

Township of Pilesgrove Planning Board

Minutes, Regular Meeting

Held virtually on GoToMeeting

March 17, 2021

The Chair called the meeting to order at 7 p.m. He announced that the South Jersey Times and the Elmer Times were noticed on March 1, 2021. The agenda was posted on the bulletin board outside the municipal building. All of the above was done in accordance with the New Jersey Sunshine Law.

Members stood for the Pledge of Allegiance.

Roll Call

Members:

Jeff String, Chair
Mark DeSiato, Vice Chair
George Brooks -- absent
Joe Crevino
Russell Davis
Jeff Dobbs
Milton Eachus
Craig Lewis
Bill Miller

Alternate #1 Mat Hitchner
Alternate #2 Joe Blandino
Alternate #3 Mark Valente
Alternate #4 Ruth Peters

The Chair called the meeting to order at 7:00 p.m.

The Solicitor swore in the Engineer.

Motion to approve minutes from February 17, 2021 (Crevino/Dobbs) all ayes on voice vote.

Resolutions

#2021-008 843 Rt. 40 LLC Sunoco, memorializing approval of bifurcated application for minor subdivision and use variance, Block 24, Lots 11.01 and 12, (DeSiato/Peters) all ayes on roll call.

#2021-014 Tractor Supply, memorializing minor site plan with variance, Block 65 Lot 3, (Crevino/DeSiato) all ayes on roll call.

#2021-015 Przybyszewski, memorializing approval of bulk variance, Block 76 Lot 13.01, (Lewis/DeSiato) all ayes on roll call.

Determination of Completeness

#2021-004 John DiGregorio, variance and relief, Block 61, Lot 4.02

The engineer reviewed his report of March 15 and described the property, which has a single family home with attached garage on two acres, being used as short term rental for guests at Game Creek, along with others. The applicant has been getting CO's after each visit. He is asking for relief from the COs, and he is applying for the variance to ensure continued operation. The Engineer has no objection to being deemed complete. The property is on County Home Road, on the bend past the bridge, barely visible from the road, as driving from Sharptown.

Motion to deem complete, (DeSiato/Dobbs) all ayes on roll call.

#2021-005 American Legion Ambulance Association, preliminary and final major site plan, Block 25, Lot 11.01

Engineer reviewed his letter of March 15 and described the property located on Route 40 adjacent to the Sunoco gas station at the intersection of Harding Highway and Kings Highway. The property, in the NC district, was formerly a bank, and a previous minor subdivision has been granted to the Sunoco property. Plans include renovations to the building and removing the drive-through area; access will be through the existing driveway on Robbins Road and one that intersects Route 40. A new septic system is proposed.

If the Board determines that architectural plans and elevations are needed in order to make a determination on the application, it would be deemed incomplete. Brian Peterman, engineer for the applicant, said architectural plans are being developed, and they could be available at the next meeting. The Solicitor said the applicant could be deemed conditionally approved pending submission of the plans. Mr. DeSiato asked for clarification on the renovations and driveways. The Engineer said the proposed new building appears to be connected to the existing building by a roofline, and one of the driveways is shared with Sunoco.

Motion for conditional approval, pending submission of drawings, (Eachus/Miller) all ayes on roll call.

2021-006 Richard Cohen, final major subdivision, Block 28, Lot 12

The Engineer reviewed his letter of March 15 and described the parcel, which is presently farmed, and located on County Road 605. Approximately 38 acres would remain in agriculture and was previously approved for preliminary approval. The Engineer recommended confirming taxes are paid and providing an affidavit of ownership to ensure it has not changed. He enumerated several outstanding conditions, including the expiration of the wetlands delineation. He recommended incomplete.

Motion to deem incomplete, (Crevino/Eachus) all ayes on roll call.

PUBLIC HEARINGS

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

Attorney Jeffrey Brennan, representing Fidelity Asset Management, described the property at 366 Pierson Road as presently vacant land, with plans to build a SFR. The owner, Joe Cliver, testified that the property is owned by the LLC and he is the manager. The LLC purchases foreclosures and other types of properties. Fidelity Asset has purchased more than 1000 properties primarily in southern NJ as far north as Camden and Burlington. A previous dwelling on the property was demolished, and the applicant wishes to build a new SFR with new septic and well. He described the proposed two-story, three bedroom, 2 ½ bath house. He said no new non-conforming uses will be created and the applicant is unable to buy additional land to make the property conform to size and frontage. Various exhibits were submitted to reflect the owner's attempt to purchase additional land and counter offers.

The Engineer described an encroachment involving the neighbor's driveway on Fidelity land. Cliver said he intends to ignore the encroachment because it's on the farm's corner of the property and no interference. There was discussion about the encroachment as a hindrance to approval. The applicant said he would like to speak with the property owner first. Solicitor said approval could be granted with condition that the encroachment be resolved. The Engineer said he does not believe an additional ROW is needed. The Solicitor said if the applicant is not able to resolve the encroachment, he will have to come back to the Board.

The Planner discussed the township ordinance regarding non-conforming lots.

Motion to open to the public, (Eachus/DeSiato) all ayes on voice vote. There was no comment. Motion to close public comment (Crevino/Dobbs) all ayes on voice vote.

Motion to approve variance with conditions outlined by the Solicitor, including resolution of the encroachment, (Miller/Lewis), all ayes on roll call.

2021-02 John Esh, bulk variance, Block 79, Lot 16.

The Solicitor swore in the applicant. Mr. Esh said he wants to demolish the existing home and build a new dwelling closer to the rear lot line, approximately 20 feet closer. Existing dwellings are currently closer than that. Mr. Esh said he posted an escrow for demolition with the Township. The Planner commented about setbacks and ag buffer requirements for new construction.

Motion to open to the public, (Eachus/Dobbs) all ayes.

In public comment, Karen Froberg –Fejko, owner of the adjacent property, which is currently farmed, said her intention is to build a home and retire to the property. She objected to relief from the 75 feet setback and inquired about impact of drainage. Mr. Esh said he does have a permit to build, and the rear of the property is higher than where the building sits, and there will be no change in where the water runs. He said the relief is needed because otherwise the house would encroach on the driveway and existing buildings. A new septic for a four-bedroom home was installed two years ago. She asked what a buffer would look like. She was advised it would be a screened view from her property. The Planner said the ag buffer in this zone would apply.

Motion to close to the public, (DeSiato/Lewisi) all ayes on roll call.

There was discussion about the ag buffer. Mr. Miller said if a variance is given to the setback, a grading plan would be advantageous to both parties. Mr. Esh said water runs to the west side and would not change. There was further discussion about the setback and buffer.

Motion for approval with a 60 foot setback (15 feet in relief rather than 20) and conditioned upon submission of grading plan, (Crevino/Miller) all ayes on roll call.

2020-011 Pilesgrove Solar (Nichomus Run), use/conditional use variance, Block 60, Lots 3, 4, 4.01, 5, 8, and 9. Block 61, Lots 3, 4, 5.

Keith Davis, representing the applicant, reviewed the proposal. Since the last meeting, he said the applicant has agreed to deed restrict the property while it is producing solar energy, and post production, it will be solely restricted to agriculture. He said the applicant is also willing to subdivide off the egg production facility as a distinct lot. He also asked for certification regarding the new members on the board if they have, in fact, listened to the previous hearing recordings.

Attorney Andrew Brewer of NJCF said it is critical the board understands the impact of moving soils. He recalled Clay Emerson. He recapped his previous testimony on soils. He said the EIS did not reference acidic soils. He discussed the presence of bog turtles. He said bog turtles are incredibly sensitive and the property is very unique, and the impact from upstream disturbance could be extreme and there are too many unknowns. He said it is more difficult to determine the impact because the application is bifurcated and a site plan has not been submitted. He said the time-frame for disturbing the soil will be years. Construction on wet soil will do more compaction and create more erosion and impact. He also said he is not confident that someone can come back in 30 years and reclaim the land as suitable farmland. Under questioning by Mr. Davis, he said he has not previously testified in favor of a solar application and that he has not prepared an EIS previously. There was discussion regarding his knowledge of current and previous solar projects and ordinance requirements and the thoroughness of his examination of the project. Emerson said his concern is hydrology, not pesticide impact. He said the fact that this is over 800 acres and most of it is acidic soils, he is extremely concerned about the impact on bog turtles; he said he has never seen anything like this before. There was disagreement and lengthy discussion regarding submissions for site plan review and commitments by the applicant.

Keith Davis called several witnesses. Bill McManus was called back to testify. He testified that initially, before Township Committee, there was general discussion about a solar facility, but nothing specific regarding agricultural production or the details in the plan submitted to the Planning Board. Steve Breitzka testified about the landscape design and several modules created. He said the landscaping would remain in place throughout the life of the project. He said there is a significant setback, about 210 feet, from Route 40. The plants are set back 75 feet. Eric Hetzel said he prepared an update to the fiscal impact statement. He said the market value with improvements would be about \$28 million, including improvements supporting the solar facility and taxable under state law. Under the current farmland assessment, approximately \$19,000 is paid to township, school and county taxes combined. With the \$28 million assessment, about \$900,000 would be paid in township, county, and school taxes.

Mr. Davis called a new witness, Sarah Davis, a member of AICP with national planning experience, but not licensed in NJ. She has worked on project management for two NJ projects and has worked on other solar projects. She said she has read all the transcripts of the hearings, including Ms. Wooley-Dillon's testimony, and she has read the relevant township ordinances. She was asked to comment on an article by Mr. Coffee, a planner from West Va., regarding siting of solar facilities and co-location. She said the vastness of a tract of land is not a disqualifier.

Mr. Baron objected to her testimony as irrelevant due to her lack of NJ credentials. The Solicitor said Mr. Davis could continue. She said large tracts of solar projects are necessary to meet the state's goals, and that sheep farming with solar production is a global trend. She said decommissioning plans need not require a lot of resources from a township, as a solar facility is passive. She said based on her experience of looking at sites in NJ and the east coast, this site is particularly suited for a solar facility. And, as a land preservation tool, the land will be permanently restricted. Other potential uses could have greater impacts on the land. She said a solar facility can actually maximize benefits through plantings, and certain claims in the article by Mr. Coffee are not backed up. She said a solar facility does not "lean" toward being an industrial use. Mr. Davis reviewed the article, point by point, with Ms. Davis, who disagreed with some of the author's key assumptions on impacts. She said overall, the solar application before the Board reflects the siting requirements that the author outlines.

Mr. Baron, on cross, questioned her knowledge of bifurcated applications, use variances and brown fields and industrial zones. She said due to technology advances, it is best to have a site plan closer to the time of planned construction. Mr. Baron asked if a use and site plan are highly inter-related and necessary for decision making. She said it depends on the project.

The Solicitor said the hearing will continue on April 17, with closing statements and public comments. He said the meeting may be in-person.

Discussion Master Plan Re-Examination

Special Planner Kevin Rjis gave a brief synopsis of the state's new cannabis laws, which have been considered by the sub-committee re-examining the master plan. The state law requires a municipality to act on certain provisions within 180 days of the state's passage.

Vouchers

The chair said he reviewed vouchers.

Motion to approve vouchers for payment, (Crevino/Lewis) all ayes, with Eachus and Valente not voting.

Public Comment

Motion to open to public comment, (Crevino/Miller) all ayes on voice vote. There were no comments.

Motion to close public comment, (Crevino/Miller) all ayes on voice vote.

Motion to adjourn (Crevino/Miller) all ayes on voice vote.

Minutes submitted by Board Secretary Rita Shade.