

PLUMSTED TOWNSHIP LAND USE BOARD

June 16, 2015

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, June 16, 2015 at 7:30 p.m. in the Municipal Building with the following members present:

<u>X</u> Walter Bronson, Chairman	<u>X</u> Eric Sorchik
<u>X</u> James Dowd	<u>X</u> Jack Trotta, Mayor
<u>X</u> Wendy Galloway	<u> </u> Dominick Cuzzo, Alt #1
<u>X</u> Ronald Dancer	<u>X</u> David Leutwyler, Alt #2
<u> </u> Douglas Hallock, Vice Chairman	<u>X</u> Robert Bowen, Alt #3
<u>X</u> Robert Hardy	<u>X</u> John Neyenhouse #4
<u> </u> Vincent Lotito (Designee)	<u>X</u> John Mallon, Engineer
<u>X</u> Glenn Riccardi	<u>X</u> Gregory McGuckin, Attorney

Attorney McGuckin read the Open Public Meetings Act. Chairman Bronson welcomed two new members to the Board. Mr. Robert Bowen and Mr. John Neyenhouse. Mr. Neyenhouse serves on the Environmental Commission and will be the liaison for the Boards. Mr. McGuckin read their oaths of office for the Land Use Board of the Township of Plumsted. The minutes for the last Special Meeting were not prepared in time to be accepted.

RESOLUTIONS:

The following Resolution was read and adopted.

2015-03

Meredith, Minor Subdivision, Block 29, Lot 35 & 36

AGENDA:**OLD BUSINESS:****Plumsted 537, LLC. Preliminary/Final Site Plan Approval, Block 60, Lot 22**

Before the discussion continued Mr. Riccardi recused himself from this application as he had so previously done. Mr. Apell spoke on behalf of his client to address some questions that the Board had from the previous special meeting on May 19th. A letter from the Plumsted Township Fire District No. 1 dated May 21, 2015 listing three requirements was received. Mr. Apell stated his client had no objections to complying with those requests as well as with the June 2nd letter from the Fire Marshall recommending that having separate units and individual fire suppression systems is better than being housed in one building. The Fire Commission requested the applicant to provide training of the firefighters.

Documents were presented and entered as evidence "A-4" GPS Safety features, dealing with fire suppression and protection. A separate document Grid Battery System designs for safety to be marked as "A-5"; A one page graph (decibel) chart that deals with noise issues with the chillers will be marked as "A-6"; Comparison chart for decibel levels of different appliances to be marked as "A-7". Mr. Chris Quaranta from NEC was sworn in and testified in support of the document "A-4" information of the fire suppression equipment. Mr. Roger Lin of NEC was sworn in to support testimony of document "A-5" and the containers safety features.

Mr. Srikant Akula was sworn in as the applicant testifying that both letters from the Fire Commission have been read and his company agreed to comply with the requests. Chairman Bronson asked about Document "A-5", if the security cameras will be installed. Mr. Akula and Mr. Quaranta clarified that the cameras will be placed both inside and outside. New board members John Neyenhouse and Robert Bowen questioned the applicant about the number of chillers and location of the air handlers. The chillers are cooling a continuous loop of liquid and there will be two on location. Each individual container will have a separate air handler inside. Mr. Mallon recalled the decision to move the chillers an additional 30' west (away from the closest resident) property line and to house each chiller with a sound barrier. The applicant also agreed to do a sound study.

Mr. Jacobs, the planner was sworn back in to discuss the tree/landscaping details which was brought up by Mr. Neyenhouse. Most of the clearing will be for the drainage basin and the back end area of the battery facility. The reason for needing to clear so much was because the drainage basin area is to be kept shallow and larger in area, so not to disturb more trees in the wetlands portion of the property. The area of the clearing represents only 5% of the site.

Chairman Bronson opened discussion back up to the public. Mr. Donald Reed came forward again to be sworn in. Mr. Reed had a couple questions in regards to land use. It was previously mentioned in the meeting prior that this project is an essential use. Mr. Reed stated that after reviewing the Township Ordinances that he cannot determine what an essential use is. It doesn't show up in the definitions. He states that it isn't prohibited but it's also not approved. Mr. Mallon clarified that they looked at this project as part of electrical component system. Mr. Reed feels that this system offers nothing to support the idea that the system offers any essential service other than stabilizing the grid that is working at maximum of redistributing the power to the area. Mr. Reed also brought up the noise issue which isn't so much of an issue. As any industrial site would generate some degree of noise. Mr. Reed has an issue with the use of the property. The definition doesn't describe what essential service is and I don't think it fits this application.

Chairman Bronson closed to the public.

Mr. Apell's response to Mr. Reed's issue of the definition of essential services, testimony last month that talked about the requirement from federal government and federal agencies that require these types of things. Not something that is made up and required by JCP&L. This requirement trickles down and the local communities are a part of it. This provides an essential service not only to Plumsted and local communities but to the entire grid. If the Light Industrial Zone permitted #10, essential services doesn't satisfy your decision, you can fall back on permitted use #1, which is an activity of a limited and industrial use or industrial process. I can't think of something more essential to the community than a strong and viable power grid. This battery system supports and strengthens the grid. The applicant is doing all it can to comply with JCP&L and FURC. We submit that this is the least intrusive light industrial use for this site. Once it's up and running the traffic going in and out of the facility will be about 2 times a year.

Mr. McGuckin was asked what his opinion about the project falling under both the #1 and #10 definitions/permitted use in the Light Industrial Zone. His response is that essential service is a very fair analogy and the argument of it being an industrial process of #1 also. Mr. Mallon concurred with his response that it falls under the industrial portion #1 is appropriate. Mr. Dancer would like to see inclusion in the resolution and the application by JCP&L and PJM with respect to the need for the stabilizing of the electrical supply as condition of approval. Mr. Akula clarified that would be the interconnecting of the grid. Being a tri-party agreement.

Review of the fail-safes of the site were discussed by Mr. Roger Lin. The fail-safes that are in place prevent the battery systems from going outside the safe operating ranges of voltage, of temperature and of current. Electronic monitoring of all the batteries that measure the voltage, in multiple redundant ways. So if the batteries reach that hazardous level the system will automatically disconnect the system from the external power source to prevent further discharging or charging for all three ranges. For fast events there is a system of fuses to help prevent like a circuit breaker does to prevent potential conditions for a fire. The events are recorded and the individual batteries are tracked as part of the monitoring.

Mr. Chairman's concern that the project didn't seem to have much of a benefit to the community. Mr. Apell's argument was that this is a vacant piece of industrial land getting minimal tax revenue at this time and any improvement would be a benefit. Mr. Dancer suggested that a condition of approval some sort of pilot agreement, to protect the Township, if permissible by statute and local ordinance. A program in lieu of taxes be reached between the applicant and the tax assessor.

Mr. Mallon continued that at the last meeting the applicant said they would supply yearly inspection reporting by a certified fire safety agency. He asked the applicant if they spoke to the County? Mr. Jacobs responded that they reached out to the County and they have yet to render an opinion. Mr. Mallon brought up providing a sight-triangle at the driveway. The applicant agreed. The other item was discussion about the fence being 8' solid fence along the eastern side of the fence area as well the (screening) plantings. And the remainder of the fence being 8' chain link around the perimeter of the compound. Mr. McGuckin read the list of conditions discussed and agreed to by the applicant before vote of approval by the Board.

A motion to approve the application with all the conditions listed was brought up by Mr. Sorchik and seconded by Mr. Leutwyler. Roll call votes YES; Mr. Dowd, Mr. Dancer, Mr. Sorchik, Mayor Trotta, Mr. Leutwyler, Mr. Bowen and Chairman Bronson. Mr. Hardy opposed, reason-not a beneficial use.

Adding a requirement to remove the equipment if necessary, as in the solar ordinance, if the project becomes obsolete or fails so the Township isn't left to clean up the site. The votes remained the same.

NEW BUSINESS:

DeBoer-Bartnick, Block 82, Lot 1.02, Minor Subdivision with Variances

Mr. Apell returned to represent the applicants for the Minor Subdivision of Block 82, Lot 1.02., DeBoer-Bartnick. Mr. Mallon read the application details to subdivide one lot into two separate lots with variances. Mr. Apell introduced his client Mr. DeBoer. Mr. DeBoer is proposing to subdivide his existing 15 acre lot into two. The rear lot consisting of 6.021 acres and allowing one single family dwelling to be built. Being that this is a five acre zone it limits the newly created lot to one new home to be built. This is not a situation where there would be any further subdivisions. Being that there is 60.90' feet of road frontage on Archertown Road, the lot respectfully complies, other than it being set back from the actual road frontage. Mr. DeBoer was asked if he agrees to comply with Mr. Mallon's requests in the letter dated June 2, 2015. Mr. DeBoer answered yes.

Mr. Mallon asked to include a few items that were not included in his letter. For new lots there is a recreation fee, a tax map maintenance fee of \$200.00 and a curb and sidewalk fund which could also be 75% of the bonded cost to install a sidewalk of 61' feet for the new lot. Mr. Chairman brought up a septic test. Mr. Mallon says now they get a boring. The applicant will have to do that when they get the plot plan. Normally for new lots it needed for the septic system. For fire access the driveway will have to be a 30 ft easement, 18' wide grout, 6" of gravel to be able to support 28,000 lbs, and 14' clearance with an onsite turn around. The turnaround will be part of the grading plan.

OPEN PUBLIC COMMENTS:

Jean Horner came up to oppose the request. She was sworn in to give her testimony. She claims the previous owner made the access to the rear part of his lot off Archertown Road. Once you give an access road off a paved road your asking for trouble. We don't need any more roads or houses. The area is preserved farmland all around it. Mr. Chairman clarified that what is being proposed is only an access drive to the single lot with one house on the 6 acres. Jean wants the existing land locked land to remain that way to prevent further congestion.

Jenny Jean Rich was next to be sworn in and speak. Questioning if it's only to be a driveway then why are you putting in sidewalks? Chairman Bronson explained that monies would be paid and put into a sidewalk fund for repairs to other township sidewalks. A condition that the access driveway will only be to service the proposed lot that's being submitted today. The access easement needs to be between lots 28 and 29 along Archertown Road because of DEP wetlands encroachment at any other possible access point.

Janet Matthews, sworn in, stated she does not want change to her neighborhood. She does not want a house to be built behind her house along Archertown.

Burl Butler, sworn in. His question is, what's to stop this guy from developing and putting more houses in? Is there going to be a stipulation that he can't? His answer is that it's a 5 acre zone. The applicant is proposing to subdivide his property into 2 lots. One being a little over 6 acres which would only allow for one house to be built. The remaining lot already has a single family dwelling on it and there are wetland restrictions to both pieces.

Shawn Patterson, sworn in. Came from Hamilton NJ and asked not to turn New Egypt into another Hamilton Township. He moved here because it was getting too congested.

Arlene Guse, next to speak was sworn in. Ms. Guse is concerned because 8 years ago their house was broken into. This new house would be behind hers and its hard enough to keep an eye on the front of the properties in the neighborhood. That having to worry about what's going on behind her would be impossible for her.

Jean Horner spoke again with concerns that the proposed road will be an access road to open up the farmlands behind the lots along Longswamp. Mr. Chairman clarified that the applicant has agreed that it is NOT a roadway but a driveway to the single lot of 6 acres.

Carl Matthews, sworn in. Brought up that there was to be no building on the 10 acres lots except along Longswamp. Mr. Matthews lives alongside the proposed driveway. When he bought his house 40 years ago it was an access to the farm fields only. Now it's going to be a driveway. He feels it will depreciate the price of his property and wants his property reassessed.

Mr. Mallon was asked if the zoning was any different back when the 10 plots on Longswamp were done. He said it was 5 acre zoning then as well. And that somethings they have done in the past is to ask the applicant to place a 10' conservation easement around the lot so it will prohibit any further access to the other lots behind the proposed 6 acres. The easement would prohibit clearing and would protect the evergreens already there. Stipulate a 50' rear yard setback and create a conservation easement. This would probably eliminate the possibility of this lot being used to access the other lots behind it. The conservation easement makes it so you cannot disturb the area and it has to stay that way. And you can't go beyond. Mr. Mallon stated that the remainder of the lot has all the improvements on it and you're never going to be able to do anything going through the wetlands in between. Which is also part of the remainder lot which is 9 acres. You will not be able to go through there with the way the stream and the wetlands are. Mr. Chairman asked the applicant if they had any objections to a conservation easement. Mr. Apell pointed out that there is already a 50' side and rear yard setback where no development can be done. The conservation easement is to say that you cannot put a road through it. Mr. Apell if that is the case then they would like to forego the requirement of pvc pins and all the other addition requirements that he has seen happen with a subdivision. Mr. Mallon said it would be up to the Board if they wanted a pin or not. Mr. Chairman said it would be more on paper to designate the easement and setback distances, in the form of a Deed restriction. Mr. Apell said they don't have any problems with the request for conservation easement.

Mr. Joe Guse and Cliff Horner were sworn in and spoke to oppose the building of anymore houses and access roads to be allowed.

Chairman Bronson closed to the public. Mr. Sorchik asked to review the stipulations that were discussed. Mr. McGuckin reiterated a 10' conservation around exterior of lot 1.13 with the exception of the access driveway. The driveway condition that it will be for access to lot 1.13 only. The contribution of curb and sidewalk fund to be 75% of the cost for 61 feet of installing curb and sidewalk. Mr. DeBoer was asked if he planned on building on the property. He said at this time it is unforeseen at this time. He mentioned that the prior owner Donna Beuregard had actually drawn up the subdivision on paper before he purchased the property but needed money to follow thru with this plan. Our intention is not to make enemies of our neighbors. It is to improve the property. I cannot maintain the entire back and if for now I cannot find a farmer to utilize it, I will let it revert back to natural lands.

Mr. Sorchik made a motion to approve the application based with the specifications that Mr. McGuckin read out. Ms. Galloway seconded the motion to approve.

Mr. Dancer stated that if the 10' conservation easement being a condition or stipulation of approval was put in the deed it will go with all future assigns, and heirs and runs with the property therefore no Board in the future nor Township Committee as a result of rezoning or Ordinance changes can approve another access through that property.

Mr. Chairman agrees that the application appears to be in conformance with the zoning and planning stand point. Mr. Mallon said it complies with everything except the frontage that's a function of the lot itself. And the lot width. The hardship based upon the configuration of the lot and creating it as stated.

No further discussion of the application brought a roll call vote of 8 ayes and one opposed.

The Subcommittee for the Land Use element of the Master Plan did meet and should have a report ready for the next meeting of the Land Use Board on July 7th.

Chairman Bronson had two other items to review this evening.

1. The Township passed a Resolution for a sign standard amendment to the Township redevelopment plan. Mayor Trotta said that Peter Ylvisaker and Main Street committee came up with some changes to the signage down on Main Street. The Township Committee has passed it to the LUB for review before they go any further with it. Mr. Chairman asked that the clerk email all the members of the proposed changes before the next meeting of July 7th before they comment make decisions. Mr. Riccardi brought up a concern about the electronic signs that have been allowed on Main Street. The subway sign was allowed with the condition to have the Township and the Marketplace behind them to put up separate messages and for it to be monitored. The New Egypt Market now wants to put up yet another sign. We are trying to keep Main Street from looking like the Las Vegas strip.
2. For the new members of the Board and anyone else interested, the Pinelands Commission is offering a free dinner and refresher course to review how the Pinelands interacts with the local communities on July 30.

Chairman Bronson asked if there was any further business to be brought before the board. Being none, a motion to adjourn was made and seconded. Carried by all ayes.

Respectfully Submitted,



Joan Gruca

