

Maurice River Township Land Use Board

The Chairman announced that this meeting was being held in accordance with Open Public Meetings Act of New Jersey.

Meeting Minutes: June 1, 2016

Present: B. Stowman, C. Thompson, J. Oliver, R. Chard, J. Carrara, R. Hoffman, G. Gross, T. Imbaratto, K. Whildin, M. Benson, T. Cuviallo, C. Morrissey

Flag Salute

Approval of April minutes, Oliver, 2nd Gross, Carrara and Chard Abstained. All others in favor.

Correspondence

*NJ Planner March/April 2016

*Wetlands Application

Stephen Novakowski

97 Newell Rd.

General Permit

Cutting or clearing of trees and/or other vegetation.

Repairs to correct existing malfunctioning individual subsurface sewage disposal system.

*General Permit Application

Arthur Bachman

8 Foxwood Lane

South Jersey Engineers, LLC

General Permit

Repairs to correct existing malfunctioning individual subsurface sewage disposal system

Whibco

Application 2016-03

Application 2016-04

Completeness

Richard Hluchan, Attorney for Whibco

Walter Sjogren, Whibco (Sworn In)

John Helbig, Engineer (Sworn In)

Cormac Morrissey

Completeness Review

There are three applications on this project.

2016-03 Renewal and some expansion to Sites 1 and 2

2016-04 Renewal to Sites 3-7

Third application Expansion of Sites 4 & 6

They came in at different times. For Completeness the Board has 45 days to render a determination.

We are still on the 45 day clock for the July meeting for Sites 4 & 6.

We are addressing Sites 1 and 2, Application 2016-03 and Sites 3-7, Application 2016-4.

Both reviews are dated for June 1.

Application 2016-03

The review identifies areas of the site plan checklist D that they have to comply with. We have identified areas that they have either requested waivers, require waivers, or are deficient.

Because this is resource extraction, the section of the ordinance 35:9.16A, it requires additional items to be submitted for resource extraction plans. We have identified any compliance/non-compliance issues that arose from those standards.

Waivers Sought

Item P2, Previously granted, no objection.

Item P3, Requires certification by a NJ licensed land surveyor, have been granted. There is some question as to the limits of clearing completed on the south eastern portion of site 1. We know the survey information was obtained last August. Not sure if the plan reflects complete clearing limits. That area is critical because that is the area that they cleared for agriculture. This also ties into Item P35 which requires a property survey. The applicant can address this, if they have a surveyor that has done recent survey information, why that can't be provided as a separate plan as part of this application.

Vargo Associates provided updated information for Site 1 as of February of 2016. The plans reflect the updated information. It shows the accurate clearing limits. A survey was not submitted with the application, Vargo has worked on the Site (over 400 acres) on and off for years and have provided partial information oriented to the outbounds of the property. The specific areas that are being mined are identified through recent survey information, but other areas on the Site that are beyond the limits that would require the survey. It would be difficult to submit a survey because they would have to do more than just the mined areas.

If the information is accurate, Mr. Morrissey has no problem with the waiver being granted again.

Waiver from providing existing and proposed contours at 2 ft. intervals, this waiver has also been granted.

Item P14, plan information required to confirm conformity with the Township Development Regulations Ordinance. The applicant is proposing the wet mining of Site 2, not previously proposed. Not just a renewal of Sites 1 and 2, but wet mining on Site 2. Additional information would be appropriate, test pits in the area. Identification of what area would be wet mined. That information should be reflected on the cross sections that are provided in the mining areas on Site 2. Specifically relative to the water table elevations.

Sheet 4 shows setback distances, sheet 10 shows buffers. That inconsistency must be addressed.

An outstanding issue is the status of Lot 12 in Block 124. It is shown as part of the application and on the zoning table but it is not shown within the limits of the project. Either it's in or out and it should be shown.

Item P25a, previously granted

Item #7 The applicant is required to address buffer requirements but they have not satisfactorily addressed this checklist item on Site 1.

P30, previously granted

P31, previously granted

P33, Environmental Impact Statement, it would be suitable to request the applicant provide some information to the impact of the wet mining to the area in Site 2.

P35, Section 35-9:15a14, the applicant must provide a sign acknowledgment of responsibility for any resource extraction activities that are contrary to any provisions of the Maurice River Land Use Regulations.

The applicant must also provide a certificate of filing from Pinelands. Therefore the Board technically cannot hear the application.

Mr. Morrissey recommended the application be deemed incomplete.

Mr. Hluchan stated the items they will address, (items 5 a, b, c; item 7, item 10 and item 12 and 13)

Waivers to be granted as per the engineers report

P2, P3, P9, P25a, P30, P31, P35

Motion to grant waivers and deem incomplete Carrara, Hoffman. All in favor on a roll call vote.

Application 2016-04 Renewal of existing resource extraction on sites 3-7, they are also seeking approval of wet mining of sites 4 and 6.

P2, waive plan scale, there are parts of the plan that are difficult to read, the plan scale waiver is recommended but subject to the plans being cleaned up to be more legible.

P3, Property Survey, ties into P35

P35, it has been approved by the Board previously. Accuracy to what's on plan, aerial exhibits are based on 2012 data. Update with 2015 information. Mr. Hluchan stated they could do that.

P9, this waiver can be granted

P14, wet mining on 4 & 6. Recommend test pits, cross sections, there are technical transitions that should be shown.

Inconsistency between sheets 5 and 20 regarding the 200 ft buffer limits. Would like the applicant to clarify their intent. Notes on plan that refer to edge of woods limits and restoration areas, they are dated 2012/2013. If they have been restored then the notes should come off, if they are proposed to be restored than they it should be identified what the status of when the will be restored and how.

P25a, previously granted

P30, previously granted

P31, previously granted

P33, Environmental Impact Statement, provide any impacts that my result from the proposed wet mining on Sites 4 and 6.

P35, Section 35-9:15a14, the applicant must provide a sign acknowledgment of responsibility for any resource extraction activities that are contrary to any provisions of the Maurice River Land Use Regulations.

The applicant must also provide a certificate of filing from Pinelands.

There was a discussion on the applications and how they were submitted and why.

Mr. Hluchan stated they will clean up the plan and stated the items they will address. (3; 5 a, b, c; 9; 11; 12)

Waivers to be granted as per engineers report

Plan Scale will be waived subject to improved legibility of plan

Item 3 and 35, survey subject to clarification

Items 9, 25a, 30, 31

Motion to grant waivers and deem incomplete Thompson, 2nd Oliver, All in favor on roll call vote.

The applicant stated that wet mining will be taken out of these applications and be put into the 3rd application. This will be addressed at completeness next month. They also agree to waive the timing on the 3rd application.

Dorchester Shipyard
Minor Site Plan with Variances
Block 274, Lot 4
Solar Array

Roy Oliver being a Class III member stepped down
Tom Imbaratto being in the 200 ft property list also stepped down

Brian Guenther came forward
274 Carlisle Place Rd.
(Sworn In)

He stated that with respect to full disclosure he feels it fair to mention that just prior to the last zoning board meeting, the woman next to him introduced herself to the man behind her as Patti Gross, Vice Mayor. These men were the attorneys for Nicole Kirstie LLC. He said, paraphrasing, that she said she wanted them to know that we support what you are doing and support you in your efforts. As her husband sits on the board there may be a possible conflict.

Ben Stowman stated he has no concerns, Mrs. Gross has always been fair to the public.

Mr. Benson asked Mr. Gross if he feels he should be disqualified based on what was said by Mr. Guenther. Mr. Benson also asked if he had any special interest in the applicant's application other than as a Board member. Mr. Gross stated no to both questions. Mr. Gross also stated that his determination is the reason the applicant is here tonight, it was negative determination as zoning official.

Mr. Benson asked if the Board has any questions or comments on the issue raised.

Mr. Benson stated in his opinion there is no issue.

T. Cuviallo Report

Variance required for accessory use on a lot that does not contain the principal use it is serving.

D1 Use Variance for the Solar Array

They will have to provide testimony regarding positive and negative criteria

Positive Criteria, they will have to demonstrate that the use meets the purposes of zoning or that it is an inherently beneficial use under the municipal land use law.

The state legislature has defined inherently beneficial uses under the municipal law, in that definition in 2009 they amended it to include solar and photovoltaic energy facilities so there is in no questions that the solar array is an inherently beneficial use.

Technically they meet the positive criteria.

Negative Criteria

Sica Balancing Test

Balance the benefit against the potential detriments and how they are able to mitigate them, the importance of the use vs. the impacts of the use. They have to address that there is no substantial impairment of zoning ordinance or our zone plan and that there is no substantial detriment to the public good.

Village Light Industrial Zoning District

Permitted Uses:

Parks & Recreation, Agriculture, Forestry, Professional Office Center, Assembly or fabrication from prepared materials, wholesale warehousing, storage and distribution facility, commercial printing, marina or similar water related recreational use or facility, and ship building.

Conditional Uses:

Educational facilities, studios, workshops, commercial or retail uses, restaurants, bakeries, neighborhood commercial center, gasoline service station, and industrial park.

C. Morrissey Report

No storm water runoff, solar fields do not create any substantial run offs.

Concrete curb and sidewalk in right of ways that is disturbed will be fixed, the applicant has agreed to that.

Some information was asked for on the inverter lines and the connection to the existing transformer and that the applicant discuss the proposed method of connection to the existing buildings, whether they will go on the building or underground and additional detail on the transformers.

They've added additional detail relative to the panels proposed. The posts will be driven into the ground.

They've added planning notes relative to the maintenance area around the panels.

It was requested that they provide a stabilized entrance up to the gate, at least an apron of concrete or pavement. They have identified that it will be stone to the gate.

They have revised the plan to add ink berry holly in place of previous maiden grass. There is a note that the proposed shrubs will have a 2 year replacement warranty should they die in this time period. It would be appropriate that the plantings should sustain their selves, if it dies it should be replaced.

Cuviello clarified that the Municipal Land Use Law was amended in 2001 to clearly state that solar panels are not considered impervious coverage.

Mr. Catanese questioned the applicant and witnesses:

Mr. Roussos, Vice President of Operations, Dorchester Shipyard

He is on site 6 days a week.

Nicole Kirstie has owned the property since 2005

He gave a brief history of the shipyard. Recently it wasn't working for a while, went in to bankruptcy. The owner bought it and reinvests everything back into the business. It is one of the last commercial shipyards in New Jersey. It is important to fishing and industry. They have barges and tow boats. Recent improvements included a dry, floating dock.

The Army Corp of engineers previously dropped spoils there that has all been cleaned up.

Bulk of the operations are on lot 1 and 2. In looking at how they could expand and use lot 4 they felt that a solar array would be a great way to use it. This would be preferable to other uses that are permitted.

The lots are not being proposed to consolidate. There are DEP environmental issues on property. They have removed the dredging spoils which consisted of sodium and naturally occurring metals. These issues were inherited and there is no detriment to the work being done. There are no issues on Lot 3 and 4, they are not subject to remediation. They are clean, clear and unaffected. The issues are on Lots 1 and 2. If they consolidate Lot 4 could be legally deemed subject to remediation. As it stands, it is a clean and clear lot.

Mr. Hancock, Licensed Electrical Contractor

Electrician since the mid 70's, became a Licensed Electrical Contractor since 1994, involved in solar for approx.. 6 years. Personally responsible for the design and construction of over 50 megawatts of solar from Maryland to Massachusetts, 30 projects. He assists in the design with the engineers so there design matches something that will be practical to build. He acts in the field as project manager. The Board accepted him as an expert licensed electrical contractor with expertise in solar design and construction.

Mr. Hancock stated it will be a little under a 150 kw project. He will be involved with the design from the ground up. He will personally be doing the interconnection process with Atlantic Electric. During construction he will be on site almost every day to oversee the project.

Everything from row to row goes underground. There are 5 solar inverters that are mounted in the array itself, normally located midway down the row, they come back to a panel at the end of the row, from there they will go underground to the building that has the electrical service to it from Atlantic Elec to do the interconnect. The interconnect has not been approved as of yet, it cannot be built without that approval. There should not be any issues with that. Before any construction permits that interconnect is necessary. That will be the next step to take while the design work it being done.

Mr. Hancock described the design of the system. It is passed on the annual usage in kw hours. There is a calculation to convert that into DC which tells you the size of the system that you are allowed to build. You can't build a system that is going to produce more electric in a course of a year than your customer uses. This array is there solely for the purpose of the shipyard.

It has a meter that goes both ways. When the system is producing more elec than the customer is using the system will run backwards, and when the days are shorter, sun angle is lower than the customer will use the balance of that back. If designed right at the end of 12 months they will have a net effective of 0. As part of the interconnect and the board of public utilities approval they will review the energy needs of the shipyard to make sure that this system is sized to match the shipyard needs. The size is based on the shipyard's historic energy consumption.

Mr. Hancock explained the direction, height, space of the array.

180 degrees true south is the optimum direction to face the array. The panels have to be spaced so that one does not shade the next one. 10% shading reduces production by 50%. They will be mounted on racks. There will be approx. 60 posts, typically an I beam, driven into the ground to a depth of about 10 feet. Based on the racking design they usually stick up about 5 ft above grade. Then a north/south rail mounted to the post and an east/west C channels that the panels get mounted to. It will take approx.. 1 month to install.

The connection to the buildings will be underground. There will be no visible electric lines overhead. The panels are fixed, not a tracking system. The maximum height at the peak will be 7 ft. As the slope goes toward the river the panels will look lower, they naturally follow the grade. The panels make no noise, the (5) inverters are rated at under 50 decibels at 3 meters, which equates to a refrigerator you have in your house. That is only during the day when they are operating. When the sun goes down they make no noise. The panels have a glass surface. The panels are designed to absorb sun, the glass they use and coating is designed to absorb as much sun as possible. A report from 7 years ago (they are more efficient now) reflected 10% of the light that hits it, usually early in the morning or late in the day when you would get a "glint." The FAA has ruled that they are not an issue to aviation.

The maintenance to keep it up and running, they will have internet access to the production that is checked daily and if there are any issues someone will be dispatched to see what is going on. Other than that, normal grass cuttings a couple times a month in summer, someone will walk the field at least every 6 months to make sure that the wiring is in place. It does not generate regular traffic flow.

The piles will be driven with an excavator with a hydraulic fitting on it. The pile driving will take approx. 2 days. There will be little impact on the driveway.

Mr. Hender, Licensed Landscape Architect and Licensed Professional Planner. 19 years with the Engineering Design Associates. Has had direct involvement with the preparation of the plans. The Board accepted Mr. Hender as an expert.

Mr. Hender presented the plans that he designed, a rendering of Sheet #2 of the plan submitted with the application.

The panels are set a minimum of 20 ft of the right of way of Church and Front Sts.

6' high black vinyl chain link fence that goes around the panels that sets 8 ft off of the property line.

Between the fence and property line is a mixture of evergreen plantings that will grow to be 5-6' high.

Proposing a mixture of plants to provide variety and interest.

Variance for the fence. The Ordinance allows for 4 ft, this fence is 6 ft. for safety.

Variance for front yard setback, they are proposing a 20ft setback. Required setback is 50ft.

Variance for the lot size. The minimum lot size is 5 acres in this zone, this lot is smaller. If this is viewed in the totality of the shipyard it would be conforming.

There will not be a fence to separating the properties. It will remain as it is today, you will not know where one lot begins or ends.

Use Variance, the solar panels are considered an accessory use, since there is no principal use it needs a Use Variance.

Shipbuilding is a permitted use, solar is a permitted accessory use. The use variance would not be needed if this was all one lot.

Residential is not a permitted use.

The definition of an accessory use was read, it meets three of the four the criteria for being an accessory use, it does not meet the criteria of being on the same lot.

Mr. Hender believes it will be consistent with the zoning ordinance even though it is on a separate lot.

The maximum permitted height for a building dedicated to shipbuilding in this zone is 50 ft. And exhibit (A2) was shown to demonstrate what the lot would look like with a 50ft building on it.

The majority of the panels will be under the height of the landscaping buffer. As the lot goes back it slopes, so from the road the panels will get lower as they go further away from the streets.

The inherently beneficial use meets the positive criteria. For zoning purposes for promoting general welfare, special reason A under 40:55D2, to encourage municipal action to guide the appropriate use or development of all lands in this state in a matter which will promote the public health, safety, morals, and general welfare. Solar generating facilities promote the unitization of renewable energy resources which is special reason N under Municipal Land Use. It will promote the efficient use of land that is allowing this area to power the shipbuilding. As well as the conservation of energy resources. The 7 ft panels as opposed to the 50 ft building promotes open space, light and air. In the 2006 reexamination Master Plan Report, in the economic development section, there are some specific purposes and goals: to maintain, enhance, preserve and protect maritime commercial uses along the Maurice River, Mr. Hender believes this does that and that this application furthers the purposes, intent and goals of the Master Plan. The benefits substantially outweigh the detriments.

Detrimental Impacts: Mr. Hender does not believe there to be any, there is no noise pollution, no run off, nothing being cleared.

There is some impact to the neighborhood. They have worked with the twp. planner and engineer to minimize impact by using all evergreens in the landscape buffer.

SICA balances test, the benefits outweigh the negative impacts.

Tiffany CuvIELlo asked about the higher plantings to provide more of a screen. They will put different heights. She commented also that they make sure the landscaping survives, a maintenance schedule/plan. They have a 2 year guarantee.

She also recommended that if this is approved that they submit a decommissioning plan, if they are no longer using the solar they have a certain time to remove the panels. The applicant agreed. It will be in the Resolution as a condition of approval.

The applicant will own the system, the panels have a typical life span of at least 25 years, and should put out 80% of what they are designed for at that time, the inverters are a 15-20 year life span.

The inverters are mounted above ground, but below the heights of the panel. They are mounted on the same racking as the panels.

The applicant agreed to have a decommissioning plan as a condition in their deed.

The proposed fence runs parallel to Church St, when it gets to the river it will turn and run to the building, and then pick up on the front side of the building, come out to Front St, make a turn, there will be a gate for access and then it will run parallel to Front St back to Church. It is protected on all sides.

There is no high voltage line exposed. There are no value to stealing the panels. The whole shipyard is under surveillance with cameras and it will probably be extended to the solar area as well.

Ms. Carrara asked if there was a way to have the 50 ft setback and keep the wattage that is needed?

The property line is not the road, it is actually 16 ft off the road, so they are not counting the 20ft setback from the road. The fence will be about 24 feet off the pavement and then another 12 feet to the panels. The panels will be approx. 35-36 feet off the street.

The applicant believes that the 50 ft setback intention is more towards if there was a building there. The impact is not as substantial as if you were putting a building 20 ft from property line.

If the panels were cut back to the 50ft, they would not be able to produce enough electricity for the applicant to produce a net zero over the course of the year. Where they are proposed is a cleared lot.

If they decide to later put a building on this lot, they would have to conform to the Ordinance at that time. This variance will only pertain to the solar panel.

Motion to open public hearing Chard, 2nd Hoffman, AIF

Brian Guenther

274 Carlise Place Rd., Dorchester

Owner of 2 homes, lives 4 houses from shipyard. He has a petition with 26 signatures. Gave a description of himself.

Mr. Guenther began reading the petition and then he stated that he believes it violates a wetlands transition period.

Mr. Catanese objected to the petition stating he does not believe it is admissible or that it should be considered by the Board.

Mr. Benson stated that there is some lead way to the lay public in addressing the concerns that they may have. He instructed the Board that Mr. Guenther is only giving his testimony as a lay witness, not as an expert. And Mr. Guenther was asked to limit his testimony to his lay observations.

Mr. Guenther went on to read the petition to stop Nicole Kirstie Dorchester Shipyard Variance, which included parts of the Maurice River Township Land Use Regulations. (35-2.1, 35-8.3, 35-11.4)

Mr. Guenther made his points as to neighboring properties and that he felt the buffer would not help because they sit higher than the proposed solar array. He spoke on two cedar trees that he stated have bird nests in. Questioned the visual impact on the scenic corridor. He made comment to wetlands and what he felt was in the transition area.

The petition was giving to the secretary.

Questioned:

Why can't it be in Lot 1?

What has happened with the existing fence, it has never been maintained.

He stated they want to have a responsible owner.

He also stated the residents that signed the petition are having issues with property values.

Would like EPA and wetlands to be considered.

He also read from the Master Plan and stated this variance did not meet the objectives of economic development. Made comment on taxes paid by residents.

There were no questions from the applicant or the Board for Mr. Guenther.

Kate Hahn

288 Carlisle Place Rd.

She stated she had no comments on the solar array. She would like everyone to see the shipyard on the other end. She is concerned with possible expansion of expansion. She made comment on the existing traffic and noise.

Roman Hamann (Sworn In)

105 Church St.

He gave a background of himself and talked about his activities.

He spoke on setbacks and stated that they should be the same for the applicant as for him, he is also putting a ground mount solar system at his home. He also mentioned that if there is a glare he will see it. And he spoke on the view from his home.

John Fauver (Sworn In)

114 Church St.

Has lived here since 1977.

He gave a background of himself and his personal connection to the property.

He stated that this is about money.

He spoke on his windmill and what he went through to be able to install it.

He stated he is elevated about the field where the solar is going to be put.

He stated this will severely impact the quality of his life and the value of his home.

He asked if anyone from the twp. works for the shipyard. He stated he feels that if they take the setback to 50 ft, to give a corridor to someone driving down there to see the sunset. Do they have to put enough solar to pay for their entire electric for the year, or can they compromise to making 75% of the elec bill? Also mentioned the cedar trees and wishes they did not have to cut them down.

Virginia Hess (Sworn In)

110 Church St.

Complained about exhibit A2. Mentioned the trees that are in the picture but are not on the plan. She also stated the building in picture is not at the 50 ft setback. She stated it is a scare tactic.

Mr. Hender explained that it is to scale with the solar picture and the building is approx. 50 ft back.

The one tree is in the twp. right of way and if it is in the right of way it will not be cut down.

She mentioned a tree that had been cut down that she thought was also in the right of way. She discussed the waiver that they applicant does not have to show certain trees on the plan, Tiffany CuvIELLO stated it is because they are not developing the area where the trees are.

She asked if she put her hand on the panel would she get burned? Mr. Hancock stated no, it is no hotter than the hot water coming out of a faucet.

She stated that she does think a 6ft chain link fence is sufficient. It should be something that kids can't climb. She would like a safer fence.

Mr. Hender stated there is more openness and visibility at the Front/Church St intersection.
Mr. Catanese asked what Ms. Hess would like to see as a safer fence. She stated a (shadow box) wooden fence with staggered 6ft planks so you can't get your foot in there to stand.

Brenda Fauver (Sworn In)

114 Church St.

She read part of the Land Dev. Regs in ref to the windmill. 35:9.21 and compared it to the proposed solar array and the blocking of a scenic corridor. She is not in favor of the proposed setbacks and feels they should stay the same.

She asked what other agencies will have jurisdiction over this project.

She commented on other solar array that have signage on the fencing that says "Danger, High Voltage"

She does not want to see that from her house. She stated the buffer is only guaranteed for two years and she feels as long as the solar panels exist, the landscaping should exist as well.

She expressed concern for high winds and if they can pick up the panels.

Mr. Hender stated the system will be designed to withstand the 110mph wind zone the twp. is in.

And also the noise from winds going through the panels

Mr. Hender stated they will not rattle or go anywhere.

She questioned the 50 decibels. Mr. Hender explained the inverters will be kept to the center of the rows, they will not be on the end. The 50 decibels is up to 3 meters. And they are not clustered in one area. There is no central transformer.

There was a discussion on the other agencies that will be involved with this project. She asked if other agencies will impose other regulations.

The applicant will tone down the signage. It is usually placed at 100 ft.

She questions overhead lighting. There will be none.

If approved there will be a condition that there will be no lighting in this area and if they wanted to add lighting or if the fence is approved at 6 ft high and another agency said they have to put razor wire on it, they would have to come back to the Board.

If another agency requires a change to the approved plan, it does not override the decision of the Board.

She asked about cameras, if they decide to put them up will the view of the cameras will they be on the solar field or will they become an invasion of her privacy? Mr. Catanese stated if they decide to put cameras in they will be trained on the solar field. He also agreed that the buffer should be maintained for the duration of the solar array.

She questioned expansion and spoke on a tree line. There are no plans to disturbing any of those trees from the building back down to the river. There is one tree near the corner of the building that does have to come down. They will not touch the tree as long as there are nesting birds.

Tiffany CuvIELLO stated we should request that if the applicant is approved that they submit a revised plan that shows the existing tree that is being removed and the tree line, and then it becomes a compliance issue and cannot be cleared unless they come back before the Board.

Discussion on the trees.

She also spoke on the privacy fence vs a chain link fence and ref. the solar field in Vineland City.

She asked the Board to take into consideration what this will look like in a light industry zone with residences around it.

Adrian Vanaman (Sworn In)

3607 Route 47

Port Elizabeth

He stated if this is approved here it can be approved other places in the township. He referenced other solar projects in the surrounding areas. He looked at property on google earth. He feels Vineland put a lot of thought into their solar array and respected the area. No homes are in sight of their two solar fields.

He spoke on Hammonton Twp. that states no solar should be in a residential area. He also spoke on the view from Front St. and if the panels would obstruct the view.

No other members of the public came forward.
Motion to close public hearing Chard, 2nd Hoffman, AIF

Mr. Catanese addressed some of the items.

This use is a permitted accessory use in this zone and is inherently beneficial use. He believes what is proposed is less burdensome, less overbearing to the neighborhood and in fact more a compatible use in some respects than the fully permitted shipyard use. The shipyard is important, it is said so in the zoning ordinance and the master plan. One of their goals is to maintain, enhance, preserve and protect maritime commercial uses along the river. The maximum height is 7 ft, with the grading allows people to see over which he feels mitigates against the front yard setback variance. Also, the type of buffer that the Board imposes should be adjusted to the nature and intensity of the proposed use, this is not a 20 ft setback with a 50 ft building, it is 7 ft at the peak with a landscaped buffer. A fence they are flexible on as far as materials. He stated what is proposed is a less intensity than what is permitted. And the solar panels stop any other expansion of the shipyard.

The applicant is not required to maintain a park like area for the benefit of the neighbors. They have enjoyed the benefit of the lot being the way it has been for many years but they do not have the right to it. What is a proposed is an inherently beneficial use that will have a very minimal impact to the neighbors. They will consider reasonable restrictions, whether it is fencing, security cameras, and provision as to no lights on sight.

Board Discussion

Issues that were brought up by the public:

Trees

Maintenance Buffer

Setbacks

Height and type of fence

Privacy Signs

Security Cameras

The applicant was asked if they are willing to go with a 50 ft setback. They stated no.

Could you expand onto lot 3 to get the rays and bring the panels back? For instance, if you went to the right of the plan put more rows of panels can you bring the panels back on Church or Front St.

Mr. Roussos asked what if they reduce the Church St side to 30 ft and leave the Front St to 20 ft. Church St is where the view corridor is.

Mr. Benson commented on the view and that the owner could plant the entire lot with trees. Ms. CuvIELLO stated there is a view not but that the view is not guaranteed, it is not twp. property, public property or a park. It is a Village Light Industry Zone and it could be a lot of different things. She said it is very important to look at what could happen on this sight because the impact of the solar has to be compared to what could actually happen on the property. The applicant is stating that the solar is reducing the impact of a heavy industrial use and that is a benefit to the community.

Discussion on the 30 ft setback on Church St and moving panels.

Mr. Hender explained how he could move the panels to the east side of the sight and where the fence would be moved to.

Discussion on an amended application and carry this to the next meeting where they would bring the new changes.

Mr. Catanese asked if the Board would consider an approval of the plan subject to an increased setback along Church St from 20 ft to 30 ft with an appropriate relocation of the panels without the necessity of having to come back with a new application.

Mr. Morrissey stated that if they were to be approved the way they are seeking it, the revised site plan would be a compliance review.

Mr. Benson stated that if the applicant can define it.

30 ft setback on Church St and panels moved to the East to accommodate the 30 ft.

Stowman asked if the Board would like to rule on the application as is, or with the 30 ft.

Hoffman stated he would like the 30 ft setback.

Charles Thompson stated he would like to have a separate vote on the variance and the setback.

Use Variance to allow for the solar as an accessory use on an independent lot.

Motion to approve the Use Variance Thompson, 2nd Carrara

All in favor on roll call vote.

Motion on setback variance.

30 ft setback from Church St.

Maintenance plan for life of solar

No lighting

6 ft chain link fence

Identify tree to be removed and not be removed if habituated

Show existing vegetation

Decommission plan

Any and all other approvals

Motion to approve setback variance, Chard

There was a discussion on what the Board would consider and possible other motion.

Gross seconded Chard's motion.

Roll Call Vote, 4 to 3

Ordinance # 652

An ordinance of the twp. of Maurice River amending chapter 35 Land Development Regulations has been referred to the Board from the Committee for recommendation. Tiffany CuvIELLO outlined the ordinance.

Motion to approve Resolution #2016-05 recommending the ordinance be approved by the Committee, Hoffman, 2nd Chard, All in favor on a roll call vote.

Motion to adjourn Stowman, 2nd Carrara, AIF

Respectfully Submitted


Lillian Johnson, Secretary