

**FRANKLIN TOWNSHIP LAND USE BOARD**

**MINUTES**

**October 12, 2022**

**7:30 PM**

**202 SIDNEY ROAD, PITTSTOWN, NEW JERSEY 08867**

**This meeting will be held in person**

**Roger Soltys Called the meeting to Order & read the Open Public Meeting Statement**

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in the Hunterdon County Democrat and the Express Times and the notice of this meeting was posted on the bulletin board in the Municipal Building.

**Pledge of Allegiance: Roger Soltys led all present in the flag salute**

**Roll Call**

Roger Soltys	present	Mike Chabra	absent	James Witkowski	present
Ken Weiss	present	Dave Dallas	absent		
Philip Koury	absent	John Thonet	present		
Stephen Willis	absent	Jennifer Fisher	present		

Roger Soltys thanked everyone for attending the in person meeting.

**Approval of Minutes: April 13, 2022 carried to next meeting**

**Approval of Bills: none**

**New Business**

- Hearing:** Application has been made by Quakertown Solar Farm II, LLC, Block 49, Lots 15 & 15.01, 967 Croton Road, Franklin Township, Hunterdon County. The Land Use Board will consider the application for preliminary and final major site plan approval and lot consolidation approval to permit the construction of an approximately 10 MW dc utility-scale, grid-supply solar photovoltaic array.

Mark Bellin, Attorney representing Quakertown Solar Farm LLC. , applicant and developer. He stated they are present for preliminary and final site plan approval for a 10 mw facility Mr. Bellin stated that the application complys with all ordinances. When they were here last they subdivided the two lots to create the one 10 mw facility. They are now looking to combine the

two lots to create one solar farm. This application will look very similar to the 10 mw facility that was approved by the board.

The original application submitted years ago was for a 20 mw however subsidy changed the application to 10 mw. There are now three possible options for subsidy. The owner would like to do an Agrovoltaic system. This would allow him to grow under the arrays. He is considering Hosta and Pacasandra.

Jennifer Fisher asked if there was a point in time where the state was limiting the size of the solar farm. Mr. Bellin that at that time, the subsidy program that was available was limited to 10 MW. There are now 2 statutes that allow for subsidy and they plan on applying for both and are confident that they will be granted approval for one. The two programs are the CSI program which has no limit on size. The Agrivoltaics program has a 10 mw limit for a new project.

John Thonet recalled that it was suggested that grazing may be allowed under the arrays. Ian Hill, Applicants engineer answered that this is not allowed and it is not proposed.

Mr. Bellin stated that there is still a lot of discussions as to if husbandry will be allowed. They are certain though that agriculture will be allowed under the arrays. Agrivoltaics are a newer type of facility, there are none in NJ yet however there are in other states.

Many farmers look at Agrivoltaics as a positive. They are still able to farm their property while also making money so they are not dependent on the crop. Most farms are getting 20-25 year leases.

There were some issues on the current solar farm with the Rutgers pollinator mix that was used, it apparently had some clover in it which migrated to the neighboring horse farm. This practice has been changed. Mr. Bellin stated that they try to be good neighbors and will address any issues which may come up.

Ian Hill from Van Cleef Engineering was sworn in. 1128 Route 31 Lebanon NJ. He graduated from NJIT as a civil engineer. Licensed as a professional engineer in 2005. Has testified before this board and others in Hunterdon County.

Mr. Hill displayed Sheet 1 of the plans. He explained, the layout of the 2 areas, phases 1 and 2. The two areas will be utilizing the existing driveway so there is no more disturbance. The County has already given conditional approval. Phase 1 has 325 watt panels, and Phase 2 will have 525 watt panels.

Sheet 2 showed the footprint of disturbance. The existing fence will be removed and moved so that the entire area is enclosed as one. There are two small wetland areas, an application has been filed with the DEP.

Mr. Hill pointed out the solar powered lights at the gate, and landscape buffer.

There will be no additional lighting, and the nearest property line is 600 ft. away.

The Board asked for a landscape rendering to be provided.

Ken Weiss asked if there would be a point where the Board will hear about what types of plants will be grown. Mr. Bellin stated it was not planned. Ken Weiss also asked questions regarding room for the fire department to respond in case of an emergency, he recalled there being some issues in the original application. He is particularly interested in how the farming will be done.

Jennifer Fisher asked if the plants will be planted in the ground or in pots. Mr. Hill stated he believed they would be in the ground.

Mr. Bellin stated that he and Mr. Hill don't have the answers regarding the farming aspect however they can testify in regards to the conventional grid. He had hoped that Mr. DenHollander would be able to be at the meeting however he was not available. He will hopefully be able to attend the next meeting to better explain what he would like to do regarding the farming aspect. Jennifer Fisher asked if there would be someone that could explain the structure of the Agrivoltaics. Mr. Hill stated that the panels are anchored the same way.

Roger Thomas asked what the height of the proposed panels are. Mr. Hill stated the height of the conventional panels are 7 ½' max and the Agrovoltaic are 15' max.

Roger Thomas asked about a question which was raised regarding noise when wind moves thru the panels. Mr. Hill was not aware of noise from the wind. Roger Thomas suggested this be looked into by the applicant.

Mr. Ferriero, Municipal Engineer asked about runoff. The stormwater management report refers to meadow being maintained under the arrays, he questioned if the runoff coefficient would be different if there were other plantings such as the hosta under the arrays. Mr. Hill stated they will look into this. Mr. Ferriero also asked if the applicant had any issues with the other items on his report. Mr. Hill stated they had no issues with these items.

Roger Thomas felt it would be important to review the Resolutions fromj2012, 2017 and 2018.

Ken Weiss asked for more clarification on how the cuttings will be taken from Hosta and how much bare soil there would be. Mr. Bellin stated they will have answers to these questions at the next hearing.

Roger Soltys expressed concern about plantings. If a plant dies it needs to be replaced with a planting of the same size.

Questions from the public

Ben Richardson expressed concerns about the runoff and asked what the plan would be. Mr. Hill explained that the runoff would be decreased because there would be a permanent

meadow planted with the conventional system. Mr. Hill pointed to the plans and showed where the water would run.

Frank Tota, Upper Kingtown Road asked a question about the wetlands on the property, and if there was an analysis if these areas were filled in. Mr. Hill stated that they are not ponds, they are hydrosols so there would not be any problems. An application has been submitted to the DEP.

Mr. Tota asked what the percentage of coverage from an ariel view was. Mr. Hill stated the original farm is about 48 acres and this phase is about 34 acres, so a total of about 82 acres.

Mr. Tota asked if actual testimony would be given stating that if the Agrovoltaic system is used that the plants would be grown in the ground and not in pots.

Mr. Tota asked for confirmation on the height of the Agrivoltaic panels. Mr. Hill confirmed, 15 feet maximum. Mr. Tota also asked about elevation drawings and weather berms would be built for the plantings to shield the solar panels.

Sharon Sawczak 7 Nixon Farm Road, asked if they had built a solar facility in NJ with the 15' panels. Mr. Hill stated that there are currently none in the state of NJ. Ms. Sawczak asked why the Board would be entertaining this application prior to knowing where the subsidy comes from. Mr. Bellin stated that solar is a permitted use, they are not seeking any variances, and it will be their burden to satisfy the Board if the type of solar facility changes.

Roger Thomas stated that there are time frames in which the Board needs to review and hear applications. It is important to begin the process this way.

Bruce DeRites asked a question regarding runoff. Mr. Hill Stated that only the posts that go directly into the ground are considered impermeous. Roger Thomas stated the panels are not considered impervious and there will be runoff into the ground, there is case law to support this. Mr. DeRites also questioned recharge rates and Mr. Hill stated that the recharge rate will increase with the meadow grass.

Mr. DeRites asked who is responsible to damage to surrounding properties. Mr. Bellin stated that their engineer's job is to develop a plan where there are no issues. Mr. Bellin stated with Phase 1 they stopped using clover when they heard the neighboring property was effected. Mr. Bellin stated that if there are issues brought to their attention they will address them.

Christina Faragalla asked who is benefitting from the Solar Farm. Mr. Bellin stated that there are two types of farms, with conventional you have the land owner and then tenant. The landowner in this case benefits from the farm. With Agrovoltaics, in this situation the landowner is the farmer and in addition he will be receiving rent.

Mr. Richardson asked if soil samples had been done. Mr. Hill stated that the soil is a type c and this is listed on the application.

Mr. Richardson commented that there are multiple dead trees that need to be replaced on phase 1 area. Mr. Richardson stated that the type of clover that is present causes neurological, digestive issues to horses. He has been combatting it for a couple of years. Mr. Richardson stated that he would like reimbursement for what he has had to do. Roger Thomas stated that this board does not have jurisdiction over this. His recommendation is that he speaks to the applicant and if they can't resolve it, it will need to be taken to court.

Roger Thomas stated that landscaping carries with the life of the property and if plants have died this Board can reimpose that condition.

Kendra Richardson provided photos of their property Photo 01 shows the original state of the pasture, photo 02 shows the pasture today. Photos 03-07 show the runoff on their property. She expressed her dismay with the damage that had been caused to her property.

Mr. Bellin stated that when he received the complaint he addressed the issue.

Mr. Frank Tota expressed his concerns about the runoff and also questioned if the plants would be in the ground or in pots.

Elizabeth Basile 16 Upper Kingtown Road stated that when they built their home they needed a stormwater management plan. She suggested that this should be required of this plan. Roger Thomas stated that he believes that the construction department will pay attention to these details knowing the issues at hand.

Christina Faragalla asked what type of approval is being submitted today. Roger Thomas stated that it is a site plan application. She also asked what the board will ask for given the issues the Richardson's have.

John Thonet pointed out that there is an online extreme precipitation tool.

This hearing will be carries until November 9<sup>th</sup> at 7:30 pm with no further notice.

Motion to adjourn: Ken Weiss

Second: John Thonet

Meeting Adjourned 9:42 pm.

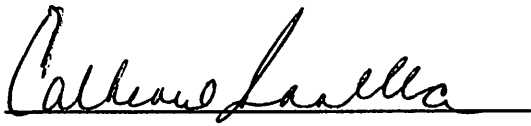
**Public Comment**

**Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board**

**Adjournment**

No new business after 10:00PM unless agreed to by the Board. Any remaining items will be placed on the agenda for the next available meeting. Information pertaining to any item on the agenda is available for public review at the Municipal Building during normal business hours.

Prepared by Catherine Innella

A handwritten signature in black ink, appearing to read "Catherine Innella", written over a horizontal line.

Approved November 9, 2022