

Minutes

Township of Pilesgrove Planning Board

February 17, 2021

7 p.m.

This meeting was held virtually on GoToMeeting

The Chair called the meeting to order at 7 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
George Brooks – absent
Joe Crevino
Russel Davis
Mark Desiato
Jeff Dobbs
Milton Eachus (arriving 7:05 p.m.)
William Miller
Craig Lewis

Alternate #1 Matt Hichner
Alternate #2 Joe Blandino
Alternate #3 Mark Valente
Alternate #4 Ruth Peters (arriving 7:15 p.m.)

The Chair seated Mr. Hitchner for Mr. Brooks, and Mr. Blandino for Mr. Eachus.

Motion to approve January 20, 2021 Reorganization Minutes (Crevino/Desiato) all ayes on roll call.

Motion to approve January 20, 2021 Regular Meeting Minutes (Desiato/Lewis) all ayes on roll call.

Mr. Eachus arrived.

Resolutions

Motion to approve Res. #2021-009, Dennis & Becky Kelly, memorializing approval of bulk variance for Block 24, Lot 3.02, (Lewis/Crevino) all ayes on roll call.

Motion to approve Res. #2021-010, Thomas Tucci, memorializing approval of bulk variance, Block 11, Lot 7.06, (Desiato/Eachus) all ayes on roll call.

Res. #2021, 011, Determination that proposed Township ordinance on lot coverage is consistent with the Master Plan, (Dobbs/Eachus) all ayes on roll call.

Res. #2021-012, Extending contract of General Consulting LLC for planning services, (Crevino/Dobbs) all ayes on roll call.

Determination of Completeness

2021-03 Fidelity Asset Management, variance, Block 74 Lot 13

The Engineer reviewed his report on the proposed building of a single family residence, requiring bulk variances for set-backs and yard size. He said he requested a copy of the approved plan of wetlands, which was provided by the surveyor, and a copy of the legal description, which he received. The property straddles two townships, but the building will be on the Pilesgrove Township line as the land in the other township is deed restricted. A letter from Mannington Township was included in the application packet. There was discussion.

Motion to deem the application complete, (Lewis/Desiato) all ayes on roll call.

Ms. Peters arrived.

2020-018 Kevin Przybyszewski , bulk variance, Block 76 Lot 13.01

The Solicitor swore in the applicant

Mr. Przybyszewski said he wants to put an addition on the house, build a front porch, and move the location of the existing deck. The Engineer reviewed his report. The property is just under one acre with a frame dwelling, existing garage, shed, two solar panels, asphalt drive, stone parking area and existing deck. The existing lot coverage is in excess of 16 per cent ; 12 per cent is allowed. The 16 x 24 addition and 16x36 front porch will bring building coverage up to about 8 per cent, where 8 per cent is allowed, and lot coverage to 18.2 per cent. The applicant said no additional property is available to add to his. He said there are no plans to remove any existing buildings.

Motion to open the hearing to public comment, (Desiato/Eachus) all ayes on voice vote . No comment.

Motion to close the hearing, (Desiato/Eachus) all ayes on voice vote.

Motion to approve, (Davis/Crevino) all ayes except for one nay (Dobbs) on roll call.

2021-01 Tractor Supply Company, minor site plan and use variance, Block 65 Lot 3

Mr. Lewis and Mr. Crevino stepped down. Mr. Hitchner was seated for Mr. Brooks. Mr. Blandino for Mr. Crevino, and Mr. Valente for Mr. Lewis. The Solicitor swore in the applicant's Engineer.

The applicant is requesting installation of a propane tank and resale to customers. The tank would be an accessory use, not expressly permitted in the zone; therefore, requiring a use variance. The tank will be installed in the existing fenced area; there will be no new impervious cover. The applicant's engineer described the site plan. He said the proposal is not a "tank exchange"; but, rather a filling up of customer tanks. He said employees will unlock the cabinet, fill the tank, weigh it, lock the tank, and help the customer back into the car. The tank will never enter the building. There were questions regarding trailer storage of hay, delivery of propane, traffic flow, fencing, and customer access.

Motion to open to the public, (Dobbs/Eachus) all ayes on voice vote. No comment from the public.

Motion to close to the public, (Dobbs/Eachus) all ayes on voice vote.

Motion to approve minor site plan and retail sale of propane, (Valente/Dobbs) all ayes on roll call.

2020-011 Pilesgrove Solar (Nichomas Run Farm), use/conditional use variance, Block 60 Lots 3, 4, 4.-01, 5, 8 and 9; Block 61 Lots 3, 4, and 5.

Keith Davis, attorney for the applicant, said the applicant re-noticed. He asked for a way for the court recorder to identify speakers since not all names on the virtual site reflect the board member. He asked whether exhibits were obtained. The Solicitor said he reached out but did not receive a response. Mr. Baron requested that they be sent. He did not realize they weren't received. Barbara Woolley Dillon received the request, but was unable to send the information; she will send by the end of the week. She said the documents are available for use on-line tonight. The Solicitor asked if any other witnesses will be presented by anyone. Mr. Andrew Brewer for NJCF said he has a witness and Keith Davis said he has several. The Solicitor advised the hearing would go until about 10 or 10:15.

The applicant called Mr. Barbara Wooley Dillon to answer questions. The Solicitor swore her in. Mr. Davis resumed questioning her regarding inherently beneficial uses and the impact on positive criteria. She said site suitability also must be discussed even if it is an inherently beneficial use. She said there could be a tipping point where the inherently beneficial use is affected. Mr. Davis questioned her opinion, interpretations, and reference to case law. He questioned her on the NJ Energy Master Plan segments for green energy, available alternate sites, the Township's PLI zone, her determination of appropriate tract size, calculations of AR districts, comparison of permitted uses in the AR districts, calculation of uses in the AR districts, evidence of her calculations for farmland and preserved farmland and other uses in the AR zone, Attorney Baron objected at various points to repetitive questions and questions requiring speculation. Mr. Davis questioned her on whether sheep and egg production can be viable industries and would they be such on preserved land deed restricted after the solar facility is not

in operation. He questioned her on compatibility of uses based on previous testimony, the township's master plan, and a closure bond.

Mr. Baron redirected the witness: that she is not aware of any operation in New Jersey that combines sheep operations, egg production, and a solar facility on one site. Ms. Woolly Dillon said she is not. He asked her whether her testimony is that the operation is too large for either the zone it is in, or whether it is too large for the township as a whole. She said correct, and that the master plan provides direction on preservation of agriculture and farmland. She said she can surmise the application is to avoid rezoning and "shoehorn" it in.

Mr. Andrew Brewer of the New Jersey Conservation Foundation called Clay Emerson to testify as an environmental engineer on water resources. He provided his credentials. He said this particular site is uniquely vulnerable to disturbances for various reasons, specifically size and the characteristics of the soil. He discussed the soil types and said disturbances should be expected to bring negative impacts, specifically changing the acidity of the land and making it unsuitable for agricultural purposes. He said it would be exceedingly difficult to bring the soil back to a point where it could support agriculture. He said he felt the EIR submitted by the applicant was misleading and downplayed the importance of the impact on Sharptown soils. In response to questions, Mr. Emerson said you will find the profile at about 38 inches, but it varies and every time a conduit is dug, it will impact. He said 20 to 30 miles of conduit will be dug in this project, and it will expose wide swaths of the profile.

The Solicitor called an adjournment to the hearing, saying it will continue in March.

He read the access information for GoToMeeting for the March 17th meeting. He said the information will be posted at town hall and on the website.

Discussion

The Planner discussed whether the Board wishes to allow accessory structures forward of a building as long as it does not intrude in the front yard setback. The Board will consider it at the next meeting.

The subcommittee discussed its interviews for a new planner and recommended to the board that it appoint Randy Scheule for one year. Mr. Eachus described his background. Mr. Miller said the subcommittee was unanimous in its assessment.

Motion to appoint Randy Scheule for one year, (Eachus) Hitchner) all ayes on roll call.

Mr. Miller recommended Kevin Rijs keep Mr. Scheule up-to-speed on the master plan work to prepare him for a transition. The Chair thanked Kevin for his tremendous work over the years.

Vouchers

The chair recommended approval.

Motion to approve vouchers, (Eachus/Lewis) all ayes on roll call.

Motion to open the meeting to public comment, (Lewis/Hitcher) all ayes on voice vote. John Sloat asked how long a master plan review can take. The Planner said it could take months or up to a year. Karen Fejko asked why Esh was not discussed. The Board Secretary explained the public notice was faulty and the Solicitor said it needed to be pulled from the agenda. *Motion to close public discussion, (Lewis/Eachus) all ayes on voice vote.*

Motion to adjourn, (Eachus/Hitchner) all ayes on voice vote.

Meeting adjourned 10:33

Submitted by Board Secretary Rita Shade