelopment Plan, the amendment brought the entire application area together as a single redevelopment-plan area. He stated that it would have been problematic from a planning standpoint if part of the application area had remained outside the Redevelopment Plan even if that portion otherwise complied with the underlying zoning. The June 28, 2023, Redevelopment Plan amendment was marked as Applicant's Exhibit A11. Mr. Fralinger asked whether, separate from the procedural history, the zoning change was consistent with the Master Plan as amended, Mr. Rahenkamp responded affirmatively and stated that, from a professional planning perspective, the zoning change was consistent.

The testimony then turned to Mr. Steck's position concerning whether a data center constitutes a permitted use in the IB zoning district. Mr. Rahenkamp summarized Mr. Steck's position as having two components: first, that a data center did not constitute manufacturing; and second, that if it was not manufacturing, it would have to be specifically listed as a permitted use, and "data center" was not expressly identified in the ordinance. Mr. Rahenkamp testified that he had reviewed the February 21, 2024, letter from Zoning Officer Patrick Finley concerning the use. He stated that Mr. Finley determined that a data center was a permitted use within the district. Mr. Rahenkamp stated that, although Mr. Steck's analysis stopped after concluding that the data center was not manufacturing, his own analysis did not end there. He discussed the legal significance of the Zoning Officer's determination, stating that, in his understanding, an appeal of the determination would proceed through the applicable zoning appeal process rather than returning to the Planning Board for a determination as to whether the Zoning Officer was correct. He characterized the Zoning Officer's determination as binding for purposes of the application unless properly appealed through the appropriate process.

Mr. Rahenkamp then explained his analysis of the zoning ordinance and the Redevelopment Plan. He stated that the IB district incorporates uses from other zoning districts, which he described as "accumulative zoning." According to Mr. Rahenkamp, the IB district permits the uses listed in IB, as well as the uses listed in the I-1 district and, with certain exceptions, the uses permitted in the B-3 business district. He further stated that the B-3 district incorporates the uses of the B-1 district, subject to certain exceptions. Consequently, in his opinion, the range of uses that should be considered when determining whether a use is permitted under the Redevelopment Plan includes the IB, I-1, B-3, and B-1 districts rather than only the I-1 district. He stated that, based upon his review, he identified several categories of use that he believed could encompass a data center. Mr. Rahenkamp disagreed with the proposition that a use is prohibited simply because the words "data center" do not appear specifically in the ordinance. He explained that, in his professional planning opinion, zoning ordinances commonly use broader categories of uses rather than attempting to identify every individual business or activity by name. He described computers as a tool and stated that the applicable zoning classification should be based upon what the business actually does, what it produces, what it sells, or what services it provides, rather than on the equipment used to perform those functions. He noted that data centers are incorporated into many types of businesses and institutions and stated that the size of a facility does not, in his opinion, necessarily change the underlying nature of the use. As an example, Mr. Rahenkamp identified the business-office category within the B-1 district. He stated that much of the datacenter work he had encountered during the prior decade involved facilities supporting businesses that sell services. Regarding the DataOne facility, he explained that DataOne owns the facility, an intermediary owns the computers, and Microsoft is the end user purchasing computational capacity. He identified examples of Microsoft services that utilize that computational capacity, including Game Pass, OneDrive, Bing search functions incorporating Copilot, and content-creation functions within Microsoft 365. He stated that, in his opinion, the fact that these services are provided through a large facility does not change their nature as business services ultimately provided to end users. Mr. Rahenkamp also identified publishing and research and development as other potential categories. He explained that publishing is not necessarily limited to paper and could encompass the gathering and dissemination of information. He further stated that the development and refinement of large language models could be considered research and development. Based upon those classifications, he stated that he did not

believe it was difficult to identify a category within the Vineland zoning ordinance into which the data center could fall. When asked whether the proposed use could fall within several categories, Mr. Rahenkamp responded affirmatively. He identified business office as his preferred classification based upon his experience with larger-format data centers in other municipalities. He distinguished the proposed facility from extremely large, single-user facilities located in other parts of the country and reiterated his opinion that the computers are a tool being used by Microsoft in the ordinary provision of its services.

Mr. Rahenkamp further explained that, from a professional planning and zoning standpoint, the applicable consideration is the actual activity taking place rather than the name assigned to the facility. He stated that the ordinance does not require every individual form of retail or business activity to be specifically enumerated and that broader categories are used throughout the ordinance. He therefore maintained that the absence of the specific term “data center” did not, in his opinion, mean that the use was prohibited. When asked whether it was his opinion that the data center use was permitted in the IB district, Mr. Rahenkamp responded affirmatively. He stated that this was both his professional opinion and the determination previously made by the City’s Zoning Officer. He characterized the Zoning Officer’s determination as the applicable legal standard and stated that although he did not know the Zoning Officer’s professional background and had reached his conclusion through a different analysis, he believed the Zoning Officer had reached the correct conclusion. He further stated that the Planning Board should not be asked to independently determine the correctness of the Zoning Officer’s determination.

Mr. Rahenkamp was then asked to provide his overall opinion after reviewing the City’s planning history rather than considering only the 2008 Master Plan. He stated that, in his opinion, Ordinance 2022-44 was substantially consistent with the City of Vineland Master Plan as amended. He further testified that he did not identify any substantive professional planning deficiency in the Planning Board’s consideration of the 2022 zoning referral, although he stated that he might have phrased certain portions of the resolution differently. He maintained that the substantive planning issues were addressed. He disagreed with Mr. Steck’s position that the ordinance itself was required to specifically use the words “data center” and stated that all of his opinions were expressed within a reasonable degree of professional planning certainty.

Mr. Went then began cross-examination of Mr. Rahenkamp. Mr. Rahenkamp confirmed that he had not prepared a written report for the hearing. Mr. Went stated for the record that he had received new exhibits from Mr. Fralinger that afternoon and reserved the ability to review and address those materials in the same way Mr. Fralinger had previously raised concerns regarding late submissions.

Mr. Went asked whether Mr. Rahenkamp considered the Vineland ordinance to be “category-based” as opposed to “specific-based.” Mr. Rahenkamp stated that he did not believe that distinction was particularly meaningful and explained that, although he understood Mr. Steck had used that terminology, he did not consider it a recognized distinction in the professional planning literature. He stated that, like most zoning ordinances, Vineland’s ordinance uses both broad categories and specific uses. He noted that office and retail are examples of broad categories, while the ordinance is more specific when identifying prohibited uses, particularly in the industrial districts.

Mr. Went then questioned Mr. Rahenkamp regarding the proposition that a use not specifically listed in a zoning district is not permitted. Mr. Rahenkamp agreed with that general proposition but explained that the issue becomes how broadly or narrowly a listed category is interpreted. He used retail as an example, noting that a zoning ordinance does not necessarily list every individual business that may fall within a broader permitted category. Mr. Went questioned Mr. Rahenkamp regarding his characterization of the proposed data center as an office or corporate office use. Mr. Rahenkamp stated that, if lawyers were replaced by data scientists or biomedical researchers, the resulting buildings could contain a substantial amount of computer equipment while still functioning as offices. Mr. Went questioned whether the scale and intensity of a use should be considered when determining whether it fits within a particular zoning classification. Mr. Rahenkamp acknowledged that scale could matter in certain circumstances, citing facilities exceeding one million or five million square feet with few or no employees as potentially different from the facility under consideration. He nevertheless maintained that the proposed DataOne facility was not comparable to those examples. Mr. Went asked whether Mr. Rahenkamp considered the physical appearance of the DataOne facility comparable to an ordinary office building. Mr. Raincamp stated that he had seen the facility but was not defending its architectural design. He maintained, however, that the facility would serve as DataOne’s corporate headquarters, with more than 50 employees, and therefore fit within the concept of a corporate office under the zoning code. He emphasized that, in his opinion, the building was not simply an empty structure containing computers but was part of an operating business.

Mr. Went noted that the term “data center” did not appear in the Redevelopment Plan. Mr. Rahenkamp stated that he did not recall the term appearing there. Mr. Went then reiterated that the objectors’ position was that, because the term was not included in the zoning code or Redevelopment Plan, the use should be considered prohibited. Mr. Rahenkamp acknowledged that this was Mr. Steck’s position but disagreed with it. Mr. Rahenkamp was questioned regarding his prior experience with data centers. He explained that the term “data center” was a relatively new label and that he had worked on facilities in which substantial computing operations were incorporated into other uses, including pharmaceutical facilities and law firms with separate

data-center buildings. He also stated that he was currently working on a larger data center in Edgewater Park that remained in the development stage. When asked whether he had previously represented an objector against a data center, he stated that he performed objector work but could not identify a prior matter he would characterize as an objection to a data center. Mr. Rahenkamp also discussed logistics facilities in which approximately one-quarter of a large warehouse may be devoted to computational equipment supporting logistics operations. He stated that he would not necessarily characterize such a facility as a data center because the computing equipment was supporting the primary logistics use. When Mr. Went questioned whether this position conflicted with Mr. Rahenkamp's broader characterization of data centers, Mr. Rahenkamp described "data center" as an ill-defined term that is applied to different facilities. He maintained that computers are tools used within a variety of businesses and that the increasing proportion of computing equipment in modern facilities does not necessarily change the underlying business use.

Mr. Went then questioned whether the extensive utility requirements and other impacts associated with the DataOne facility distinguished it from a conventional office building. Mr. Rahenkamp acknowledged that such facilities have substantial utility requirements but stated that similar conditions exist in other modern facilities, although not necessarily on a scale that attracts the same level of attention. Mr. Went stated that, in his view, the scale and utility requirements should support treating the data center as a separate use. Mr. Rahenkamp disagreed, and the two agreed to disagree on that point.

Mr. Parts, representing Sustain South Jersey, then questioned Mr. Rahenkamp regarding his analogy between computers and tools. Mr. Raincamp agreed that a facility manufacturing a tool would constitute a different use from a facility using the tool. He stated that, if circuit boards were being manufactured at the facility, that would constitute a different use from using the circuit boards. When questioned regarding software and computing power, Mr. Rahenkamp maintained that the computing equipment and software function as tools and that the ultimate product is the service or information provided to the end user. Mr. Parts then questioned the relative amount of office space, computing resources, and power-generation facilities at the DataOne site. Mr. Rahenkamp stated that power generation was an accessory use supporting the primary activity of the site, while computing represented the primary use. He declined to estimate the percentage of the site devoted to power generation or computing because his scope of work concerned the use and zoning issues rather than the physical site plan, and he stated that determining percentages of land area, square footage, or similar measurements would require the project's civil engineer. Mr. Parts posed a hypothetical in which 80 percent of a site was devoted to computing, 10 percent to power, and 10 percent to offices and asked whether Mr. Rahenkamp would characterize that as an office building. Mr. Rahenkamp compared the hypothetical to an insurance company facility in which approximately 10 percent of the building could consist of people and 90 percent could consist of computers. He stated that such a facility could still be an insurance company and could be located within an office district.

On re-examination, Mr. Fralinger asked Mr. Rahenkamp about the sources he relied upon when using terms such as "office," "corporate office," and "research and development." Mr. Rahenkamp stated that he did not rely solely upon ordinary dictionary definitions but consulted professional planning reference materials, including planning thesauruses and dictionaries, as well as his decades of professional experience with office and industrial applications. He acknowledged that the ultimate comparison was to the terminology used in the Vineland Code. He stated that "business office" and "corporate office" are specifically defined in the Code, while he was not certain that "research" had a specific definition.

Mr. Fralinger asked whether the Code also contains definitions for business office, corporate office, fabrication, and manufacturing and whether those definitions are the starting point for the professional planning analysis. Mr. Rahenkamp agreed. He further testified that the size of a building does not, by itself, alter its classification if the use satisfies the applicable definition. He similarly stated that the size of an accessory use does not necessarily change its classification as an accessory use, although he acknowledged that extreme circumstances can create difficult planning questions.

Mr. Fralinger then asked whether Mr. Rahenkamp's position was that the proposed data center could satisfy the Code's definitions for office or corporate office and could also be analogous to research and development or fabrication. Mr. Rahenkamp stated that, in his opinion, the approach taken by Zoning Officer Patrick Finley was to identify several analogous uses and determine that the facility was permitted. Mr. Rahenkamp stated that he went somewhat further and believed the facility specifically fit within the business-office category involving services provided for a fee, while the other analogous categories provided additional support for his conclusion. He agreed that his conclusion was consistent with Mr. Finley's determination, although based upon a somewhat different analysis. Mr. Fralinger asked whether the additional discussion concerning the classification of the data center was ultimately necessary for the Planning Board because of Mr. Finley's prior zoning determination. Mr. Rahenkamp stated that it did not affect the matter before the Board, although he indicated that the issue could potentially arise in a future legal proceeding. He confirmed that, for purposes of the Planning Board's consideration that evening, the classification discussion did not change the matter before the Board.

Mr. Went asked Mr. Rahenkamp about the February 21, 2024 letter from Zoning Officer Patrick Finley, which stated that, in his opinion, the proposed data center use as described would be a permitted use within the IB

Zone. Mr. Went asked whether the proposed data center at the time of the letter included any power generation. Mr. Raincamp stated that he did not know. When asked whether the addition of power generation would make a difference, Mr. Rahenkamp explained that it would relate to whether the power generation constituted a supporting accessory use.

Mr. Parts asked whether the Zoning Officer had signed the February 21, 2024 letter. Mr. Rahenkamp stated that he could not attest to the signature, although the letter contained a signature. Mr. Parts also asked whether, given approximately 2.6 million square feet of data center space and approximately 169,000 square feet allocated to office, parking, and site development, Mr. Rahenkamp still considered the facility to meet the definition of an office building. Mr. Rahenkamp responded that the proposed use continued to meet the definitions in the Zoning Code for a corporate office center or business office.

Mr. Fralinger stated that he had no further questions and confirmed that the applicant had no additional rebuttal witnesses.

Mr. Catalana then asked the City professionals whether they had any additional comments or questions concerning matters not already addressed in their reports. Mr. Headley stated that he believed his reports had been addressed primarily at the prior hearing. The Chair then asked Board members whether they had any additional questions or comments before proceeding to public comment. No further questions were raised. Mr. Catalana opened the hearing to public comment and invited members of the public to line up at the microphone. Speakers were instructed to state their names and addresses and would be sworn in before providing testimony.

Helen Petrites, 1616 Pennsylvania Avenue, Berryman's Branch, Vineland, New Jersey, addressed the Board. Ms. Petrites stated that she had delivered a petition to the City Clerk that morning containing 3,100 signatures from individuals requesting that the Board not approve Phase 2 of the proposed data center. She stated that she was leaving the substantive issues and professional arguments to the professionals who had presented testimony and was appearing solely to place on the record that she had obtained 3,100 signatures from individuals who were unable to attend the hearing. She thanked the Board for its time. Ms. Petrites was then sworn in and asked to again state her full name and address for the record.

Stephen Lewis, 1322 Brandywine Drive, Vineland, New Jersey, was sworn in and addressed the Board regarding the proposed development. Mr. Lewis submitted copies of photographs and site plan materials for the Board's consideration. The materials were marked as Lewis Exhibit 1, consisting of three 8.5-by-11-inch black-and-white sheets depicting various versions of the site plan. Mr. Lewis stated that he submitted the materials to illustrate what he described as changes between the first approved site plan and the plans currently before the Board.

Mr. Lewis questioned whether the developer was permitted to change the location or configuration of buildings or make other improvements that differed from an approved site plan. He pointed to what he described as differences between the first site plan and subsequent plans, including the location and configuration of buildings and the addition of LNG facilities. He also questioned whether the developer had proceeded with construction changes without corresponding approval.

In response, Mr. Malinsky explained that the Planning Board does not have enforcement authority. Enforcement of compliance with approved plans is handled by Code Enforcement and/or the Construction Office. He stated that a developer is required to construct the development in accordance with the approved plans and resolution, and that deviations from approved plans may result in notices of violation or stop-work orders by the appropriate City enforcement authority. He further explained that the City has authority to enforce the approved plans and resolution, but that such enforcement authority does not rest with the Planning Board.

Mr. Lewis then directed the Board's attention to the current site plan, particularly the portion depicting Phase 2. He stated that the Phase 2 area appeared shorter than shown on an earlier plan and that the building currently constructed appeared longer than depicted on the earlier plan. He also pointed out the Bloom power source shown on the current plan and asked whether the power-generation equipment would be located inside or outside the building. Mr. Fralinger responded that the Bloom units would be located outdoors and would each be enclosed within their own protective shell. Mr. Lewis expressed concern regarding the potential for lightning to strike the outdoor power-generation equipment in the vicinity of the natural gas supply. Mr. Fralinger responded that the units are grounded and designed to be lightning-resistant, similar to the LNG tank discussed during the prior hearing.

Mr. Lewis asked about the number of dry cooler units located on the roof of the building and recalled that approximately 40 had been discussed at the prior hearing. Mr. Fralinger stated that he did not know the exact number but could attempt to provide the information that evening. Mr. Lewis expressed concern regarding the potential for noise from the units, particularly if they operated continuously. Mr. Fralinger explained that the dry cooler units were addressed in the project's noise mitigation report and that a noise wall would be installed

around the top of the first building shell, with acoustical draperies on the interior and back of the wall as required by the acoustical report.

Mr. Lewis asked whether geotechnical testing had been performed given the property's former mining operations and the filling and leveling of areas of the site prior to development. Mr. Fralinger confirmed that a series of geotechnical reports and technical ground testing had been completed for the property and stated that such testing would be required before a building could be placed on the site.

Mr. Lewis concluded by stating his view that those undertaking a project of this nature should be honest, truthful, and respectful of the public. He expressed dissatisfaction with what he perceived as a lack of respect toward residents who had appeared before the Board to raise concerns, including residents with medical issues. He stated that he did not have a great deal of faith in the project but acknowledged that the applicant could prove his concerns wrong in the future.

Denise Hazelwood, 524 Oxford Street, Vineland, New Jersey, was sworn in and addressed the Board. Ms. Hazelwood stated that she had been a Vineland resident for approximately 20 years and had sent her children through the Vineland school system from preschool through high school.

Ms. Hazelwood first addressed the proposed use of the data center and the accessory use of power generation. She referenced prior testimony concerning the projected carbon dioxide output associated with the proposed power-generation facilities and stated that she had heard an estimate of approximately 2.19 billion pounds of carbon dioxide. She characterized the power-generation component as substantial and questioned whether it could appropriately be considered an accessory use. She also stated that she understood the previously discussed figure to represent approximately 10% of the New Jersey electric grid output and expressed concern regarding the project's carbon emissions in the context of climate change.

Ms. Hazelwood also questioned the primary use of the proposed data center. Referring to prior testimony from an applicant representative, she stated that she had asked how the data generated at the facility would be used and had raised examples including medical research, as well as potential uses involving deepfakes and propaganda. She stated that the response had been that the applicant could not control how its clients would use the data center. Ms. Hazelwood expressed concern that the ultimate uses of the facility were therefore not known.

Ms. Hazelwood further raised questions concerning noise and what she referred to as ELF output, stating that she understood ELF to refer to frequencies that are not audible to the human ear but which she believed could affect human health. She asked whether ELF output had been evaluated for the proposed expansion or the existing data center.

Ms. Hazelwood also expressed concerns regarding the safety and security of the proposed LNG storage and power-generation facilities. She referenced prior testimony regarding the LNG tank's resistance to lightning and its ability to withstand a small projectile traveling at approximately 90 miles per hour. She questioned how the facility would respond to potential terrorist attacks involving explosive-equipped drones or drone swarms and also questioned whether the facility had been evaluated for the possibility of an aircraft impact. She recalled prior comments at a City Hall meeting concerning the possibility that the data center could make Vineland a target for an attack.

Ms. Hazelwood stated that her primary concerns were the project's carbon dioxide emissions and the proposed use of the facility. She questioned the characterization of the facility as an office building, stating that she viewed it as a large data center whose artificial intelligence capabilities could potentially be used for purposes unknown to the applicant. She requested that the Board not approve the proposed expansion.

Mr. Catalana thanked Ms. Hazelwood for her comments and addressed the carbon dioxide figure she had referenced. He stated that the figure had not been provided by one of the applicant's professionals but had come from an audience member during a prior hearing. Mr. Fralinger confirmed that the comment had originated from an audience member. Ms. Hazelwood stated that she understood the figure had been provided by an attorney representing Sustain South Jersey. Mr. Fralinger further stated that an expert from the energy company had previously addressed the subject and provided a carbon dioxide output figure, although he did not have the number available at that time. When Ms. Hazelwood asked for the actual carbon dioxide output figure, Mr. Fralinger stated that carbon dioxide is not a regulated air pollutant in New Jersey for purposes of minor-source air permitting and that, for major-source permitting, there are circumstances under which it may be subject to reporting or other programs rather than direct regulation. He stated that he did not have the previously provided figure available but could obtain it.

Mr. Catalana then asked Mr. Fralinger about a letter from the City Fire Marshal that had been referenced earlier in the hearing. He noted that the letter had been characterized as identifying concerns, while his review indicated that it contained a list of requirements. Mr. Fralinger explained that the list was an NFPA 59A checklist identifying information and documentation that would need to be submitted to the Fire Marshal following approval for review of the LNG tank design. He compared the process of submitting building permit

documents after the necessary land-use approval has been obtained. Mr. Catalana asked whether, based on Mr. Fralinger's conversations with the Fire Marshal, there were any concerns regarding the LNG plans. Mr. Fralinger responded that there were not. Mr. Headley clarified that approval by the Fire Marshal or the Fire Marshal's representative concerning the LNG tank's compliance with NFPA 59A was included as a condition of approval in his report. He explained that the technical materials would be reviewed by the Fire Marshal or the appropriate representative because that office has the specialized expertise to review LNG tanks.

Daniel Conley, 4815 Covered Bridge Road, Vineland, New Jersey, was sworn in and addressed the Board. Mr. Conley stated that he was a long-term Vineland resident and lived approximately one mile, as the crow flies, from the data center. He stated that noise from the facility had awakened him at approximately 2:00 a.m. and asked whether the applicant had a sound engineer who worked with the full spectrum of sound and noise mitigation. Mr. Fralinger confirmed that the applicant had a sound engineer and stated that the engineer had been making changes and recommending mitigation as construction progressed. He referred to the acoustical consultant's prior testimony concerning ongoing noise mitigation.

Mr. Conley then raised concerns regarding flooding and asked whether historical flooding in the area had been considered, rather than relying solely on theoretical 100-year flood events. He referenced historical flooding within the preceding 20 years, including an event during which water traveled along Hance Bridge Road between Hance Bridge and Lincoln Avenue and temporarily closed Route 55. Mr. Fralinger stated that the historical flooding had not been accounted for specifically with respect to the data center, but that it had been considered in connection with the golf course development. He further stated that additional drainage improvements would be constructed along Hance Bridge Road as part of the golf course development.

Mr. Conley stated that data centers were being constructed throughout the country and that planning and zoning boards had an important responsibility to carefully review such projects for safety and proper construction. He acknowledged the difficulty of the Board's role and encouraged the Board to require changes where necessary to ensure that identified issues were addressed before construction proceeded. He thanked the Board for its time.

Aliyah Rodriguez, 332 West Cherry Street, Vineland, New Jersey, was sworn in and addressed the Board. Ms. Rodriguez stated that she had been a Vineland resident since 1969 and expressed her view that the condition of the City had deteriorated since the data center issue came before the City. She questioned who would pay for the additional fire trucks and fire equipment that she believed would be needed in the event of an emergency at the data center, expressing concern about the impact of additional costs on City taxpayers. In response, the Board explained that its responsibility was to consider the Municipal Land Use Law and the zoning ordinances in effect. Mr. Malinsky stated that if additional fire equipment were determined to be necessary, that would be a matter for the City to address.

Ms. Rodriguez stated that a representative of the Fire Department should be present to answer questions concerning fire equipment and also suggested that Zoning Officer Pat Finley should be present because his name had been referenced during the hearing. Ms. Rodriguez then directed a question to the Board regarding whether the Board members would permit a data center in their own community. She expressed her dissatisfaction with the project and stated that, in her opinion, the City had been neglected.
She responded that "Vineland is not for sale."

Ms. Rodriguez then addressed the Board members, stating that they had been appointed by the City government and urging them to vote against the resolution on behalf of their children, grandchildren, great-grandchildren, and future generations.

Kathleen Smith, 1616 Pennsylvania Avenue, Lot 200, Vineland, New Jersey, was sworn in and addressed the Board. Ms. Smith stated that she lived approximately 1.5 miles from the data center and had moved to Vineland approximately four years earlier. She stated that she had selected the area because she considered it a desirable location with convenient access to services as a retiree.

Ms. Smith expressed strong concerns regarding the proposed expansion and characterized the project as having progressively increased in scale, stating that the applicant had initially requested 1 megawatt, subsequently requested 125 megawatts, and was now proposing approximately 300 megawatts. She questioned whether the City's electrical grid could accommodate the proposed demand and expressed concern that the project was relying on a system that, in her view, had not previously been used at the proposed magnitude.

Ms. Smith also expressed concerns regarding the status of reviews by the New Jersey Department of Environmental Protection (DEP). She referenced testimony indicating that certain matters had not yet been reviewed by DEP or would be addressed at a later stage. She stated that she believed the Board should rely on facts and definitive information rather than statements of belief or uncertainty.

Ms. Smith characterized the proposed development as a project that could continue to expand and stated that, although the current application concerned Phase 2, she believed the applicant was already planning or working on a Phase 3. She also raised concerns regarding two proposed 500,000-square-foot warehouses being

constructed by a neighboring property owner, which she identified as Northeast Precast. She stated that she did not know how the warehouses would ultimately be used and expressed concern about their proximity to the data center.
Mr. Catalana asked Ms. Smith to clarify her statement concerning the neighboring warehouses. Ms. Smith identified Northeast Cast and stated that the Planning Board had already approved the project. Mr. Catalana clarified that the Board understood the intended use of the warehouses to be for the manufacture of concrete panels, consistent with the company's business. Ms. Smith stated that she remained skeptical of the stated use and referenced Amazon as an example of a company that, in her view, could have computer-related operations associated with other activities. She concluded by stating that she believed there were too many unknowns and urged the Board not to approve the application.

Eric Rodriguez, 322 West Cherry Street, Vineland, New Jersey, was sworn in and addressed the Board. Mr. Rodriguez acknowledged that the review of a project of this nature is a process, particularly for a city the size of Vineland, but stated that the proposed data center had attracted significant attention beyond the local community. He stated that Vineland had been receiving national attention because of the scale of the project and the use of different technologies, including fuel cells, and characterized the project as unprecedented in scale. He expressed concern that Vineland was effectively serving as a test case for surrounding communities and other jurisdictions considering similar data center developments.

Mr. Rodriguez stated that a data center could have both positive and negative impacts but emphasized the number of unresolved questions surrounding the proposed project. He expressed concerns regarding the scale of the construction, the use of new technologies, health and environmental impacts, and the adequacy and consistency of information being provided by the applicant. He stated that many residents believed the applicant's disclosures had been inconsistent and urged City officials and Board members to conduct thorough due diligence rather than rushing the process.

Mr. Rodriguez stated that Vineland residents would remain in the community regardless of the eventual outcome of the project and would therefore experience the long-term consequences of its success or failure. He expressed concern regarding potential impacts extending beyond Vineland, including effects on neighboring communities and other areas of New Jersey and Delaware. He referenced concerns involving property values, health, and the environment.

Mr. Rodriguez further stated that many residents felt blindsided by the project because they had initially understood that the property would be developed as another golf course. He described the subsequent information concerning the proposed data center as continually changing in terms of its size and technology. He referenced a town hall meeting that residents had expected would provide reassurance but stated that, in his view, it instead generated additional concerns. Mr. Rodriguez concluded by urging the Board not to rush its consideration of the application and requested that the Board not approve the proposal, stating that numerous questions remained unanswered. He thanked the Board for its time. The Chair thanked Mr. Rodriguez for his comments.

Robert Tommaso, 385 West Oak Road, Vineland, New Jersey, addressed the Board. Mr. Tommaso stated that he had been a Vineland resident for many years and expressed concerns regarding the proposed transportation of liquefied natural gas (LNG) to the facility. He asked the Board to carefully consider the volume of LNG truck traffic that could be generated by the project, particularly along Route 55 and local roads. He noted that Route 55 experiences significant seasonal traffic and expressed concern regarding the potential for accidents involving LNG trucks. He also described the increase in truck traffic on Oak Road, which he stated serves as a connection between the produce auction and freezer companies on the west side of the City. He described the existing truck traffic as substantial and expressed concern about pedestrian and roadway safety, noting that he had replaced his roadside mailbox with a rear-access model because he was concerned about standing near the roadway without a shoulder.

Mr. Tommaso then asked about the project's water consumption and wastewater. He referenced figures of approximately 8 million gallons per year and asked whether the amount could be approximately 16 million or 28 million gallons annually. In response, it was explained that the approximately 8 million gallons represented the average annual utilization of the cooling system, while the approximately 27 million gallons referenced during the hearing represented the modeled worst-case annual water requirement. The 27 million gallons would be stored on site to provide a supply during drought conditions, while average annual utilization was expected to be approximately 8 million gallons. The water used for the evaporative cooling system would be sprayed through misting units and evaporated.

Mr. Tommaso asked whether the on-site reservoir could become groundwater in the event of a catastrophic event. It was explained that the reservoir would be lined and covered. Mr. Tommaso expressed concern regarding the volume of water stored on site and questioned the reservoir's ability to withstand severe weather conditions.

Mr. Tommaso then asked whether the water supply would be drawn from the aquifer. Mr. Fralinger clarified that the facility would use City water. It was further explained that the project could, under the applicable

water-use requirements, potentially obtain a well permit and withdraw up to approximately 36 million gallons per year without a water allocation permit, subject instead to water-use registration requirements. By using City water, the applicant would purchase the water from the City rather than directly withdrawing it from the aquifer.

Mr. Catalana noted that the approximately 8 million gallons of annual water use was relatively low compared with certain other industrial uses in Vineland. By way of comparison, he stated that his company, which manufactures food products, uses approximately 60 million gallons of water annually, and that several other food-production companies in the City use amounts exceeding that figure.

Mr. Tommaso stated that his concern was particularly related to periods of drought and the City's efforts to conserve water when municipal wells experience difficulties. He questioned whether the data center would be subject to similar restrictions during drought conditions. Mr. explained that the approximately 27-million-gallon on-site reservoir was intended to provide the facility with water during drought conditions so that its operations could continue.

Carrie Ann Phillip, 728 Aston Martin Drive, Lindenwold, New Jersey, was sworn in and addressed the Board. Ms. Phillip stated that she had recently moved to South Jersey and had previously worked for the Township of Princeton in its Planning Office for 31 years. Based on her professional experience, she stated that she was familiar with the planning process.

Ms. Phillip stated that she had experienced difficulty obtaining information concerning the DataOne project online, including difficulty locating public notices and project mapping. She stated that a South Jersey advocacy group had provided her with additional information. She also referenced a prior hearing that continued into the early morning hours and the discussion concerning an allegedly inaccurate zoning map that had been available online. Ms. Phillip stated that, based on the testimony she had heard, she questioned whether the matter properly fell within the jurisdiction of the Zoning Board if the applicable zoning change had not been properly filed with the County. She expressed her opinion that the matter should not have proceeded if the property had not been properly zoned.

Ms. Phillip stated that the special Planning Board meeting held on Wednesday, August 5, 2026, lasted until approximately midnight. She stated that she subsequently saw revised plans being circulated and believed they may have addressed a residential lot, although she acknowledged that she was unable to locate the information again and was uncertain whether that had occurred. Mr. Catalana clarified that the application before the Board had not been revised from the prior meeting and remained the same application.

Ms. Phillip discussed her research concerning other communities and stated that she had recently learned that Pittsgrove Township was considering data centers and had decided to prohibit data centers in all zoning districts. She stated that she was pleased with that action. She then described speaking with a resident living across from the DataOne property who, according to Ms. Phillip, reported significant noise problems, including decibel levels that she said were elevated from approximately 9:00 p.m. until 4:00 a.m. Ms. Phillip stated that, in light of those reported concerns, she understood why a noise reading taken at approximately 5:00 a.m. had been significant.

Ms. Phillip also questioned the scheduling of a second special meeting during August, stating that she believed the timing made it more difficult for residents to participate because some residents were on vacation or may not have been aware of the change in schedule. She expressed concern that Phase 1 was already under construction and questioned whether construction should continue if the use were not a permitted use in the applicable zoning district. She also referenced stop-work activity and stated that she believed work had occurred without the necessary permit.

Ms. Phillip next raised concerns regarding the landscaping shown around the perimeter wall. She stated that she observed solid walls with security features and signage prohibiting trespassing and questioned why landscaping would be located on the interior side of the wall where it would primarily be visible to employees rather than the public. Mr. Headley clarified that landscaping was also provided on the exterior of the wall. Mr. Headley explained that the plans had shown the landscaping, although the size of the property made small plantings difficult to see on the overall plan. He further stated that the proposed landscaping along the Lincoln Avenue frontage was adequate and complied with the City ordinance.

Mr. Catalana asked whether the landscaping had been included in the original Phase 1 approval. Mr. Headley confirmed that it had and stated that the landscaping remained one of the outstanding items associated with the temporary certificate of occupancy (TCO).

Ms. Phillip questioned whether Phase 1 should be completed before Phase 2 proceeded and suggested that a time limit should apply before a subsequent phase could move forward. Mr. Catalana explained that the approvals for separate phases have separate timeframes and that the Planning process does not require completion of one approval before a separate approval can be considered.

Ms. Phillip then asked about the proposed sound attenuation measures, including when they would be installed and what they would look like. Mr. Fralinger explained that some mitigation measures had already begun. He stated that a sound attenuation wall would be installed along the northerly property line and that berming was already in place along the northerly side, with trees planted on top of the berm. Additional vegetation would be planted on the berm at the rear of the property. He stated that installation of the northerly sound attenuation wall had been prioritized and was anticipated to be completed by the end of September or early October, with completion expected sometime in October if necessary. Mr. Fralinger further explained that parapet walls would be installed around Phase 1 of the building in the area of the dry coolers to provide sound attenuation. He stated that these measures were required under the project's noise mitigation plan to bring the site into compliance. He identified the northerly sound attenuation wall as the primary mitigation measure and stated that approval of the current application was required for that work to proceed as proposed.

A question was raised by Ms. Hicks regarding exhibits concerning the rezoning of the corner property and whether testimony had been provided concerning whether the rezoning had been properly completed. Mr. Fralinger explained that the documents had been entered into the record and that the documents indicated that the Municipal Land Use Law requirements for notice of the zoning change had been followed. He stated that the required notices had been issued by the City Clerk's Office and that the appropriate parties had been served. Ms. Phillip thanked the Board.

Haley Purich, 2005 Indian Drive, Vineland, New Jersey, was sworn in and addressed the Board. Ms. Purich stated that she was a housing attorney and a Vineland resident and was appearing in her capacity as a concerned resident, drawing upon her knowledge of property law, planning, zoning, and the Municipal Land Use Law.

Ms. Purich began by referencing Vineland Municipal Code §425-269, stating that land may not be used for purposes other than those permitted within the applicable zoning district and that uses not enumerated as permitted, conditional uses satisfying applicable standards, or allowable accessory uses associated with a permitted use are prohibited. She asked the applicant to clarify which permitted-use classifications were being relied upon for the proposed data center, noting that several potential classifications had been discussed during the hearing.

Ms. Purich first asked whether the applicant was relying upon a warehouse use. Mr. Fralinger stated that the applicant had never proposed the data center as a warehouse. She then asked whether the power-generation component was being characterized as a public utility. Mr. Fralinger stated that the public-utility classification applied to the power plant as permitted use.

Ms. Purich disagreed with that characterization and referenced the Municipal Code definition of “public utility,” which she stated includes a utility, authority, commission, special district, or other corporate entity, whether regulated or not by the Board of Regulatory Commissioners, that provides gas, electricity, water, sewerage, telephone, or cable television service. She argued that the definition should be read to require the provision of a utility service to another party rather than merely providing power for the corporate entity operating the facility.

Mr. Fralinger responded that the power generated by the Bloom fuel cells would be supplied to other customers at the data center, specifically Nebius and Microsoft. He stated that DataOne is a corporate entity under New Jersey law and is not regulated by the Board of Public Utilities. He further stated that, under the Vineland definition, the generation and supply of electricity constituted a public utility use, although it was unregulated and served an entity on the same lot.

Ms. Purich asked which of the services identified in the public-utility definition was being provided. Mr. Fralinger responded that electricity was being provided to the data center. He explained that the Bloom fuel cells would provide approximately 300 megawatts of electricity, which would be supplied to the data center for use by Nebius and Microsoft. Mr. Fralinger confirmed that, under his interpretation of the Vineland definition, this constituted a public utility use.

Ms. Purich stated that she had previously provided an email addressing the issue and citing case law and recommended that the Planning Board review that material. She then asked whether the applicant was also relying upon “business office” as a permitted use. Mr. Fralinger stated that this was the classification supported by the professional planner who had testified earlier in the evening and that the professional planner had also testified that the power plant could be considered an accessory use. He stated that whether the power plant was considered principal or accessory did not change the issue, provided there was a principal permitted use. Ms. Purich noted that an accessory use requires a principal use.

Ms. Purich reviewed the Municipal Code definitions concerning a business office and office use. She stated that the Code defines an office as a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government. She also referenced the provision stating that an on-site office serving only the use established on the property and clearly subservient to that use is not considered a separate use. She asked the Board to consider those provisions in evaluating the proposed use.

Ms. Purich next questioned whether “printing and publishing” was being relied upon as a permitted use. Mr. Fralinger referred to the professional planner's testimony. Ms. Purich stated her view that storing data for a company such as Microsoft to operate services such as Copilot and share information internally did not constitute printing or publishing, which she characterized as involving dissemination to the public.

Ms. Purich then addressed the prior determination by the Zoning Officer concerning the proposed data center use. Mr. Fralinger confirmed that the Zoning Officer had previously determined that the land use was permitted. He identified the Zoning Officer's letter as dated February 21, 2024. When Ms. Purich asked what specific use had been determined to be permitted, Mr. Fralinger stated that the letter addressed the “data center use” as it was described at that time, rather than identifying a more specific use classification.

Ms. Purich questioned how the project's estimate of 300 megawatts remained unchanged despite what she characterized as a significant reduction in the building footprint. Mr. Fralinger explained that the initial application for the current proposal involved the same building size associated with the 300-megawatt figure. He further stated that earlier approved site plans contained two data center buildings that were larger than the current building and could have accommodated additional megawatt capacity if that capacity had been available at the site. He stated that the 300 megawatts represented the capacity available to the site and that the current data center building had actually been reduced in size while retaining the 300-megawatt capacity. When Ms. Purich asked whether the original 300-megawatt proposal involved the same footprint, Mr. Fralinger stated that he believed it did and referenced the Bergen Engine site plan.

Ms. Purich then asked whether Vineland residents would be responsible for subsidizing the data center's water use. Mr. Fralinger responded that they would not. He likewise stated that the data center would not be subsidized by Vineland residents. He also addressed a prior question concerning the approximately 5 megawatts of electricity being received from the City, stating that the project would pay for any required connection work, that no necessary system upgrades had been identified, and that the applicant would pay its monthly electric bill at the applicable rate. He stated that the arrangement would provide revenue to the City in the same manner as the water utility, with the applicant paying the City for water rather than obtaining its own well.

Ms. Purich asked whether Mr. Fralinger was aware of her assertion that Vineland residents already subsidize commercial and industrial water use. Mr. Fralinger stated that he was not aware of that. Ms. Purich then explained her understanding of the City's water-rate structure. She stated that commercial and industrial users pay a lower per-gallon rate as their consumption increases and referenced a water cost recovery clause under which increased water utility operating costs can result in increased rates. She stated that City Council had removed a prior limit on the amount that could be recovered through the clause. Ms. Purich expressed concern that increased water utility operating costs associated with commercial or industrial users could ultimately affect residential rates. She suggested that the City consider amending its Municipal Code to establish separate water-rate designations for residential, commercial, and industrial users.

Ms. Purich concluded by expressing her dissatisfaction with what she characterized as a lack of transparency throughout the project. She specifically referenced the applicant's offer concerning a vertical gardening project associated with an agricultural hub in an area that had been rezoned and stated that she found the proposal patronizing. She stated that, in her view, public control or ownership would be preferable and indicated that she would accept a Community Benefits Agreement (CBA) as an alternative. She concluded by expressing frustration with what she characterized as corporations attempting to take advantage of residents and stated that Vineland residents were informed, concerned about their community, and would continue to scrutinize the project. She thanked the Board.

Roger Merle, 159 Defiance Road, Malaga, New Jersey 08328, was sworn in and addressed the Board. Mr. Merle questioned a prior statement that the project was not receiving subsidies. He referenced a previously proposed $6 million loan from the City of Vineland, which he understood had been requested to assist with the purchase of two additional cranes. He noted that, based on his understanding of the applicant's capitalization, he questioned why such financing would have been necessary.

Mr. Catalana asked for clarification regarding the City loan. Mr. Fralinger stated that the project had applied for the loan and that the request had ultimately been rescinded. He explained that the City had requested that the project seek the loan as a one-year loan arrangement under which the City would have received approximately $400,000 in interest if the loan had been repaid within one year. Mr. Fralinger stated that, after the project heard concerns from members of the community, the applicant informed the City that it would not accept the loan and did not require the funds for the cranes.

Mr. Merle then raised questions concerning the project's property-tax arrangement. He stated that he understood the project would pay no property taxes for the first five years, followed by a reduced percentage of the assessed amount for subsequent years. Mr. Malinsky explained that tax matters were not within the Planning Board's purview.

Mr. Fralinger clarified the tax arrangement, stating that the project was subject to a standard New Jersey Payment in Lieu of Taxes (PILOT) agreement involving a five-year abatement of taxes on improvements. He explained that the land itself remains taxable and that those taxes are paid to the City. For improvements, the first year following issuance of a certificate of occupancy is 0%, followed by 20% in the second year, 40% in the third year, 60% in the fourth year, 80% in the fifth year, and 100% beginning in the sixth year. He stated that during the first five years, the City receives a substantial portion of the payments associated with the PILOT program, and that there was no separate long-term tax agreement in place for the project.

Mr. Merle stated that his understanding had been based on information he had read in the media and indicated that he would stand corrected. Mr. Fralinger explained that, because the property is located within a redevelopment area, the applicant could have pursued a longer-term tax abatement or exemption under New Jersey redevelopment law. He stated that the applicant chose not to pursue that option because such long-term agreements can potentially have negative fiscal impacts on municipalities, whereas the five-year abatement program was considered beneficial to the City.

Mr. Merle then expressed broader concerns regarding the long-term financial viability of data centers. He stated that there was no guarantee that a data center would remain in operation five minutes or five years into the future. He asserted that, during the preceding year and a half, more than 500 data centers that were under construction, in planning, or operating had allegedly been curtailed, cancelled, or closed, which he stated represented more than $1 trillion in capitalization. He characterized the data-center industry in highly critical terms and expressed concerns regarding financing, including his assertion that Bitcoin was a primary source of financing for the industry. He further stated that established financial institutions were withdrawing billions of dollars in investment. Mr. Merle concluded by expressing his concern that the country could eventually face numerous defunct data centers accompanied by environmental and legal issues. He urged the Planning Board consider the project's long-term implications beyond immediate application before it.

Gail Lindsay, 1207 Gary Avenue, Vineland, New Jersey, addressed the Board regarding the DataOne/Nebius data center project. Ms. Lindsay spoke of allowing additional work to be completed at the facility, noting that the project was being constructed on a former sand-mining site. She provided historical context regarding the former glassmaking industry in the Millville and Bridgeton areas, referencing companies including Wheaton’s, Kerr Glass, Conti’s, and Anchor Hocking, and noted that sand from the area had also been used for specialized applications such as golf courses. She characterized the former mining property as land that was unsuitable for residential development and unable to pass a percolation test, but suitable for a data center. She also noted the significance of the site’s location and transportation access for data centers serving the New York and Pennsylvania markets.

Ms. Lindsay discussed the project’s anticipated water and cooling requirements, stating that the amount of water used to cool the computer racks would be equivalent to approximately seven Olympic-sized swimming pools and that the water would be recirculated through chillers, with evaporative components designed to limit water loss. She described the concept of virtual computing, explaining that physical computing resources can be divided among multiple customers, with each customer receiving a portion of available memory, storage, and processing capacity.

Ms. Lindsay also discussed the project’s proposed electrical generation, referring to the approximately 300- to 350-megawatt facility and its use of on-site natural-gas generation and Bloom Energy fuel cells rather than relying entirely on the Vineland or regional electric grid. She stated that the Bloom Energy fuel cells would be quieter than combustion engines. She further stated that Nebius/DataOne intended to give back to the community through educational cooperative classes with Rowan College and potentially through future indoor food farming initiatives.

Ms. Lindsay concluded by emphasizing technological advancement and the increasing role of computing in modern life. She compared the transition from horses to automobiles, vacuum tubes to integrated circuits, and traditional telephone networks to handheld computers and smartphones. She stated that modern computing allows complex problems and systems to be analyzed in minutes rather than days and urged the Board to embrace the technological future represented by the project.

Jesse Nazario, 1149 Ray Drive, Vineland, New Jersey, was sworn in and addressed the Board. He stated that he was born and raised in Vineland and had lived in the City his entire life.

Mr. Nazario expressed his strong support for Vineland and New Jersey and asked the Board to allow the City to continue to be a place where residents could live and thrive. He expressed opposition to the proposed AI/data center project, stating his belief that AI centers were not currently generating money or providing tangible benefits and characterizing them as promises of a future that, in his view, did not exist. He urged the City to invest instead in existing priorities and matters that he believed were important to the community at present.

Nicholas Messiano, 752 Gershal Avenue, stated that he lived in Pittsgrove and that Vineland had been his home city for most of his life. He explained that he had recently worked as a professional corporate

programmer and had been selected from approximately 800,000 employees to work on programming Kylie Jenner's clothing website as part of a three-person team. He stated that portions of the work had been performed while he was at a Starbucks on Landis Avenue.

Mr. Messiano stated that he understood the City's desire to expand its technology sector and considered that a worthwhile goal. He then expressed his opposition to the proposed data center, stating that he believed the project represented an inefficient use of the professional and technical resources involved. He characterized the project as essentially a very large computer and asserted that AI data centers were being used to drive technology stock speculation and negatively affect pension funds and retirement investment accounts. He stated that his opinions were based in part on his prior experience in corporate programming.

Mr. Messiano compared AI development to other technology and development trends that he viewed as problematic, including cryptocurrency-related ventures, vacant warehouses, and the proliferation of Dollar General stores. He stated that if Vineland wanted to attract and retain technology professionals and encourage its children and grandchildren to remain in the area, the City should instead focus on infrastructure and quality-of-life improvements, including safe and walkable roads and areas. He discussed the development of passenger rail service between Philadelphia and Glassboro and suggested that future transportation improvements should include expansion into Vineland and additional trolley lines. He encouraged the Board and City representatives to focus on infrastructure that he believed would provide broader community benefits rather than concentrating on the proposed data center.

Mr. Messiano directed the Board and the applicant's representatives to research "finfrock.com," spelling the name for the record as F-I-N-F-R-O-C-K. He stated that he believed the development approach represented by that company was an example of the type of development infrastructure he believed the community needed. He concluded by stating that, if he were in charge, he would reassign people working in AI and related technology fields to manufacturing and machine-shop work so they could help build steel infrastructure, including trolley and rail systems. He described his own decision to leave his corporate programming career despite having been told he could have anything he wanted while working at a Manhattan skyscraper. He stated that he now spent his time on a farm in Pittsgrove and in Vineland because he considered the area to be his "paradise."

Danielle Plaw, 443 South 6th Avenue, Galloway, New Jersey, was sworn in and identified herself as an environmental advocate. She stated that she had grown up in Vineland and was familiar with the City, having attended two private schools and a dance school in Vineland and relying on the City for groceries, retail, and restaurants while growing up in nearby Deerfield Township. Ms. Plaw stated that she and her family share the same aquifer as the project area and that, for that reason, she considered the project relevant to her as well as to Vineland residents.

Ms. Plaw read a portion of what she described as the purpose of the Planning Board, stating that land-use decisions should ensure that new buildings, subdivisions, and infrastructure projects promote public health, safety, and general welfare while balancing economic needs with environmental protection and community values. Based on her attendance at prior meetings, she questioned whether an economic impact study had been performed concerning the potential effects of the data center on local businesses and other water-dependent uses, including restaurants, schools, hospitals, farms, food production, and the real estate market.

Mr. Catalana explained that the Planning Board does not evaluate the economics of a development project and is charged with determining whether an application complies with applicable laws, rules, and City ordinances. He stated that the Board does not consider how much money a development generates or its potential effect on other businesses. Regarding water usage, he explained that the City's water utility provides input concerning anticipated water usage and the amount of water a business may use. Ms. Plaw asked how a resident or business could request that the City conduct an economic impact study. Mr. Malinsky responded that an economic impact study was not a requirement imposed on the applicant and therefore could not be required as part of the application. He further stated that members of the public or businesses could not require such a study through the Planning Board process.

Ms. Plaw then raised questions regarding a New Jersey law that she identified as the "Fair Price Protection Act," which she stated addressed retail use and surveillance pricing based on data mining and had taken effect August 1. She asked how DataOne and the City would protect local consumers and ensure compliance with that law. Mr. Malinsky explained that compliance with statutes governing retail operations is generally enforced by the Attorney General and that the Planning Board does not police individual businesses for compliance with laws such as consumer-protection statutes. Mr. Fralinger stated that any consumer could make a complaint to the Attorney General. He stated that every entity is required to comply with applicable law but clarified that he represented DataOne as its land-use attorney and was not its corporate attorney.

Ms. Plaw questioned whether the statute could be considered because the applicant's proposed use had been characterized in prior testimony as a retail or business-office use. Mr. Malinsky explained that the Board's jurisdiction was limited to the municipal land-use laws applicable to the application. He stated that a statute governing enforcement of a retail operation would not necessarily have a bearing on whether the applicant satisfied the proofs required for preliminary and final major site plan approval. He further explained that if a

statute had a direct application to a use under the municipal land-use law, the Board could consider it, but the statute referenced by Ms. Plaw was an enforcement statute administered by the Attorney General and did not determine whether the application was entitled to site plan approval. Ms. Plaw stated that she was raising the issue because the applicant's attorney had not been aware of the law.

Ms. Plaw next questioned the Board regarding LNG tanker trucks and potential emergency response requirements. She stated that she had previously participated in a coalition of environmental organizations that opposed an LNG terminal in Gibbstown, New Jersey, and said she was familiar with concerns associated with LNG facilities. She asked whether the Board knew the evacuation radius that would be required in the event an LNG tank truck exploded and whether the Fire Marshal's outstanding documentation requirements had addressed that issue. Mr. Catalana clarified that the Fire Marshal's previously referenced list was not necessarily a list of concerns, but rather a list of documents that would need to be submitted for review. He stated that, based on conversations with the Fire Department, he was not aware of any concerns regarding the proposed LNG component.

Mr. Fralinger then explained the proposed LNG supply arrangement. He stated that the project would receive both firm and interruptible natural gas service from South Jersey Gas. Firm service would be guaranteed, while the interruptible portion could be shut off by South Jersey Gas during periods of high demand, maintenance, or other circumstances. He stated that the interruptible service term provided to the project was 10 days per year, meaning that the interruptible portion of the gas supply could be interrupted for up to 10 days during a year, not necessarily for 10 consecutive days. He further explained that the 125-megawatt figure referenced in a BPU application represented firm capacity and was not the total amount of gas that could be supplied to the project. He stated that the overall gas supply would be sufficient for the approximately 300-megawatt facility. Regarding LNG truck traffic, he explained that the tank would initially be filled and would then primarily be used during periods when the interruptible gas supply was unavailable. During such periods, LNG trailers would replenish the tank. He stated that during the remainder of the year, the tank would generally not require LNG deliveries other than occasional replenishment for evaporative loss, blow-off, or similar losses. Mr. Fralinger explained that LNG naturally tends to vaporize as it reaches its boiling point, but that the resulting gas would be captured and returned to the project system for use rather than continuously released to the atmosphere. He estimated that a trailer could arrive periodically to replenish the tank, potentially once every three, six, or more weeks depending on conditions. He characterized overall truck traffic at the facility as minimal and stated that prior testimony had estimated approximately two trucks per week for the facility, which he considered a conservative estimate.

The applicant's attorney also discussed the surrounding road network. He noted that the property and the adjacent Northeast Precast property are within the Energy and Minerals Redevelopment Area and that improvements had been made to the roadway network connecting the area to Route 55. He specifically referenced Burns Avenue and the traffic signal installed at the Route 55 overpass, stating that those improvements had been designed in part to accommodate truck traffic associated with the redevelopment area. He stated that, although the exact routes of future trucks could not be known, Route 55, Sherman Avenue, and Lincoln Avenue would be the logical routes and that trucks would not be expected to use smaller side roads. He stated that the Burns Avenue bypass had worked well for traffic leaving the property and would continue to serve the area. Ms. Plaw clarified whether the applicant's estimate was approximately two to three trucks per week. Mr. Fralinger confirmed that two trucks per week was a conservative estimate and stated that the actual number would likely be lower, while clarifying that the estimate included overall facility truck traffic and was not an estimate of two LNG trucks per week specifically.

Ms. Plaw then stated that, based on information she had reviewed, she believed an LNG tank-truck explosion could require an evacuation radius of approximately one to two miles. She also stated that firefighters responding to an LNG fire would require specialized training because an LNG-related fire would differ from ordinary fires encountered in day-to-day response. She referenced a reported LNG tanker fire in Glenpool, Oklahoma, that she stated was occurring that day and involved multiple tankers, and urged the Board to consider the potential consequences of an LNG incident.

Ms. Plaw concluded by stating that, in her view, numerous questions affecting the proposed project remained unanswered and that she had attempted to raise or answer some of those questions herself. She urged the Planning Board not to move forward with the application until it was fully informed regarding the potential impacts of the project on Vineland, surrounding communities, and the shared aquifer.

Ramon Mora Jr., who stated that he lived on Elmer Road in Vineland, was sworn in and addressed the Board. Mr. Mora asked whether a residential property would remain classified as residential if the property owner generated enough electricity on the property to power Vineland, provided that the primary use of the property remained residential and the generators were considered an accessory use. Mr. Malinsky explained that the answer would depend on the zoning district and the nature of the proposed use, noting that not every zoning district permits every type of accessory use and that a use could potentially constitute a public utility or, depending on the circumstances, a second primary use. He therefore stated that the answer was not necessarily yes.

Mr. Mora then questioned the significance of the intensity and scale of a use within an industrial district. He stated that a metalworking facility producing sewing needles would be different from an arms manufacturing facility and argued that the intensity of the proposed DataOne operation should be considered when determining its appropriate classification. He disagreed with the prior planning expert's characterization of the data center as a business office, stating that, in his opinion, a business office would not generate approximately twice the City's electricity usage or place such a substantial demand on the City's utility system. He characterized the proposed facility as an industrial plant rather than a business office and argued that a conventional business office should not be equated with an AI data center.

Mr. Mora further stated that the planning expert's testimony should be stricken from the record if the expert was conflating conventional data centers with large-scale generative-AI data centers, which he maintained were materially different. He questioned why the Board would apply greater scrutiny to a homeowner seeking to keep chickens on a residential property, where he stated that he was approximately five feet short of the applicable requirement and would need to spend thousands of dollars seeking variances, while allegedly overlooking zoning-map discrepancies involving large corporate developments. He urged the Board to apply greater scrutiny to the proposed project.

Mr. Mora then raised a hypothetical concerning the use of the facility for processing data associated with surveillance technology. He asked whether, if the facility were used to process such information, the City could prohibit surveillance cameras or similar technology in Vineland or whether doing so could expose the City to litigation. Mr. Malinsky responded that, if the Board approved the data center use, the Board would not be liable for matters associated with the subsequent operation of the data center.

Mr. Mora also expressed concern about the potential increase in carbon dioxide emissions associated with the facility. He stated that he believed increased local CO2 emissions could contribute to increased asthma cases and questioned whether the project was consistent with protecting public health. He referenced concerns regarding the financial condition of the County's hospital and asked rhetorically whether additional measures could be taken to protect the health of Vineland residents.

In closing, Mr. Mora referred to comments he stated had been made by a member of the Board earlier in the year at a Planning Board meeting in Hamilton, New Jersey. According to Mr. Mora, the individual had stated in a professional capacity that if a use was not explicitly permitted, it was not an approved or permitted use. Mr. Mora stated that, if the individual maintained the same position regarding the DataOne application, he believed there could be a conflict of interest in that person's participation on the Board or in providing advice concerning the project.

Mr. Malinsky addressed Mr. Mora's comments regarding a statement allegedly made at an earlier Planning Board meeting in Hamilton, New Jersey. He clarified that he serves as the solicitor for the Town of Hamilton and explained that the statement referenced by Mr. Mora was made in his capacity as Hamilton's solicitor. He further noted that Mr. Went had previously introduced Gretsch Exhibit 7, which contained Hamilton's land use ordinance. Mr. Malinsky explained that Hamilton's land use ordinance differs from Vineland's ordinance. Specifically, he stated that Hamilton's ordinance provides that when the ordinance is silent as to whether a use is permitted in a particular zoning district, the silence is interpreted to mean that the use is not permitted. He further explained that, under Hamilton's ordinance, a use is not permitted in any zoning district unless it is specifically included as a use or category of use in the ordinance and in the applicable zoning district. He clarified that Hamilton is also a Pinelands municipality and therefore has different land-use regulations applicable to the municipality. He stated that Hamilton's ordinance and Vineland's ordinance should not be treated as interchangeable when considering whether a use is permitted.

Kimberly Gregg, 1416 14th Avenue, Dorothy, New Jersey, was sworn in and addressed the Board. Ms. Gregg stated that Vineland's water supply is drawn from the Kirkwood-Cohansey Aquifer, which she described as serving approximately one million people across approximately 3,000 square miles of New Jersey. She expressed concern that the amount of water required by the proposed data center, combined with water demand from other data centers proposed throughout the State, could deplete the aquifer. She referenced reported water problems in other states and expressed concern about the potential for residents who rely on private wells to lose access to potable water. Ms. Gregg stated that she had lived in Atlantic County her entire life and in Dorothy for approximately 35 years and relied on a private well for her household and animals. She questioned who would protect residents who depend on the aquifer and asked why the data center could not transport whatever water it required rather than obtaining water from the shared aquifer. She also expressed concern regarding approximately 200,000 acres of farmland that she stated depended upon the aquifer and questioned how the loss of the aquifer could affect New Jersey's food supply.

Mr. Malinsky explained that municipalities are issued water-allocation permits by the New Jersey Department of Environmental Protection (NJDEP), establishing the amount of water a municipality may utilize from the aquifer. Mr. Headley confirmed that statement. Mr. Malinsky stated that the proposed project's water usage was minimal compared with other industrial uses within the municipality and remained within Vineland's water-allocation permit limits. Mr. Headley further stated that the City's Water Utility Director had indicated

that the City would reserve the right to prioritize residential water use over the data center during periods of drought.

Ms. Gregg responded that the area had already been experiencing drought conditions for more than two years and expressed concern that additional withdrawals by a corporation could further affect residents. She referenced a recent television report concerning the amount of rainfall she understood would be necessary to return local water tables to normal levels. Ms. Gregg stated that losing her well would mean losing her property, home, and animals and asked whether the company could be held responsible if private wells were adversely affected.

Mr. Catalana acknowledged Ms. Gregg's concerns but explained that the Board was required to evaluate the water usage proposed in the application based upon information provided by the City's Water Utility and the applicable water-allocation limits. He stated that the Board could evaluate the application before it but could not make determinations concerning water conditions in other communities. He further explained that concerns regarding drought conditions had been considered and that the City's Water Utility had advised that residents would continue to receive priority during a drought. He referenced the approximately 28-million-gallon tank proposed as part of the project, explaining that the tank would allow the facility to continue operating during periods when water availability was restricted, thereby helping preserve water availability for City residents.

Ms. Gregg asked whether the 28-million-gallon tank would itself be filled from the aquifer. Mr. Catalana explained that the tank would be supplied through the City's water system and would not be filled all at once. When asked how long it would take to fill the tank, he stated that the timing would be determined between the applicant and the City's Water Utility. Mr. Malinsky added that the applicant would require approval from the Water Utility, which would determine the appropriate filling schedule.

Andrea Land, 2412 South Main Road, Vineland, New Jersey 08360, was then sworn in. Ms. Land stated that she had been a landowner in Vineland for approximately 40 years and said she had three matters to address. Ms. Land first questioned the height of the proposed mitigation wall. Mr. Fralinger stated that the wall would be approximately 35 feet high. Ms. Land asked the engineers to put that height into perspective, questioning whether it would be comparable to the height of a three-story building. Mr. Headley stated that approximately 35 feet was close to the height of a three-story building. Ms. Land expressed concern about a 35-foot wall being constructed in the middle of South Vineland near homes, farms, and schools.

Mr. Fralinger explained that the wall would be approximately 20 feet shorter than the building and would be located behind an approximately 14-foot-high berm, which would include trees approximately 12 to 14 feet high. Ms. Land acknowledged the explanation but reiterated that the wall itself would remain approximately 35 feet high.

Ms. Land next urged members of the public who were unfamiliar with the Pennoni Report and the Vineland Environmental Commission report to review those documents, stating that both reports identified numerous problems with the Phase 2 proposal. She then urged the Board to vote against the proposed large LNG storage tank.

Ms. Land questioned Mr. Fralinger concerning the source of the project's natural gas. He clarified that there was one agreement involving South Jersey Gas for transportation services and that the natural-gas commodity itself would be purchased from a third party. He explained that the project would utilize South Jersey Gas's pipeline infrastructure but would not purchase the commodity directly from South Jersey Gas, thereby avoiding an impact on South Jersey Gas's available gas supply. He further confirmed that the commodity was expected to originate from outside New Jersey, and when asked whether it was from Pennsylvania, he stated that he believed it was. He stated that he did not know whether the gas was produced through hydraulic fracturing.

Ms. Land expressed concern about LNG truck traffic on Lincoln Avenue, stating that, in her opinion, even one LNG truck on Lincoln Avenue was too many because of the roadway's traffic history. She referenced prior testimony concerning the purpose of the LNG tank and stated that she remained unconvinced that the tank was necessary. She also stated that Bloom fuel cells receive natural gas directly through gas lines and therefore did not require stored gas. Ms. Land concluded by urging the Planning Board to vote against the proposed LNG storage tank.

Jo Denise Bolton Muller, 2851 Palermo Avenue, Vineland, New Jersey, was sworn in and stated that she was a lifelong Vineland resident, having lived in the City for approximately 50–51 years. She described having lived in East Vineland for much of her adult life and stated that she had witnessed significant changes in that area. She explained that, based on her profession and perspective, she wanted to address the potential effects of the DataOne project on students returning to school in September.

Ms. Bolton Muller stated that her concerns were twofold: the potential environmental impacts that may not be immediately visible and the potential effects of noise and physical safety on local roads, particularly because two schools, including a charter school and a middle school, are located relatively close to the DataOne

facility. She stated that many of the potential effects of the project were new and therefore involved unanswered “what if” questions.

Ms. Bolton Muller expressed concern regarding reports from residents living within approximately one mile of the South Lincoln Avenue facility who had described persistent low-frequency humming and vibrations in their homes. She stated that two middle schools were located approximately one mile north of the same corridor and expressed concern that low-frequency sound could travel significant distances over the relatively flat terrain of East Vineland. She described hearing a noise from her property on Palermo Avenue, getting into her vehicle with her husband, and driving down Lincoln Avenue, where she believed she identified the source as construction activity associated with the data center. She questioned how construction noise and subsequent operational noise would affect students when school resumed. She expressed particular concern for students who may be more sensitive to sounds that adults do not necessarily hear. She stated that residents in East Vineland were accustomed to the area being quieter and less developed and that she wanted to preserve a positive environment for students attending Vineland Public Schools.

Ms. Bolton Muller also raised concerns about truck traffic. She acknowledged the applicant's estimate of approximately two to three trucks per week but noted testimony that trucks could use Sherman Avenue and the Burns Avenue/Route 55 connection. She stated that students use area roads to walk to and from bus stops, including students transported by activity buses from the high schools. She said she had personally observed students walking along Lincoln Avenue toward nearby residences and questioned the safety implications of even one or two additional trucks traveling through the area during school dismissal. She stated that Lincoln Avenue can become congested when schools dismiss, with traffic extending toward Palermo Avenue, and asked the Board to consider the potential interaction between truck traffic and students walking along the roadway. She emphasized that she wanted local children to continue to have a safe and positive environment in Vineland's schools and expressed concern that they could be exposed to low-frequency noise and truck traffic associated with the project.

Ms. Bolton Muller further stated that residents in East Vineland can hear sounds over considerable distances, noting that the rifle range on Palermo Avenue can be heard from the Mays Landing area under certain wind conditions. She therefore expressed concern that students could hear construction noise and, after construction, the operational humming associated with the facility. She used the example of a single person humming versus a room full of people humming to illustrate her concern that multiple sources could create a resonating sound. Ms. Bolton Muller urged the Board not to approve the project until outstanding questions were answered. She asked whether restrictions or curfews could be established for truck deliveries so that truck traffic would not interfere with school bus stops and student pickups. She also asked whether sound testing could be performed at nearby schools, including playgrounds and classrooms with open windows, to determine whether students would be exposed to noise levels that adults might not readily perceive.

She then referenced recent stop-work orders involving DataOne and expressed concern regarding ongoing installation activities involving LNG and Bloom fuel-cell equipment that she believed were occurring without municipal permits. She questioned what would happen if the City directed the applicant to stop an activity and the applicant did not comply, and whether similar compliance concerns could arise when trucks began traveling on local roads. Ms. Bolton Muller concluded by asking that clear requirements be established regarding truck routes and operating conditions, including when trucks could travel, permissible decibel levels, and other operational parameters. She stated that if the City approved the project, she wanted the City to hold the applicant accountable for compliance. She emphasized that children were not present at the meeting to speak for themselves and stated that adults had a responsibility to advocate for their safety.

Gloria Donahue, a resident of Port Norris, was sworn in and addressed the Board. Ms. Donahue stated that she wanted to reiterate concerns raised at the prior meeting regarding the project's acoustical information. She recalled that the applicant's acoustical specialist had testified that approximately 65 noise reports had been generated by the County Health Department and that he had reviewed approximately 40 to 45 of them. She questioned why the acoustical specialist was not present that evening and expressed concern that not all of the reports had been reviewed.

Mr. Fralinger clarified that the reports were not generated by DataOne but were County Health Department sound reports that the applicant had been able to review. He confirmed that the acoustical specialist had reviewed approximately 40 to 45 of the reports that did not result in violations but had not reviewed the remaining approximately 20 reports that also did not result in violations. Ms. Donahue reiterated her concern that not all of the reports had been reviewed.

Ms. Donahue also expressed concern regarding testimony that sound was difficult to visualize and disagreed with that characterization. She questioned the comparison previously made between the sound generated by Bloom Energy fuel cells and a hair dryer, noting that the comparison involved one hair dryer while the project would involve multiple fuel cells. She stated that the public should be provided with specific information rather than general descriptions such as a “small amount” of water or similar terminology.

Ms. Donahue identified herself as a fourth-generation South Jersey resident and described family connections to the region's glassmaking and agricultural industries. She stated that she was particularly concerned about the health of South Jersey's environment and waterways and the protection of the Kirkwood-Cohansey Aquifer, which she characterized as one of the country's most pristine aquifers. She stated that, despite the presence of numerous Superfund sites in New Jersey, she believed the aquifer was worth protecting.

Ms. Donahue stated that she was not attempting to introduce new issues but was asking the Board to consider whether the project made sense for the community. She noted that members of the public had listened to approximately six hours of testimony and had previously been unable to speak during the prior meeting. She expressed frustration that, in her view, some relevant County Health Department sound reports had not been reviewed and characterized that circumstance as concerning.

Mr. Catalana stated that Ms. Donahue's characterization was not what the acoustical specialist had said. Ms. Donahue maintained that her recollection was that the acoustical specialist had testified that not all of the reports had been reviewed and reiterated her disagreement with the statement that sound was difficult to visualize. She expressed concern that members of the public felt they were being talked down to and stated that residents could understand the technical information if it was presented fully and clearly.

Ms. Donahue also questioned testimony regarding Bloom Energy's fuel-cell technology. She acknowledged that the technology appeared energy efficient and that the company had significant experience and high-profile clients but expressed concern that the public had not initially been told the full extent of the technology's scale limitations. She referenced testimony that the company's next-largest project was substantially smaller than the proposed DataOne project and stated that the larger project was in Korea. She questioned whether the technology had been demonstrated at the scale proposed for DataOne.

Ms. Donahue reiterated her concerns regarding the acoustical reports, including the timing of sound measurements. She stated that she understood some measurements had not been taken at approximately 2:00 a.m. or 4:00 a.m., but had instead been taken at approximately 5:00 a.m. She expressed concern that some reported sounds had been attributed to extraneous sources, such as birds or other incidental activity, and maintained that the public deserved a complete review of the available information.

Ms. Donahue stated that she had attended approximately six hours of testimony and had learned more about LNG and the safety contingencies associated with the proposed system. She acknowledged that she had spoken with individuals in the field who considered those contingencies to be highly effective and stated that, statistically, she did not expect every potential hazard to occur. Nevertheless, she expressed concern about potential events such as a lightning strike or an object impacting on the cryogenic storage system.

Ms. Donahue concluded that she believed the public could feel comfortable with the project if all relevant information were available and residents were able to make an informed decision. She urged the Board not to approve the application that evening, stating that an informed decision could not be made if relevant reports had not been fully reviewed.

Linda Sullivan, 609 Wagner Court, Williamstown, stated that she was attending the hearing because of a similar data center proposal in Monroe Township and had been following the Vineland proceedings. She stated that representatives from Vineland had previously attended meetings in her community and assisted with its discussions. Ms. Sullivan expressed concern that Vineland residents were being used as “guinea pigs” because the proposed project and its technology had continually changed. Ms. Sullivan stated that she had researched Bloom Energy's fuel-cell technology and recalled testimony that the company's largest comparable facility was approximately 80 megawatts, whereas the proposed DataOne facility was substantially larger. She expressed concern that the proposed scale represented an untested application of the technology.

Ms. Sullivan also expressed concern regarding the Kirkwood-Cohansey Aquifer, stating that it was close to the surface and supplied water throughout South Jersey. She referenced concerns regarding over-extraction of groundwater and stated that the City needed to carefully monitor its water resources as additional development occurred. She reiterated her view that the proposed project represented an experimental use of the technology and concluded by expressing doubt that the project would work as proposed.

Ms. Sullivan raised an additional question concerning the proposed LNG storage tank. She stated that she had visited the project site when the proposal was first brought to her area and observed what she described as surrounding farmland and residential areas. She questioned the zoning requirements concerning the proximity of residential property to a proposed 1.5-million-gallon LNG storage tank, asking what setback would be required and whether a similar tank could be constructed adjacent to or in a residential area.

Mr. Malinsky explained that the proposed tank was located within an Industrial Business (IB) Zone and that the applicant was required to comply with the applicable standards for that zoning district. Mr. Catalana similarly explained that industrial uses are located within industrial zoning districts and that a use permitted in the industrial zone would be evaluated according to the applicable zoning standards.

Kathleen Smith then requested an opportunity to respond. She stated that although the project property was located within an industrial zone, agricultural, residential, and school uses existed within approximately 200 feet of the property. She argued that the proposed LNG tank would therefore affect surrounding residential, commercial, and agricultural properties despite being located on industrially zoned land. She stated that she believed the public was being misled by focusing solely on the project's industrial zoning designation and expressed concern, based on information she said she had received from an individual working in the industry, that the proposed LNG tank was dangerous. She concluded her comments.

Mr. Catalana called for a motion to close the public hearing. A motion was made and seconded. The public hearing was thereby closed.

Following the close of the public hearing, the Chair asked staff and Board members whether there were any additional questions or comments before the Board proceeded toward a vote on the application. The Board then discussed allowing the applicant's counsel and representatives of the objectors to provide closing statements. Mr. Fralinger requested an opportunity to address the Board, and Mr. Catalana recognized him to proceed.

Ray Went, attorney for the objectors, addressed the Board for closing remarks. At first Mr. Went sought to clarify comments made during the public portion of the hearing concerning the Hamilton Township land-use ordinance and an alleged conflict of interest. He stated that Groetsch Exhibit 7 contained a side-by-side comparison of the Hamilton and Vineland Codes and disagreed with the suggestion that prior comments made by a member of the Board's professional team regarding the Hamilton Code created a conflict of interest. He characterized the public comment as a misstatement and stated that he did not believe a conflict of interest existed on that basis.

Mr. Went then cited Vineland Code §425-269, stating that the provision provides that no building or structure may be erected, structurally altered, rebuilt, or enlarged except as provided in the Code, and that land may not be used for any purpose other than those allowed within the applicable zoning district. He emphasized the language providing that any use not enumerated in the applicable zone as a permitted use is prohibited. Mr. Went stated that this language was similar to the Hamilton ordinance and disagreed with the contrary interpretation that had been presented earlier in the hearing.

Mr. Went reiterated his position that the Planning Board had jurisdiction and discretion to deny the application. He cited examples from the Cox legal treatise concerning circumstances in which courts had upheld the denial of site plan applications. He stated that a site plan could be denied where there was no adequate water supply for the particular tract and that fire safety was a factor that municipalities must consider. Mr. Went further stated that a site plan could be denied where it lacked the specificity required by an ordinance or where an applicant failed or refused to provide information pertinent to the plan. He cited Morris County Fair Housing Council v. Boonton Township, 228 N.J. Super. 365, and stated that the court rejected an argument that a municipal board lacked discretion because the New Jersey Department of Environmental Protection had jurisdiction over a related issue. Mr. Went used that case to reiterate his position that overlapping jurisdiction between the Planning Board and another governmental agency does not necessarily prevent the Board from exercising its authority. Mr. Went also cited Lionel's Appliance Center v. SEDA, 156 N.J. Super. 257 (1978), stating that a Planning Board may deny a site plan when the proposed means of ingress and egress create unsafe or inefficient vehicular traffic. He stated that providing safe access to property is specifically contemplated by the Municipal Land Use Law and argued that the Board could consider the safety of the proposed access in evaluating the application.

Mr. Went concluded that, in his view, the public comments and testimony had demonstrated numerous unresolved questions concerning the application. He argued that the number of outstanding questions provided the Board with both the authority and, in his view, the obligation to deny the application.

Ms. Bellevue then provided closing remarks on behalf of the objectors she represented. She thanked the Board for sitting through nearly 12 hours of testimony and expert presentations, and thanked members of the public for attending, providing their perspectives, and remaining patient throughout the proceedings. She stated that numerous questions remained unanswered and referenced prior testimony from Ms. Gardner on behalf of Sustain South Jersey, who had expressed a lack of trust in DataOne and the project and stated that significant work would be necessary to earn the public's trust.

Ms. Bellevue urged the Board to consider whether the applicant had sufficiently addressed the questions raised during the hearing. She identified questions concerning the Bloom Energy fuel cells, including their performance at the proposed scale, potential hazardous waste generated by the technology, disposal of such waste, and potential CO2 emissions. She also cited questions concerning water use, groundwater, groundwater mounding, the methodology and completeness of the proposed plan, and the LNG storage tank. Ms. Bellevue further criticized the Environmental Impact Statement (EIS), characterizing it as vague and stating that she believed significant gaps remained concerning potential emissions and other environmental impacts. She urged the Board to consider the unresolved issues before voting and argued that there was too much outstanding information for the Board to conscientiously approve the application.

Mr. Parts then provided brief closing remarks. He referenced a prior plan that had previously come before the Board and been approved and stated that stormwater issues subsequently arose and resulted in litigation. He argued that, if the Board determined that the current stormwater plan would not satisfy State requirements, that issue alone would provide sufficient grounds to deny the application.

Mr. Fralinger, counsel for the applicant, thanked the Board, staff, and members of the public for their participation throughout the lengthy hearing. He stated that the application before the Board sought second amended preliminary and final major site plan approval and required no variance relief in the IB Zone, with only limited waiver relief requested. He addressed several of the issues raised during the hearing, beginning with the proposed LNG tank.

Mr. Fralinger stated that LNG tanks are permitted in the applicable area and that the project had been designed to comply with the applicable safety regulations, including NFPA 59A. He noted that testimony had been presented regarding the potential risks associated with LNG trucks and stated that gas trucks routinely travel to locations such as Wawa and Riggins. He maintained that the relevant question was whether the project complied with the regulations established to ensure safety. He explained that the LNG system had been designed by the equipment manufacturer, the balance-of-plant had been designed by an engineer, and an additional engineer had reviewed the design for compliance with NFPA 59A. He further stated that the design would be subject to review by the local Fire Marshal. Mr. Fralinger addressed questions regarding the City's ability to respond to an LNG incident, stating that the Vineland Fire Department had been trained in LNG and that discussions concerning LNG response had been ongoing for approximately eight months to one year. He stated that the Fire Department's training was appropriate because LNG is a use that can occur within the City.

Regarding water usage, Mr. Fralinger stated that testimony established an anticipated average cooling-system water usage of approximately 8 million gallons per year. Based on his experience with industrial projects, he characterized that quantity as relatively small for an industrial operation. He also reiterated his statement that the project could, if it chose to do so, drill a well and withdraw up to 36 million gallons per year without a DEP water-allocation permit, subject to the applicable water-use registration requirements. He stated that the applicant instead intended to purchase its water from the City and pay the City for that service.

Mr. Fralinger then addressed noise. He stated that he understood the concerns expressed by residents regarding construction noise and noted that he lived approximately two miles from the data center. He stated that he did not personally hear the facility but understood that residents had experienced construction noise. He emphasized that the project was committed to sound mitigation and would be required to comply with applicable New Jersey Department of Environmental Protection noise regulations once operational. He referenced the acoustical expert's testimony and modeling regarding the measures necessary for operational compliance. He acknowledged that construction noise would be greater than the anticipated operational noise and stated that the project was continuing to implement mitigation measures. He specifically referenced installation of the proposed sound wall and stated that he believed it could be installed in October. Mr. Fralinger stated that the sound wall would provide substantial mitigation on the northerly and easterly sides of the property. He also addressed concerns regarding the location of the LNG tank in relation to residential areas. He stated that the tank's location had been established through a siting analysis and that it was adjacent to industrial property, with industrially zoned property on the opposite side of Lincoln Avenue and the Northeast Precast property immediately adjacent. He therefore maintained that there was no residential use in close proximity to the LNG tank and stated that this was one of the reasons for its selected location.

Mr. Fralinger next responded to Mr. Went's closing argument concerning the interpretation of Vineland Code §425-269 and the comparison to the Hamilton ordinance. He stated that the Board was not being asked to make a new determination regarding the permitted use because the use had already been determined in 2024. He referenced §425-268 and its language concerning particular uses or classes of uses, arguing that the Vineland Code is a class-based code. He stated that the term “enumerated” in §425-269 should be understood in the context of the classes and categories of uses established by the Code's definitions of permitted and prohibited uses. He reiterated that the permitted-use issue had been decided in 2024 and that the current application was therefore a permitted-use application. He stated that the Bloom Energy fuel cells were permitted in the IB Zone regardless of whether they were characterized as a principal or accessory use. He further stated that the applicant had received the City's professional review letters and believed that the questions raised by Mr. Headley's office and the environmental consultants had been addressed through the written responses and testimony presented during the hearing. He concluded his remarks and submitted the matter to the Board.

Mr. Catalana thanked Mr. Fralinger and publicly thanked the members of the public who had attended both hearings and remained respectful of the process, Board members, and staff. He also recognized the substantial amount of work performed by City staff in reviewing the application, noting that the Board's work extended well beyond the approximately 12 hours of public meetings. He thanked the Board members and staff for their efforts on the application. He briefly addressed the discussion concerning whether the data center use was permitted in the zoning district. He stated that, as previously explained by Mr. Raincamp, the matter had already been approved to proceed before the Planning Board and was therefore the subject of the current hearing.

Mr. Menz thanked the public for attending and stated that the level of participation demonstrated the community's interest in Vineland. He acknowledged concerns expressed by members of the public that they felt information had not been adequately communicated and stated that the City should consider ways to improve community involvement and communication in the future. He also addressed Mr. Went's request concerning continued acoustical studies and suggested that the applicant's representatives continue the acoustical monitoring and studies for a period of time, potentially extending beyond completion of construction.

Mr. Malinsky then addressed the permitted-use issue in greater detail. He reiterated that the Hamilton ordinance differs from the Vineland ordinance because Hamilton expressly provides that silence regarding a use means that the use is not permitted. He contrasted that provision with the Vineland Code. He referenced the February 21, 2024 letter from Zoning Officer Patrick Finley, which stated that, in his professional opinion, the proposed data center use as described would be a permitted use within the IB Zone and that a zoning permit would be issued prior to commencement of the use or construction of any structure. He noted that the letter had been submitted with the applicant's first application before the Board. He stated that the first application was heard on June 26, 2024, resulting in preliminary and final major site plan approval for a 2,647,628-square-foot data center, memorialized in Resolution No. 6652, adopted August 14, 2024. He stated that the approval was not appealed within the applicable 45-day appeal period. He further noted that an amended resolution was adopted on March 12, 2025, correcting an issue with the original resolution, and that the amended resolution likewise was not appealed within 45 days. Mr. Malinsky continued that, on June 26, 2025, the applicant returned to the Board and received amended preliminary and final major site plan approval for a 3,129,726-square-foot data center, memorialized in Resolution No. 6720, adopted July 9, 2025. He stated that this approval also was not appealed within the applicable 45-day period. He therefore maintained that neither the Zoning Officer's determination that the data center was a permitted use nor the subsequent approvals had been challenged through the applicable appeal process.

Mr. Malinsky then addressed the nature of the current application. He stated that the application required waiver relief but no variances and therefore constituted, in his view, a by-right site plan application. He cited case law concerning the scope of a Planning Board's authority when reviewing a by-right site plan and stated that, under the Municipal Land Use Law (MLUL), a Planning Board does not have broad authority to evaluate a site plan based solely on general welfare considerations, general zoning purposes, or general principles of sound planning apart from the standards contained in applicable local zoning ordinances.

He stated that, where a proposed site plan complies with the applicable local ordinances and the MLUL, the Planning Board is required to grant approval. He further stated that the MLUL does not provide Planning Boards with general authority to require that a site plan independently demonstrates that it poses no danger to public health or safety beyond the applicable ordinance standards. He distinguished the 1978 case cited by Mr. Went, stating that the case predated the MLUL framework applicable to the present application.

Mr. Malinsky then presented the proposed motion for the Board's consideration, explaining that motions are made in the affirmative so that an affirmative vote would constitute approval and a negative vote would constitute denial. He proposed a motion to approve the application of DataOne USA LLC for second amended preliminary and final major site plan and waiver approval for construction of a data center on Lot 35.01 of Block 7503, also known as 3963 South Lincoln Avenue, subject to the conditions set forth in the professional reports, the conditions placed on the record by the Board, and the conditions agreed to by the applicant.

Motion and Roll-Call Vote

A motion was made and seconded to approve the application as presented, subject to the conditions set forth in the professionals' reports, the Board's conditions, and the conditions agreed to by the applicant.
Prior to the roll call, Mr. Catalana advised Board members that they were not required to provide an explanation for their vote but could do so if they wished.

Mr. John Casadia thanked the residents who attended the hearing and expressed appreciation for their concerns regarding the City of Vineland. He discussed the testimony comparing the proposed data center to an office building, noting his concerns regarding the scale and intensity of the proposed facility, including the approximately 2,000 Bloom fuel cells, the large LNG tank, and the facility's 24-hour operation. He stated that the facility would be one of the largest, if not the largest, facilities using Bloom fuel cells in New Jersey. He questioned whether data centers could present a terrorist target or otherwise create risks to the community and the country. He also referenced concerns regarding CO2 and the five-page environmental report prepared by Pinelands Associates for the City, stating that the report left questions unanswered. He further referenced concerns raised by the Environmental Commission and stated that additional environmental and other issues remained unresolved. Mr. Casadia stated that a thorough investigation of the outstanding questions was important for the residents in the immediate vicinity of DataOne as well as the citizens of Vineland generally. He voted **no**.

Mr. Douglas Menz thanked the public and stated that he was disappointed that applications requiring submission to the NJDEP had not yet been submitted. He also referenced an August 14 memorandum from the

Director of Municipal Utilities indicating that the City has the authority to regulate the water supplied to the data center. Mr. Menz discussed the difficulty of balancing industrial development with nearby residential areas, referencing prior experiences involving industrial uses near residential neighborhoods. He stated, however, that the application before the Board was a permitted use with no variances. After considering the application and testimony, Mr. Menz voted **yes**.

Mr. Thomas Tobolski thanked the public for attending the hearing and stated that he had many questions regarding the application. He noted that the applicant's attorney had presented professional witnesses over the course of the hearings in an effort to answer the questions raised. Mr. Tobolski stated that he learned a great deal from the testimony, including information regarding the City's available water supply. He referenced testimony that the approximately 27 million gallons of water identified as a potential annual amount was not significant in comparison with the City's larger water customers. He also referenced testimony concerning the project's electrical generation and stated that the applicant's generation facilities would avoid placing a burden on the City's electric utility. Mr. Tobolski further stated that the proposed use was permissible on the property and voted **yes**.

Mr. Scott Reale thanked the members of the public for attending and expressing their concerns. He stated that, as a Board, the members were required to approve the application in accordance with the applicable guidelines. Mr. Reel voted **yes**.

Ms. Sandy Velez stated that she also had concerns regarding the application. She explained that she was voting yes based upon the information presented to the Board. She referenced concerns raised by the public regarding children and school buses and stated that she believed the applicant had heard those concerns. Ms. Velez voted **yes**.

Ms. Janine Andreoli voted **yes**.

Mr. Robert Odorizzi thanked the public and stated that, as previously discussed, the proposed use was a permitted use. He noted that the Board had received expert testimony concerning the application and stated that the City and Planning Board would continue to monitor the project. Mr. Odorizzi voted **yes**.

Dr. Elizabeth Arthur stated that her point of reference and lived experience differed somewhat from those of the other Board members. She viewed the project as a positive for the City of Vineland and referenced her experience teaching in the school system, including the need to move forward with technological development following the COVID-19 pandemic. Dr. Arthur acknowledged that all questions had not been answered and that there remained opportunities for improvement but stated that she viewed the project as a positive for the City. She voted **yes**.

Mr. Dave Catalana stated that he had participated in hundreds of Planning Board meetings and that his personal and professional opinions had differed on applications in the past. He emphasized that his personal opinion regarding what should be built on a property was not controlling and that the Board must consider the documents and standards applicable to the application. He stated that, in this case, his personal and professional views were aligned in believing that the City could have handled certain aspects of the process better. He referenced the potential for additional public meetings and notices and stated that the City's online maps should have been kept current. He recalled an earlier meeting at which the property was discussed in connection with possible golf course, hotel, restaurant, or other development and stated that a golf course was what he personally would have preferred for the property. He acknowledged, however, that the property owner was entitled to make a different decision regarding development of the property, subject to the applicable land-use regulations. Mr. Catalana further stated that he believed the public's participation at City Council meetings and town halls had made a difference in the project. He noted that the applicant reduced the project from approximately 2 million square feet to its current size, changed the project so that it would not rely substantially on the City's electric grid, developed its own power source, and changed the proposed generation technology from the Bergen generators to Bloom fuel cells in response to concerns regarding emissions. He stated that, in his view, the applicant had listened to concerns raised by the public and made changes to the project as a result. Mr. Catalana voted **yes**.

Mr. Catalana announced that the motion carried and that the application was approved.

ADJOURNMENT

The Chairman entertained a motion to adjourn.

Roll Call:
John Casadia: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes

Sandy Velez: Yes
Janine Andreoli: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Catalana: Yes

TIME: 11:49 PM

Respectfully submitted,

Yasmin Perez
Planning Board Secretary