

FRANKLIN TOWNSHIP LAND USE BOARD

MINUTES

November 9, 2022

7:30 PM

202 SIDNEY ROAD, PITTSTOWN, NEW JERSEY 08867

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 the Flag Salute

Roll Call

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

Approval of Minutes:

April 13, 2022 Motion to approve Ken Weiss Second: John Thonet All in favor, none opposed, James Witkowski abstained

May 25, 2022 Motion to approve Ken Weiss Second: John Thonet All in favor, none opposed, James Witkowski abstained

June 8, 2022 Motion to approve Ken Weiss Second: John Thonet All in favor, none opposed, James Witkowski and Stephen Willis abstained

August 10, 2022 Motion to approve Ken Weiss Second: John Thonet All in favor, none opposed, James Witkowski abstained

September 14, 2022 Motion to approve Phil Koury, Second: John Thonet All in favor, none opposed, Ken Weiss and Stephen Willis abstained

October 12, 2022, Jennifer Fisher suggested corrections be made, change 3 options for subsidy to 2 options, and spelling of farm where it reads far, and when it states the number of panels in each phase that should be wattage not number of panels.

Motion to approve with these corrections: Jennifer Fisher, Second: John Thonet All in favor, none opposed, Phil Koury and Stephen Willis abstained.

Jennifer Fisher recused herself due to a conflict between her place of employment and the applicant.

Approval of Bills: none

New Business

- 1. 2nd 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 introduced himself as the attorney for Quakertown Solar Farm. He stated that at the last hearing the Board had a number of questions, many regarding the Agrivoltaic idea, as well as questions on various parts of the report. Mr. Bellin brought an expanded team to the meeting. Including; David DenHollander, owner of property was present to speak about the farming that he would like to do, also present were an Environmentalist to speak about endangered species on the property, Ian Hill will be able to speak about the impact using the Agrivoltaic, A Forester, Peggy Prizer, from Van Cleef, author of landscape plan, Barbara planner

David DenHollander 130 Old Franklin School Road testified. He stated that his business is growing flowers, they are located in Hunterdon County. They are currently growing flowers on the property. Mr. DenHollander pointed to the location on sheet 4 of 13, Grading, and landscape plan dated December 17, 2021 unrevised.

Mr. Bellin asked several questions, David DenHollander stated that he entered into a lease with Quakertown Solar Farm. His plan is to plant pachysandra under the panels. The plants will be planted in the soil. These would be stock plants to take cuttings from. Cuttings would be taken from about June 15 thru about September 15. He said they would have between 10 and 20 people taking cuttings. Pachysandra grows approximately 6 inches high. Mr. Den Hollander stated there would be no truck traffic on the site.

Roger Thomas asked how the cuttings would be transported off the site. Mr. Den Hollander stated that the cuttings would be placed in bags and then transported by pick up truck.

Roger Soltys asked how the soil would be worked. Mr. Den Hollander said that they would use a rototiller.

James Witkowski asked if the original plants would be grown from seed or cuttings. Mr. Den Hollander stated they would be grown from cuttings.

The question was raised if there was any concern that the pachysandra would spread to neighboring properties. Mr. Den Hollander stated no, this was not an invasive species.

Roger Thomas asked how far apart the plants would be planted. Mr. DenHollander stated about 4-6 inches. It was estimated that it will take a few weeks for the roots to extend and stabilize the soil. It will take about a season to cover. It was estimated that approximately 8 million plants will be planted.

Phil Koury expressed concern regarding how long it will take to plant all of the plants and to get the area established with plants. He asked what the benefit is doing the Agrivoltaic type of facility. Mr. Bellin stated that there will be more grass on this lot than plants, the plants will only be directly under the panels, the rest of the areas will be grass.

Ian Hill suggested that the entire site could be planted with meadow grass and then only the areas being planted with pachysandra will be disturbed. He also stated that using the Agrivoltaic system provided the farmer with a secondary source of income from this property.

Phil Koury asked what the tax impact would be for the township with the regular type system vs. the Agrivoltaic system. Mr. Bellin stated that Quakertown Solar is proposing to pay 100% of regular taxes on this property with no farm assessment.

Mr. Den Hollander confirmed that they would plant meadow grass over the entire area and then remove only what is needed to plant the pachysandra.

John Thonet asked if the plants would be irrigated. Mr. DenHollander stated as needed, they could put in a drip line.

Mr. DenHollander stated that they will cut the grass in the aisles to keep everything trimmed.

Ken Weiss asked if they would be growing anything besides pachysandra. Mr. Den Hollander stated that his plan is to only grow pachysandra. He may possibly consider other plants in the future. Ken Weiss expressed some concern about leaving the approval open ended.

Roger Thomas suggested that it could be a condition that if Mr. Den Hollander wanted to plant another type of plant he would need to come back to the board for approval because it may impact different run off, truck traffic, worker safety, etc.

Questions from the public of Mr. Den Hollander:

Sharon Sawczak, 7 Nixon Farm Road, asked if pachysandra is an invasive species, she stated that it is on the list. Mr. Den Hollander stated that he has never been told he can't ship or sell pachysandra due to it being an invasive species. She asked if it is difficult to eradicate. He stated that it is not. She also mentioned that at the last hearing it was mentioned growing

pacasandra or hosta and asked if the hosta was not being considered any more. Mr. Den Hollander said that they were considering hosta however they would have to grow those in pots so they decided against it.

Frank Tota, 16 Upper Kingtown Road, asked in the event that the pacasandra didn't work or they didn't want to mow the grass would they consider putting down any type of weed barrier? Mr. Den Hollander stated no. He also asked if Mr. Den Hollander was familiar with the invasive species list and asked if he knew that pacasandra was on that list. Mr. Den Hollander stated he did not know it was on the list.

Kendra Richardson, 959 Croton Road, asked if the Rutgers mix caused issues in the past why will it be used again? Mr. Den Hollander did not have an answer.

Harry Strano, Davie Resource Group, 4 Walter E. Foran Blvd. , Flemington NJ. He has been with them for 17 years and has done a variety of ecological assessments with them. He submitted a GE6 application to the DEP for this project. He has a bachelors from Rutgers in Environmental Science. Mr. Strano stated he went out to the site to do an evaluation of endangered species. Wood Turtles, Barn Owls, Red Shoulder Hawk, Vespur Sparrow, Bobolink and Grasshopper Sparrow. The species that could most likely be impacted by this project would be the grassland birds. In the earlier project it was advised that keeping the grass mowed it would prevent the birds from nesting in the area. Part of the application process to the DEP is to discuss what is recommended to avoid direct impacts to any of the endangered species.

Roger Thomas mentioned that in one of the previous resolution there were restrictions on work being done during the nesting season. Mr. Strano said that the DEP could impose certain restrictions. Roger Soltys stated that he recalled that the restriction was something the board wanted, to try to limit any impact to the species. Mr. Strano stated that if you are mowing intensively prior to nesting season it will discourage nesting in the area. Roger Thomas stated that one of the conditions listed was that there would be limited disturbance between April 1 and July 15. Mr. Strano felt that in his opinion the area felt too enclosed for ground nesting birds liking.

Ben Richardson, 959 Croton Road, asked if Mr. Strano studied invasive species. Mr. Strano clarified that he meant to say endangered.

Roger Thomas asked Mr. Strano if he was familiar with pakasandra and if he would consider it an invasive species. Mr. Strano stated that although he isn't a pakasandra expert where he has seen it naturalized it spreads however it can be controlled.

Pegg Prizer was sworn in, Van Cleaf Engineering, Penn state landscape architect. She has testified in front of many boards for 30 years. It was determined that Ms. Prizer will testify at a later time.

Ian Hill provided photos marked A-1, the first photo shows sheep grazing under solar panels, this displays were the agrivoltaic is animal husbandry. The second photo showed major

commercial solar operation where the panels are on a roller system, the third shows the panels on a wooden support system, the final photo is an additional system. All of the photos give an idea of what the systems can look like. Based on what Mr. Den Hollander wants to grow the panels will be the same height as the first phase, they will not be 15' in height as originally discussed as a possibility. The lower part of the panel will be about 3 feet from the ground and the upper part at about 6 feet. The panels are in portrait orientation and the panels are each 7.5 feet in length. The aisles are 8 feet in width.

Ben Richardon , 959 Croton Road, expressed concerns about the stormwater calculations. He asked if the applicant would be willing to alter the design on phase 2 to slow down the runoff. Mr. Hill stated that is isn't authorized to do so.

Mr. Bellin asked Mr. Hill if he was asked to would he look into this. He stated he would. Mr. Koury asked Mr. Hill if he felt his design for phase 2 was adequate to handle any runoff. He stated that yes it is.

Sharon Sawzak, asked if Mr. Hill's stormwater analysis is based on the current severe stormwater predictions. Mr. Hill stated that they are not since they are not building a basin.

She also asked, at the previous meeting it was mentioned that the panels could be up to 15'. Mr. Hill stated that the panels are going to be the same height as in phase one, up to 7.5 feet.

She asked, at the previous meeting it was stated that there were no other agrivoltaic systems in the state. Mr. Hill stated that there have been no subsidies for the agrivoltaic systems in NJ as of yet so he doubts anyone would have built one. She also asked if there was a chance that phase one could become agrivoltaic as well, and Mr. Hill responded no.

Dennis Galloway, he works out of his home in Bernardsville NJ. Mr. Galloway provided photos marked A-2. He stated that he is a certified forester, he received his BS from Rutgers. He is also a licensed tree expert since 1987. Mr. Galloway stated on November 1st he went out to the site to see what type of issues there were with the existing trees and shrubs.

First photo, A-3: shows phase 1, close to fence and access road, it shows the main issue being deer, the evergreen in the foreground has been buck rubbed and browsed heavily. It is a species of arborvitae which is not deer resistant. The photo also shows that the trees were planted too close.

Second photo A-4: photo of browsing of arborvitae. Plants in front were shrubs which were also heavily browsed. The photo was taken about 300' from croton road along fence line. Dogwood and Pepperbush were surviving but browsed lightly

Third photo A-5: shows how close pin oaks are to each other. The photo was taken in a similar area.

Fourth photo A-6: shows buck rub and frost cracking.

Fifth photo A-7: shows buck rub

Sixth photo A-8: Insect issue on tree

Mr. Bellin asked in his opinion how he would change things for phase 2 so as not to repeat the same issues. Mr. Galloway stated that he would choose more deer resistant trees, he would also put some sort of protective fabric around the trees to protect them. Mr. Galloway stated that there were several species that were listed in phase one which weren't and several that were planted that weren't listed. Mr. Galloway also stated that the spacing in phase one was not good. The spacing for each planting is dependent on the mature size projection. Ecologically it is good to have a diversity of species. Mr. Galloway also stated that pachysandra spreads by rhizomes. There are different types of pacasandra, it is better to plant the more native species. The mowing will keep the pacasandra at bay and contained.

Ken Weiss asked how long it would take to determine that it would survive long term. Mr. Galloway stated that you can't just plant something and forget it. The plantings need to be cared for and monitored.

Phil Koury asked about the plants that have died in phase 2, can the Board require as part of the phase 2 approval that the plants in phase one be replaced.

Roger Thomas stated that these are two separate applications. The zoning officer should carry out the enforcement of phase one issues.

In phase 2 the board can require a condition of approval that the plantings possibly be monitored for a certain period of time.

Mr. Ferraro suggested relative to phase 1 that the board communicate with the zoning officer that she communicate with the applicant regarding remediation of the damaged plantings.

Mr. Bellin stated that one of the conditions of the phase 1 approval is that the landscaping be maintained for the life of the project so this is something that they are going to remediate the issue. Mr. Bellin stated that they do not want to do the same plantings again, they want to work with Mr. Galloway to come up with a plan.

Phil Koury expressed his concern with the phase 1 planting issue.

Sharon Sawzyck, 7 Nixon Farm Road stated that you can 100% see the solar farm from the road. She agreed with Mr. Koury and asked that prior to approving phase two that there are fixes in place for the planting issues of phase one.

The Hearing is carried until December 14, 2022 no further notice will be provided.

- 2. Discussion regarding adding digital copies of plans as a checklist item:** Roger Soltys recommended to the board that it is added to the checklist to require digital copies of

all applications. The Board will make the recommendation the Township Committee to amend the checklist.

Phil Koury made a motion, John Thonet seconded the motion
All in favor None opposed

The Board Secretary will update the digital copies on the website.

Roger Soltys brought to the boards attention an issue with the Solar Panel Ordinance for residential use. At this time ground mount solar is a conditional use on 7 or more acres. There have been inquiries from residents with less than 7 acres. Mr. Soltys recommended that the ordinance be revised to allow ground mount solar panels on 3 or more acres. It can be treated as an accessory structure. Mr. Soltys did not believe it was the boards intention to make it more difficult for residents to put in solar when this ordinance was put in place.

A recommendation will be made to the Township Committee to ask our planner to look into amending the ordinance.

Phil Koury made a motion, John Thonet seconded the motion
All in favor None opposed

Public Comment: none

Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board: Phil Koury wished everyone a happy Thanksgiving.

Ken Weiss asked that the board have a work session next year, he had a couple of opinions on items that came before the board.

Sharon Sawzyck recommended that the Township adopt a "style guide", which would provide design standards

Adjournment: motion to adjourn: Phil Koury Second: John Thonet

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.

Meeting adjourned at 10:30pm

Prepared by Catherine Innella, Land Use Board Clerk

Approved 12/14/22