

Township of Pilesgrove Planning Board

July 15 , 2020 Minutes

This meeting was held in person at the Township Public Works Building at the Municipal Complex and virtually on GoToMeeting.

The Chair called the meeting to order at 7:00 p.m. He announced that the South Jersey Times and the Elmer Times were properly noticed and agenda/notices were published on the Township bulletin board and website. All of the above was done in accordance with the New Jersey Sunshine Law and the Governor’s Executive Order.

Members stood for the Pledge of Allegiance.

Roll Call

Members:

- Jeff String, Chair
- Joe Crevino
- Mark Desiato
- Milton Eachus
- Mitch Layton --absent
- George Brooks
- Craig Lewis
- Glenn Manning

- Alternate #1 Jeff Dobbs
- Alternate #2 Bill Miller
- Alternate #3 Russell Davis
- Alternate #4 Matt Hitchner

Attending in person: Lewis, Brooks, Dobbs, String, Crevino and Miller. Attending virtually: Eachus, Davis, Desiato, Manning, and Hitchner.

The Chair seated Mr. Dobbs for Mr. Layton.

The Solicitor swore in the Board professionals.

Motion to approve minutes from July 15, 2020 minutes (Crevino/Lewis) all ayes on voice vote.

Completeness Determination

2020-011 Pilesgrove Solar/Nickomus Run Solar Farm, Use/Conditional Use Variance, B 60, Lots 3, 4, 4.01, 5, 8, and 9; B 61 Lots 3 4, 5

The Engineer reviewed the application, which includes a proposed electric substation and switching station, a portion along Route 45 to be reserved for a future veterans cemetery, and a sheep farm. He reviewed the check lists. The Engineer said since there are no bulk standards for setback, this will need to be considered during the technical review of application. He said buffer and landscaping are shown

on the plan, but they will need to be considered later. Flood hazard areas are subject to NJDEP approval, as are wetlands delineations done by NJDEP letter of interpretation. He said he had no objections to delineation and conditions as part of approval. The Engineer said he had no objection to deeming the application complete.

Mr. Dobbs asked for clarification about the applicant using different names on the application.

Motion to deem complete, with conditions stipulated by the engineer for further review at the technical hearing (Miller/Dobbs) all aye on roll call with Lewis, Crevino, and Eachus abstaining.

Informal Review

2020-012 Hope Community Church, B 8 Lot 6.01

The applicant described the need for additional parking, which will bring impervious coverage to more than 18 per cent, and the impact or the required agriculture buffers.

The Board Engineer pointed out in a review of the plan that the overflow gravel parking area is encroaching, which will need to be addressed, and stormwater will need to be addressed as part of the site plan. There was discussion about the proposed parking being for overflow and the trailers being proposed for long term use until and unless the church keeps growing and needs a second service. Mr. Manning expressed a concern about a stormwater draining issue at that intersection being exasperated by the Church facility. The applicant said stone doesn't create a run-off, and the existing drainage issue at the road is not a result of the Church development. The drainage system is doing its job; not flooding. The applicant acknowledged Point Airy Rd. can be dangerous, which is why the Church is proposing stone rather than a paved lot. Mr. Manning said ponding is occurring on the road. There was further discussion. The Applicant said the Church would consider the Board's comments.

Public Hearings

2020-00 Buffalo Productions, Use Variance, B 80 Lot 2.03

Mr. Crevino and Mr. Lewis stepped down.

The Board's Solicitor swore in Applicant Peggy Yurgin.

The Applicant's attorney, Charles Fiore, said the trim factory wants to expand to do home improvements and needs to relocate from 1210 Rote 40. He described the operation as essentially involving architectural home projects, specializing in trim for high end homes or commercial buildings and historical restorations; it is not a hardware store. The property proposed for the new operation is in an agricultural zone. Ms. Yurgin said Building 1 would be for storage, Building 2 would house cutting machines, and Building 3 would be used for manufacturing. Operating hours would be Monday through Friday, 8-4, traffic would primarily be contractors, no noise would be generated. She said the loudest machine would be to cut Styrofoam.

The Planner reviewed his report of March 18, 2020. In response to questions, Ms. Yurgin said a small dumpster would be on site, there would be no outdoor storage, no subletting of business space, old

fencing would be removed, and landscaping would minimize landscaping operations. Any septic issues need to be satisfied. Access will be off Fox Road, not route 40. She said they would consider a variance for tractor trailers.

Motion to open to public comment (Dobbs/Miller) all ayes on voice vote. Mr. John Sloat said it is a great repurposing of the building. Motion to close public comment (Dobbs/Brooks) all ayes on voice vote.

Motion to approve Buffalo Productions' request for a use variance for retail sale for goods and related services, (Dobbs/Brooks) all ayes on roll call, with Mr. Crevino and Mr. Lewis abstaining.

2020-007 Cohen Pilesgrove Partners, Preliminary Major Subdivision, B 28 Lot 2

The applicant's engineer Rami Nassar and the applicant Richard Cohen were sworn in by the Board's Solicitor. The Board's engineer described the use as a farm and said the bulk variance requirements cited in his letter of July 10, 2020 are met and no variances are needed. He itemized several minor corrections needed. He said Agriculture buffers will need to be addressed, and drainage and lot grading plans will need to be submitted for review at the time of building permits. He listed other items for escrow. The Applicant agreed to comply with recommendations cited. The Engineer said septic design is subject to County approval and if raised it will need to be on the plan and perhaps landscaped. He said the project appears to fall below the stormwater calculation requirements, but since the houses could be bigger when they come in for the building permits, his recommendation is for additional tests for soil conditions and perhaps larger seepage pits if homes are beyond 1500 feet. There was discussion. Mr. Nassar said the applicant will limit the disturbance to ½ acre and limit impervious cover. There was additional discussion of items required for condition of approval. Mr. Nassar said he will explore the protocols for additional sampling. The Board's Engineer requested the applicant obtain a new letter of interpretation for DEP because the current one has expired. Mr. Nassar felt it should stand since it said no wetlands existed; the Engineer said submit an engineering certification.

On the agricultural buffer, Mr. Nassar said the applicant is requesting a 75-foot buffer without a berm. The Board's Planner said no buffer is required where agriculture land abuts agriculture land. The applicant said they need the approvals for the subdivision first before they preserve the remaining parcel. There was discussion about the buffer. There was discussion about whether a variance would be needed. The Planner reviewed the ordinance on agricultural buffers. The Solicitor advised the Applicant

had advertised for a variance, so if the Board wants to grant a variance for the 75 foot without berm buffer, it can if it believes it will be sufficient.

Motion to open to the public (Crevino/Dobbs) all ayes on voice vote. There was no public comment.

Motion to closed to the public (Crevino/Dobbs.) All ayes on voice vote.

Motion to grant a preliminary major subdivision for creation of two new lots with limitations on amount of disturbance and impervious cover per lot, a variance for a 75 foot buffer, and design waiver for not having a landscaped berm, with right to farm language in deed and final conditions in the Engineer's letter, conditioned on deed restrictions on the balance of the property for farm, (Crevino/Miller) all ayes on roll call with Mr. Hitchner not voting.

Mr. Eachus stepped away from the meeting.

2020-008 Yurgin, Minor Site Plan and Use Variance, B 79 Lot 1.

Mr. Crevino, and Mr. Lewis stepped down.

Mr. Charles Fiore, attorney for Yurgin, DBA Miranda Motors, on Route 40, described the property, the truck sales and service. The Board's Solicitor swore in Engineer James Clancy and Phil Yurgin.

Mr. Clancy said the applicant agrees with all items in the professional review letters.

The Board's Planner reviewed his letter of May 12 2020. In response to questions, the applicant said he will be doing the same operation, except he will be making dump bodies on site and install them there, rather than doing off site. He estimated 35 storage spaces; 90 per cent of those made will be used for his truck bodies. Operation hours and number of employees will remain the same. Landscaping will be upgraded. The Applicant does not envision any negative impact as a result of the changes.

The Engineer reviewed his letter of June 15, 2020. He confirmed the Applicant has agreed to address everything in the letter. The Applicant will obtain certifications from the fire marshal and the county planning board.

Motion to open to the public (Miller/Brooks) all ayes on voice vote. There was no comment. Motion to close to the public (Miller/Brooks) all ayes on voice vote.

Motion to approve minor site plan and use variance for truck sales and service and manufacturing truck bodies, agreeing to all terms and conditions as cited (Miller/ Brooks) all ayes on roll call, with Crevino and Lewis stepping down, and Mr. Eachus and Mr. Davis not voting.

2020-009 Jared and Melissa Anderson, Bulk Variance, B 13 Lot 5.02

The Engineer reviewed the application for an in-ground pool. There was general discussion.

Motion to approve the variance for an in-ground pool (Crevino/Dobbs) all ayes on roll call, with Mr. Eachus having left the meeting.

2020-010 Chad Warriner, Buk Variance, B 28 Lot 2.04

Mr. Warriner was sworn in by the Board Solicitor.

The Engineer reviewed the application. The size of a new out-building being requested requires a lot coverage variance and waivers for side yard setbacks. The Applicant said the structure will be used for personal items, tools, and equipment.

Motion to open to the public (Crevino/Dobbs) all ayes on voice vote.

Robert Babbington, a neighbor, objected to the request, stating others in the neighborhood complied with the requirements when they built sheds and an exception should not be made. He also objected to the proposed height of the building. Mr. Warriner indicated the new building would not be seen from Mr. Babbington's property and that is approximately 250 feet away from the neighbor.

There was no other comment.

Motion to close to the public (Crevino/Dobbs) all ayes on voice vote.

The Engineer said there are no height restrictions, but said certain circumstances trigger compliance with a 40-foot setback, such as in this case. The Applicant is proposing 20 feet.

The Planner referred to the ordinances for garages for comparison purposes. The Planner advised the board how to weigh the results of granting or denying the variance. If it were a garage, it could be 25

feet. Mr. Warriner testified as to why the location of the garage is optimum and not a detriment. He said relocating would affect his well.

Mr. Lewis said the structure could be shifted to a 25-foot setback and be more in compliance, but it could be more visible from Mr. Babington's property.

Motion to reopen to the public (Crevino/Dobbs) all ayes on voice vote. Mr. Babington repeated that others in the neighborhood complied with requirements and there is no need for this size of a structure since he is not farming. Motion to close to the public (Crevino/Dobbs) all ayes on voice vote.

Motion to approve bulk variance to permit a pole barn/detached structure with variance for a 20-foot setback (Crevino/Dobbs), approved 6-4 on roll call with Mr. Crevino, Mr. Brooks, Mr. Manning, and Mr. Lewis voting no.

Motion to approve vouchers (Crevino/Dobbs) all ayes on roll call.

Motion to open to the public (Crevino/Miller) all ayes on voice vote.

Beth Timberman, who neighbors the property, expressed concern that the Pilesgrove Solar proposal is not the highest and best use for this farmland. Her concerns also included whether an escrow will be set aside for decommissioning of this site. She noted the recycling market is changing and in 30 years some things may be prohibited from being put in a landfill. She asked the Board to ensure these items are addressed in the Applicant's plan.

John Sloat asked how to obtain the Applicant's documents. He was advised they are on the Township website. He asked if the Applicant requires a variance or a zoning change. The Solicitor said those questions cannot be answered without the applicant being present. Mr. Sloat asked if a variance would have a sunset; he was advised no, variances run with the land. He expressed concerns that his Application would be a catalyst for other property owners to put up solar fields. The Solicitor said the Board can digest the comment but no way to answer that tonight. Mr. Sloat said the Township's mission statement is to maintain rural conditions and farming, and this application takes 800 acres out of agriculture, 10 per cent of tillable land.

Motion to close public comment (Crevino/Dobbs) all ayes on voice vote.

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

Meeting ended 9:55 p.m. Minutes submitted by Board Secretary Rita Shade.