

Unofficial Minutes
Township of Pilesgrove Planning Board
August 19, 2020 Minutes

This meeting was held in person at the Twp. Public Works Building at the Municipal Complex.

The Chair called the meeting to order at 7:00 p.m. He announced that the South Jersey Times and the Elmer Times were properly noticed and agenda/notices were published on the Township bulletin board and website. All of the above was done in accordance with the New Jersey Sunshine Law and the Governor's Executive Order.

Members stood for the Pledge of Allegiance.

Roll Call

Members:

Jeff String, Chair
Joe Crevino
Mark Desiato
Milton Eachus
Mitch Layton -- absent
George Brooks
Craig Lewis -- absent
Glenn Manning-- absent

Alternate #1 Jeff Dobbs
Alternate #2 Bill Miller
Alternate #3 Russell Davis
Alternate #4 Matt Hitchner

The Chair seated Mr. Dobbs for Mr. Layton, Mr. Miller, for Lewis, Mr. Hitchner for Manning.

The Solicitor swore in the Board professionals.

Motion to approve minutes from July 15, 2020 minutes (Crevino/Desiato) all ayes on voice vote with Mr. Eachus abstaining.

The Board Solicitor swore in the professionals.

Memorialization of Resolutions

Res. 2020-010, Jared and Melissa Anderson, bulk variance, B 13, Lot 5.02 (Crevino/Dobbs) all ayes on roll call.

Res. 2020-011, Cohen/Pilesgrove Partners, preliminary major subdivision B 28, L 2 (Crevino/Eachus) all ayes on roll call.

Res. 2020-012, Buffalo Productions, use variance, B 80, Lot 2.03 (Desiato/Crevino) all ayes on roll call

Res. 2020-013, Warriner, bulk variance B 28, L 2.04 (Crevino/Dobbs) all ayes on roll call.

Res. 2020-014, Yurgin, minor site plan and use variance, B 79 L 1, (Dobbs/Eachus) all ayes on roll call with Mr. Crevino abstaining.

Completeness Determination

2020-013 O'Donnell and Silva, Minor Sub, B 14 Lots 3 and 3.01

The Board Engineer described the application for a lot line adjustment without the creation of a new lot. He said he has no objection to being deemed complete with waivers requested (Crevino/Brooks) all ayes on roll call with Crevino abstaining.

2020-014 Kreider, Appeal of Zoning/Request for Variance, B 79 Lot 1

The Board Engineer described the application for a shed that was denied by a zoning permit. He has no objection to it being deemed complete (Eachus/Dobbs) all ayes on roll call with Crevino abstaining.

2020-011 Pilesgrove Solar/Nichomus Run Solar Farm, Use/Conditional Use Variance, B 60, Lots 3, 4, 4.01, 5, 8, and 9; B 61 Lots 3, 4, 5

Mr. Crevino stepped down.

Sitting for the use variance and conditional use variance: Eachus, String, Brooks, Desiato, Hitchner, Davis, Miller and Dobbs.

The Board Solicitor explained the procedure to the audience and advised the Board that correspondence is not to be considered part of the record. He said he reviewed the public notices and the documents are in order.

Keith Davis, attorney for the applicant, explained a use variance is needed to establish a solar facility along with a sheep farm and poultry production on the property. He said the solar use is an inherently beneficial use, so the positive criteria are presumptively satisfied, although testimony will reflect the positives. He said this is a dual use application and he explained how the layout of the facility fosters the sheep farm operation. He described the benefits of having the sheep under the care of a shepherdess. He explained the need for sheep/lamb operations in the country as other operations are shrinking. This, he said, is consistent with the Township's desire to maintain agriculture. He also said the state has a master plan which indicates a demonstrative need for these types of solar facilities. He said the applicant will demonstrate there is no negative impact as it is a very low-profile operation and there will be visual buffers. He said he is confident that the use variance is warranted under the law and the applicant has met the burden, a low burden. He said the applicant is seeking a conditional use variance for the dual use of the sheep operation because the Township's Ordinance does not provide for newer solar operations. These two operations – the solar and the sheep operation – are complementary. He said the applicant is not seeking site plan approval tonight. If the use variance is granted, the applicant will return to the Board for preliminary and final approval. At that point, all the traditional documents will be submitted with the site plan. Mr. Davis said the court recorder is there on behalf of the applicant and identified by name all witnesses. The Board Solicitor swore in the witnesses.

Tim Daniels of Dakota Power Partners described the parent company operation in the state. He said the energy generated at the solar facility will not be sold to a particular entity. He estimated this project

cost will be close to \$200 million. He discussed the New Jersey Energy Master Plan and said he provided input into the document. This facility will be 150 MGW; the state goal is 17,000, stating this project will help the state meet its goal. He said when this project comes on line it will be the lowest cost production of energy. He described the importance of the solar component to New Jersey's low cost, clean energy needs. He said incorporating sheep farming into solar operations is common. He described the limitations within the light industrial tract identified in the master plan for solar siting. He described how the dedication of land to the veteran's cemetery came about. In discussions with county officials, they mentioned the cemetery is near capacity. In response to questions, he discussed the status of other projects, the competitive model of sheep farming and that it will operate for-profit, the South Carolina operation did not go forward with sheep because of state agricultural restrictions related to a superfund site, they are buying not leasing, and this is the only project in Salem County. He said the life-span is 30 years and a post-performance bond will be posted for decommissioning. He discussed the type of solar panels in use, but final decision will be made closer to construction; but they are safe. He discussed previously built projects and projects coming on line. He said the approval process would guarantee continued agricultural operations and the company could be cited by the Township for failure to farm and it would jeopardize the operation of the solar project. . The resolution should stipulate the size of the operation etc.

Mr. Bill McManus, licensed planner and surveyor, described the site, approximately 800 acres bordered by Nichomus Run, some residential homes, Majors Run, and privately and publicly owned lands, bisected by County Home Road. He described how the agricultural operations will be located, the intended use of existing buildings and removal of others, and the location of about 8 acres of land dedicated to the veteran's cemetery. He described DEP requirements for wetlands/buffers, stream corridors, and water quality. The AR2 zone, where this land is located, designated good soils, necessary to maintain but not high priority soils for preservation. AR2 also allows for cluster development allowing for density bonus development balanced by preservation. Raw numbers, he said, indicates 400 homes could be built on the land. Farms and livestock farming are permitted, but there are limitations on number of animals. He said that is why the company's proposal is for an intensive farming operation – a permitted but conditional use – for 1,000 head of sheep. He said calculations indicate 217 acres would be required for the solar panel lot coverage – about 30 per cent of the land. He described a proposed landscape package of softened viewsapes with trees of various heights, color, and types. In response to questions, he explained the calculations from 825+ acres of gross land to a net of 767 +/- of pasture acres, of which 217 acres would be related to solar panel coverage. He said all of the land is grazing land. The landscaping will be the responsibility of the owner and irrigated to maintain plantings.

David Capparelli, engineer with Dakota Power Partners, described how the project will be constructed and the phases. He said technology is changing, but described the proposed panel racks, which will be a more efficient, rotating two-panel system approximately 7 feet high with row separations of about 25 feet. He said maintenance is minimal, with at least one person each day checking the systems and complementing remote monitoring. In response to the Board Engineer's questions, he described setbacks from the road and screenings and size and heights of various lines and inverters.

Erick Hetzel, a professional planner, described the fiscal impact statement for the application. The paid tax is currently about a combined \$20,000 on the farmland assessed property of approximately \$600,000. He estimates the total amount to be paid once the land and improvements are completed to be \$28.5 million for tax assessment, and the revenue estimated to be \$80,000 + on the current tax rate.

He estimated no public cost. The farming operation may require 4 to 5 employees. There will be no school impact. He said it will be a positive net impact for the Township, School, and County of \$899,000 + per year. In response to questions he clarified that the \$28.5 million did not include the panels, which are not taxable under the law. He offered to provide a written breakdown.

Richard Kirkland, a certified appraiser in several states and temporarily licensed in NJ, was sworn in by the Board Solicitor, did an impact analysis on properties adjacent to solar farms. His report was submitted as part of the application. He concluded no impact on property values based on sales in NJ and sales in more than two dozen other states. An impact would be greater than a 5% negative value. He looked at the 13 sales in NJ and sales related to 671 solar farms, mostly located in agricultural areas where sales are less frequent, and found no impact. He said on solar farms there is no noise, traffic, or odor, and no odor from sheep farming.

William Sapio, a licensed NJ appraiser, reviewed Mr. Kirkland's report and found it to be consistent with NJ standards for real estate appraisals.

Julie Bishop, who will be the shepherd for the operation, described her agricultural background. She serves as an advisor of the Solar Grazing Association, which develops best practices and encourages sheep farming on solar installations. She operates Solar Sheep LLC, which will be the entity to operate on the proposed solar farm. She discussed the import markets for lamb and the need for American production. She described the proposed operation for 1,000 head of sheep, including rotational grazing, pollination by bees, selling manure for fertilizers, and housing during winter and inclement weather. She said there are no negative impacts from a sheep operation. She currently is responsible for 600 + sheep, including sheep on other solar operations in Vineland, Princeton, and Lawrenceville. She said sheep and solar farms are very compatible, and it will be better with this operation because it is being designed to accommodate the sheep and the sheep will not need to be moved in the winter time. She described the job responsibilities. In response to questions, she said sheep prefer broad leafed weeds, but not thistles, which will be removed during the rotational grazing. She said she tries to keep the animals in groups of 100 and they will be fed grain and hay in the winter. The maximum height of the panels will be 16 feet. She said she is confident that she and two employees she could handle the 1000 head.

Mr. McManus summarized the testimony and the burden for the requested variances and the inherent beneficial use of solar operations. He listed the points the Board should consider in its deliberations. He said the applicant meets the requirements for public interest and performance; there are no detrimental impacts and the sheep farming provides the balance of interests. He said the site represents about 7 per cent of all the farmland just in AR1 and AR2, as identified in the Township Master Plan. Using the total number of acres in the Township, the site represents about 5 per cent of all farmland. He said the land is very suitable for solar with easy access to the sun, wide open, and a transmission line running through the property. He said the acreage requirement for sheep is three per acre. Residential development would have a detrimental impact. There was discussion about land in an alternate site not being available.

The Board took a five minute recess.

Motion to open to the public (Desiato/Dobbs), all ayes on voice vote.

John Sullivan of Black Rd. of Mannington said the project sounded good and the increase in ratables and revenue.

Denise Ford of Maryland, associated with Red Bird, and said they have been offered a long-term lease of 20 years for poultry operations.

Ed Kalinowski, business representative of a union local, said he supports a clean energy operation and the fact that at the end of 30 years it will go back to farming.

Bret Federitt of the ironworkers, said his union supports the proposal, calling it a symbiotic relationship with the sheep farming that will create clean energy and needed jobs.

Jim Davis, who lives on County House Road, said he is unaware of anything beneficial to Township other than money and he doesn't believe it will reduce taxes. He said the township will not benefit from the electricity it will produce. He said it will be an eyesore, looking out his window at 16 feet high solar panels.

Ron Glass of Marlton Road said he opposes the operation because it will be a sea of glass and you won't be able to see the sheep.

Cheryl Reardon, a former resident who previously sat on Township Committee, said she worked to protect resources along the Salem River and farmland preservation and the soils in this zone are important. She said she is for solar and green energy, but this is a commercial solar operation going in on prime soils. She encouraged the Board to maintain its vision to preserve agriculture. She said millions of dollars are being put into Salem County by a consortium of non profit groups to preserve and protect resources.

June Shimp from Route 45 said she will be able to view the solar panels from her property and they will be unsightly. She doubts her taxes will be reduced. The only benefit from paying taxes is her beautiful view and way of life. She said there is no way you can hide 800 acres of solar panels.

Melissa Lillya who does not believe there will be no impact on property values. The research cannot be accurate because this project is three times the size of any other project in the state.

Margie Eachus who said her family has one of the last large dairy operations in the Township. They need to rent land and have family help to make it work. The loss of 700 acres of farmland is a lot to her family. She said the solar panels are producing the money; the sheep are really doing the lawn mowing. If you want farmers to stay here you have to have land.

Jim DiGregorio of Kings Highway moved to Piles Grove 39 years ago and started an agriculturally rooted business in the middle of an agricultural zone, which made it a fit. He is very concerned that if this approved and the project becomes a reality the aesthetic value of the Township will be impacted. He passed out photographs of a well-done visible barrier with proper vegetation to shield a similar facility. There must be adequate visual screening on the proposed project with an eight foot berm with proper vegetation to preserve the aesthetics of the township.

Chris Howell who lives on Route 45 testified briefly.

(Name Inaudible) said he does not believe most of the jobs that will be created for construction will be for Salem County.

Shane Godshall, chair of JEC, said he provided a letter and said he supports clean energy but this is a commercial industrial sized facility. He said threatened species are on the property and cited other environmental concerns. He said this particular parcel is specifically listed in a state report as not preferred for solar siting.

Rob Smith said he thanks the farmers and its not his backyard, but he says this is better than other projects like warehouses and trucking facilities. That's a lot worse than looking at a solar field.

Debb Duffield from Woodstown Daretown Road said she has solar panels on her property. She asked the Board what guarantee they will have that this will remain commercial. She said she does not think \$80,000 in revenue is enough to offset the loss of farmland. She requested the Board review bond requirements every two years and the Board should investigate how it will be decommissioned. She referenced guidelines from the Bureau of Land Management. Other sites would be better for the solar farm.

Mr. Morris , a senior biologist from US Fish and Wildlife, who lives at the shore referenced the two streams that border the project and habitat for protected bog turtles. He expressed concerns about stormwater and the hydrology of the land on a site this large. He quested whether the rest of the land can accommodate the runoff from several hundred acres of impervious coverage. He cited examples of endangerment to bog turtles and exposure of soils running off to streams and destroying the quality of water. There are two bog turtle populations prospering on each sides of this property. These habitats are only in five Northeast States and they are here.

Mr. Davis cross examined and asked whether he is representing the US Fish and Wildlife. Mr. Morris said he is, that he is in uniform, and he asked whether he should have counsel. There was discussion about stormwater permits, and that the applicant said they will pursue them. Mr. Morris said he heard the applicant will pursue if necessary, but he doesn't know whether the permits are necessary, and that he just wanted the Board to know about the risk to bog turtles. Mr. Morris said he assumes the applicant will go to the state to get permits, but that was not what he was here to contribute. He said his office will make recommendations and consult with the state, and if the state agrees the applicant will be advised. Mr. Davis said the implication was that the applicant was cutting corners and it is not. Mr. Morris said that was not his intent.

The Chair said the next meeting will be in September here in the Public Work. The Board Solicitor said this is formal notice to members of the public without further publishing. Mr. Davis said all the people who testified will be available in September. Jeff Brennan, attorney of record for resident John Sloath, asked if the transcript will be available for review. Mr. Davis was uncertain. The Board stated unofficial minutes would be posted on the township website.

Motion to close the public session (Desiato/Eachus)

Vouchers Eachus/Desiato roll call ayes ayes.

Motion to adjourn Desiato Eachus. All ayes goe.

