

## **Township of Pilesgrove Planning Board**

### **Minutes**

#### **Held at the Pilesgrove Township Municipal Building**

**January 17, 2024**

The Board Solicitor called the meeting to order at 7:00 p.m. He announced that the South Jersey Times and the Elmer Times were notified on December 28, 2023. Notice 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  
Joe Crevino  
Milton Eachus  
Bill Miller  
Craig Lewis  
Jeff Dobbs  
Joe Blandino  
Ruth Peters

Alternate #1 Jeremy Chandler  
Alternate #2 Ben Evans  
Alternate #3 Scott Kirby  
Alternate #4 Christopher Quirk

Board's Professionals were sworn in by Board Solicitor Joseph DiNicola, Jr.

*Motion to approve December 20, 2023 Minutes: DeSiato/Crevino - all ayes on voice vote.*

#### **Resolutions Memorializing the Board's Actions:**

**2023-017 David Flynn B: 20 L: 3 Bulk Variance**

*Motion to Approve: (Crevino/Eachus) all ayes on roll call.*

### **Completeness:**

#### **2024-001 Salvatore Leone B: 14 L: 6.06 Lot Line Adjustment**

*Board Members Eachus & Dobbs stepped down. Chair seated Mr. Chandler for Mr. Eachus and Mr. Evans for Mr. Dobbs.*

*Board Solicitor swore in Applicant, Charles Leone, who was appearing on behalf of Salvatore Leone.*

Mr. Leone is seeking a Lot Line Adjustment - Minor Subdivision for Block 14, Lots 6 & 6.06.

Board Engineer McKelvie reviewed his January 15, 2024 report with the Board. The subject property is located on the north side of Whig Lane Road, CR #660, and the east side of Eldridge's Hill Road, CR #617. Existing Lot 6 is shown as 35.52 acres in size and contains an existing 2-story dwelling, pool, driveway, farm buildings, farmland, farm lane, drainage swale and fence. Existing Lot 6.06 is shown as 72.00 acres in size and contains an existing 2-story dwelling, pool, driveway, solar panels, drainage ditch, pond, drainage swale, tree rows, wooded area, and farmland. The property is located within the SR Single Family Residential Zoning District. The applicant proposes adjusting the lot lines such that an irregular shaped parcel 15.93 acres in size is conveyed from Lot 6.06 to Lot 6. The proposed area of Lot 6 is 51.45 acres; and the proposed area of Lot 6.06 is 56.07 acres. The lot line adjustment is shown as an agricultural division of land, with no proposed improvements. A proposed 3,166 SF access easement is shown for the benefit of Proposed Lot 6.06 at the location where the farm lane crosses the drainage swale.

Board Engineer McKelvie advised that there are no waivers required as no construction is being proposed on the property and does not oppose as to having the application being deemed complete.

Board Solicitor swore in Carol Verechia who will be purchasing the property. Ms. Verechia said that originally her father purchased the farm which part of the property was later sold by her brother to Mr. Leone. Ms. Verechia advised that she wanted to buy back the land by keeping the property as agricultural with no construction being proposed.

*Motion to approve Completeness: (Crevino/DeSiato) all ayes on roll call.*

### **Completeness and Public Hearing:**

#### **2024-002 Linda Dolbow B: 21 L: 10.02 Bulk Variance**

*Board Solicitor swore in Applicant and Mr. Dolbow*

### **Completeness:**

Board Planner Scheule reviewed his January 11, 2024 report with the Board. According to tax assessment records the subject 0.7-acre (30,492 SF) property is improved with a

1-story 960-SF ranch-style home built in 1965. The irregularly shaped parcel has ~327' of frontage and ~194' of depth. Applicant proposes demolition of an existing 7' x 8' (56 SF) mudroom, and the addition of a 12' x 20' (240 SF) sunroom at the rear of the house.

*Motion to approve Completeness: (Crevino/Peters) all ayes on roll call.*

### **Public Hearing:**

Board Planner Scheule continued reviewing his January 11, 2024 report with the Board. Planner's Review Comments: Based on information provided in the application, Building Coverage will be increased from 2,188 SF (7.2%) to 2,372 SF (7.6%); Lot Coverage will be increased from 2,892 SF (9.5%) to 3,076 SF (10.1%). Maximum permitted Building Coverage is 7%; maximum permitted Lot Coverage is 9%. The existing Building Coverage and Lot Coverage are nonconforming. Variance approvals are required to increase the nonconforming Building Coverage and Lot Coverage. The proposed improvements will comply with the applicable height (35') and setback requirements (SY=30', RY=30').

*Motion to Open to the Public: Lewis/Crevino*

*No comments from the Public*

*Motion to Close to the Public: Lewis/Dobbs*

*Motion to approve 12 x 20 ft. Sunroom - Bulk Variance for Building Coverage and Lot Coverage: Eachus/Peters, all ayes on roll call.*

### **Completeness & Public Hearing:**

**2023-019 SMS Rail Service, Inc. B: 73 L: 1**

*Board Members Lewis stepped down (Board Member Chandler seated for Lewis) and Member Crevino stepped down (Board Member Evans seated for Crevino)*

*Motion to approve bifurcation of the Use Variance application: Peters/Miller, all ayes on voice vote.*

Board Solicitor swore in the applicant's representatives, including Frank Hoerst, Esquire (representing SMS), Cormac Morrissey, PE, PP, CME, Tiffany Morrissey, PP, Larry Belka (Director of Operations for Rail Explorers USA), James Pfeiffer (Vice President) and Kevin Elder – Director of Logistics and representative of the Applicant representative of the Applicant, who provided testimony on the nature of the project, its safety record, operational details, and its alignment with zoning purposes.

Board Planner Scheule also reviewed his January 10, 2024 report. The site plan illustrates only a portion of the site and indicates the property contains 28.45 acres. Applicant requests use variance and site plan approvals to utilize a portion of the subject property as a reception area for rail bike tours including a parking lot, and a number of prefabricated buildings. The gravel parking area contains 65 parking spaces (including two handicapped spaces), and three bus parking spaces. The reception area contains six

prefabricated buildings totaling 1,440 SF. The Use Variance may be deemed complete, subject to the Planning Board's approval of waivers.

Board Engineer McKelvie reviewed his January 15, 2024 report. The property is approximately 28.45 acres in size and contains an existing gravel parking area. The site is located along the easterly side of Alloway-Woodstown Road (County Route 603) between East Lake Road and the Nichomus Run Creek near the municipal boundary line. The applicant proposes to install several prefabricated buildings to be used in conjunction with a railbike operation. The structures include a gift shop/ticket office; office trailer; restroom trailer; workshop/storage building; and a storage/charging container. The site is located within the RR-Restricted Residential district. The applicant is seeking use variance & minor site plan approval, as well as bulk variances and design waivers.

The property as shown is approximately 28.45 acres in size and contains an existing gravel parking area. The site is located along the easterly side of Alloway-Woodstown Road (County Route 603) between East Lake Road and the Nichomus Run Creek near the Municipal boundary line. The applicant proposes to install several prefabricated buildings to be used in conjunction with a railbike operation. The structures include a gift shop/ticket office; office trailer; restroom trailer; workshop/storage building; and a storage/charging container. The site is located within the RR-Restricted Residential district. The applicant is seeking use variance & minor site plan approval, as well as bulk variances and design waivers.

*Motion to deem completeness for Use Variance: Dobbs/Peters, all ayes on roll call.*

### **PUBLIC HEARING:**

During the meeting, the Board discussed an application for a use variance and potential site plan approval related to SMS Rail Services (SMS) and their proposal to introduce a new recreational activity, rail biking, operated by Rail Explorers USA. The meeting focused on whether to grant a use variance for the proposed activity, which would involve pedal-powered rail bikes using existing railroad tracks. The property in question is located in a restricted residential zoning district where the proposed use is not permitted, necessitating a use variance.

The applicant proposed a bifurcated application process, seeking first the use variance approval before addressing the site plan details. The Board expressed concerns about the completeness of the application, specifically regarding wetlands delineation and stormwater management, among other items, given the property's existing conditions and federal preemption rights that SMS claims exempt them from certain local and state regulations.

The applicant argued that the rail line and associated facilities are federally preempted and that the rail bike operation, as a third-party use of the rail line, necessitates the use variance. The Board raised questions about the impact on neighboring properties, operational logistics, and the potential need for additional site features like lighting and trash enclosures, etc.

The Board discussed conditions for approval, including the requirement for a full site plan approval with addressing wetlands and legal justification for the project's exemption from certain regulations.

*Motion to Open to the Public: Dobbs/DeSiato*

Thomas and Janet Arledge stepped forward to review the plans and advised the Board that they have had no issues with the operation of SMS Rails.

*Motion to Close to the Public: Eachus/DeSiato*

*Motion to approve Use Variances conditioned upon site plan approval subject to legal justifications provided by the applicant that full site plan approval is not required, in general. Miller/Peters, all ayes on roll call (Eachus sustained)*

### **New Business**

None

### **Discussion:**

### **Public Comment**

*Motion to open to public comments: (Eachus/DeSiato), all ayes on voice vote.*

*Motion to close to public comments: (Blandino/Eachus) all ayes on voice vote.*

### **Old Business**

None

### **Correspondence**

None

*Motion to adjourn (Eachus/Dobbs), all ayes on voice vote.*

*Meeting adjourned at 9:39 p.m.*

*Minutes submitted by Planning Board Secretary: Brenda Sharp*

