

**Township of Pilesgrove Planning Board**

**Minutes, Regular Meeting**

**May 19, 2021**

**Held at Public Works Garage, 7 p.m.**

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 May 7, 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  
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 Board's professionals.

*Motion to approve minutes from April 21, 2021 (DeSiato/Crevino) all ayes on voice vote.*

## **Resolutions**

**Res. No. 2021-019** John DiGregorio, memorializing Board action to approve variance, Block 61, Lot 4.0. *Motion to approve (Valente/Eachus) all ayes on roll call, with Mr. Crevino and Mr. Lewis abstaining.*

## **Completeness Hearing**

**2021-007 Chris Moore, Block 2.07, Lot 18, bulk variance for installation of a pool.**

The Engineer reviewed the Moore application and the request to build a pool in the back yard which will increase lot coverage to more than 20 per cent; the allowable is 12 per cent. He itemized three items to be addressed at the public hearing, but had no objection to the application being deemed complete. He also said he did not object to a waiver of a wetlands delineation.

*Motion to deem complete (Desiato/Crevino) all ayes on roll call.*

## **Discussion: Master Plan**

Special Planner Kevin Rijs provided a general overview, highlights and local impacts resulting from the recent legislation on legalization of marijuana. He said the law requires municipalities to act within 180 days; if not, the state provisions for licensing will be allowed in all industrial and commercial zones and certain activities in retail zones. Rijs reviewed definitions, key provisions, municipal constraints imposed by the state law, and municipal options. The law permits municipalities to opt-out, which allows a municipality to develop standards and opt-back-in at a future date. Failure to opt-out would mean the municipality would be under the state regulation for five years. There was discussion about growing in agricultural zones. August 21, 2021 is the deadline. Rijs said his recommendation would be for the municipality to develop conditional uses and parameters. Planner Randy Scheule provided information on scale of businesses under the licensure. The board will discuss at the next meeting.

## **Public Hearing**

### **2020-011 Pilesgrove Solar (Nichomas Run Solar 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 his key witnesses are here should they have any additional questions.

Solicitor Joe DiNicola instructed the Board on how to analyze the criteria for negative impacts on public interest as it prepares to vote. The law determines that solar facilities are already determined to be an inherently beneficial use, so the Board does not address that side of a variance request.

Russell Davis asked about aesthetic concerns; the Solicitor said conditions can be made part of the approval or as part of the site plan. The Solicitor recommended any conditions be put into place now, before the vote. There was further discussion on buffers. Keith Davis assured the board that additional landscaping, buffers and screening can be discussed. He said a detailed landscaping plan has been submitted. Buffering, berms, and farm views were discussed. Mr. Miller said he was not convinced that the sheep operation is viable. He requested the Board determine its position on whether the parcel is too big. The Solicitor recommended a full discussion. The public interest of a visual of farmland was discussed. There was discussion on how to increase visual of the farm. There was discussion on reclamation after the useful life, and a further condition of a sunset clause with a provision for calling in the bond. Keith Davis said he will take whatever conditions the Board requires and go back to the application's professionals to ensure compliance. He said staff calculated it would be an additional 30 acres in buffers to make the changes discussed by the board. There was discussion of the useful life, estimated to be 35 years, changes/advances in technology, and termination of use and reclamation within 12 months to other agricultural use. The Solicitor expressed some concern about variances running with the land, and there is gray area when it comes to placing a condition on the land for a successor. There was further discussion. Davis said when the last panel is removed and can secure a third party to step in, the useful life will be completed. The applicant said there is a possibility of inactivity should the transformer fail. That could take up to 12 months to replace it, but the sheep farming operation would continue. The Solicitor said should the sheep operation

not work, the applicant would have to return to the board as it would be out-of-compliance with the approvals for the variance. The Board questioned the long term viability of raising 1000 sheep in New Jersey. The applicant's witness said she already has 1000 sheep on her property now, on one tract of land. Keith Davis said the Township could request annual reports.

The Solicitor recapped the discussion, which he characterized as very good. He said the board still needs to consider its position on the size of the project. Several Board members expressed concern, and said it is not their job to make a substantial change to the master plan, but rather interpret the master plan. Discussion returned to buffers and sheep. Davis said staff calculated the exclusive of wetlands and buffers, open space was 25 to 27 acres along County House Road and Route 45

The Solicitor recapped discussion for possible conditions on buffers, berms, sheep, reclamation, landscaping plans, etc. in which the applicant was agreeable. There was additional discussion.

The Solicitor explained five votes are needed. He asked members to make a statement with their vote.

*Motion to approve the variance with conditions, second by Desiato, failed 4-3 on a roll call vote.*

On roll call:

Davis, yes

Desiato, yes with conditions discussed.

Dobbs, yes

Miller, no, because it is a zoning change and should be in front of township committee. The size is too large for the Planning Board to consider.

String, no, same reason expressed by Miller.

Hitchner, no, same reason expressed by Miller and String; size is too large. A zoning issue.

Eachus, no, stating it is a zoning issue, too large for the Planning Board to consider, and the size of the project changes the character of the township.

Mr. Davis thanked the board for its time and the volunteer work that they did.

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

*Motion to open meeting to public comment (DeSiato/Eachus) all ayes on voice vote.*

Mr. Axelson on Fox Road said he grows hemp, which is different than cannabis, and he urged the Board to consider unintended consequences to hemp growers when it adopts standards for cannabis growing.

*Motion to close public comment (DeSiato/Eachus) all ayes on roll call.*

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

*Minutes submitted by Board Secretary Rita Shade.*