

# **ALLOWAY TOWNSHIP PLANNING BOARD**

Township Municipal Building, Auditorium  
49 South Greenwich Street  
Alloway, New Jersey 08001

## **MINUTES FOR REGULAR MEETING – May 12, 2010**

Meeting called to order at 7:08 P.M.

Statement of adequate notice of meeting was read and the flag salute performed.

**Present:** Alexis Coleman, Karl Ott, Ed Masker, Joe Fedora, Jack Cianfrani (arrived at 7:30 P.M.), Allen English, Cheryl Lowe, and Betsy Burden (Alternate No. 1)

**Absent:** Walter Leslie, George Reeves (new Alternate No. 2)

Also present: Michael Albano, Solicitor; Charles Chelotti, Engineer

Motion by English, seconded by Fedora, to approve the minutes from the April 14, 2010 meeting. Voice vote unanimous, Burden-abstain.

Solicitor Albano advises HKS Holdings, LLC (Block 87, Lot 6) will be continued to June 9, 2010 meeting.

Chairman Coleman opens the meeting to the public for comment on matters not on the agenda.

Public Comment: None.

Resolutions: On Motion by Masker, seconded by English to approved Resolution 2010-05 (Forepaugh – Block 51, Lot 1). Vote unanimous; Burden abstain.

Business: 1. Minor subdivision application, Gregory and Sherri Garton – Block 64, Lot 10. Applicant's son, Matthew W. Garton, was sworn in. Solicitor swears in the Board Engineer. The Board reviewed Completeness No. 2 of the application. On motion by Fedora, seconded by Lowe, the application was deemed complete with waivers of Items 15 and 25 being a condition of final approval. Item 29 is acceptable for completeness. Applicant is still waiting for the wetlands delineation (Letter of Interpretation-LOI) from the NJDEP. Solicitor Albano advised applicant must apply for a bulk variance for lot size which may be obtained from the Planning Board Secretary following the standard procedures for noticing in the newspaper and notifying property owners pursuant to the list obtained from the Tax Assessor. Roll call vote: 7-0 in favor; Burden abstain.

2. Minor subdivision application, Bruce Smith – Block 106, Lot 6. Applicant was sworn in. The Board reviewed the completeness of the application. Applicant advised the wetlands were previously delineated three and a half years ago. Item 14 is waived for completeness, but will be required for final. Item 34 is waived. Applicant must provide a copy of Henry Engel's, P.L.S.,

letter to be logged into the file regarding previous wetlands delineation. Motion to deem complete by English, seconded by Masker. Unanimous vote. Mr. Smith testified he will be selling the newly created lot and keeping the 2.8 acre lot. Solicitor Albano advised applicant will need a waiver due to the irregular shape of the lot, i.e., the lot width exceeds its depth. Applicant advised this was the only practical solution due to the configuration of the property. All greenhouses on the property will be moved, therefore, no side yard variance will be required. Solicitor Albano also advised there should be a requirement for a front yard variance, however, this condition is pre-existing. Applicant must advertise for the next meeting at least 10 days before the meeting, as well as having all required documents into the Board office 21 days prior to the meeting. He cited the case of Kohl v. Council of Fairlawn. Mr. Chelotti, the Board's Engineer, requested all deeds contain the "Right-to-Farm" language. Solicitor Albano stated that by creating the new lot (Lot 6.05) applicant will be creating an irregular lot, almost a flag lot which would be difficult to argue in the future as same is a self-imposed hardship. Motion to carry to June meeting by Fedora, seconded by Burden. Unanimous vote; Cianfrani abstain.

A discussion was had regarding reviewing solar ordinances (also wind energy and biomass). Mr. Albano discussed the pros and cons of wind/biomass/solar structures in township, noting placement as to road distance, etc. Masker questioned how to determine if these structures are beneficial. It was discussed since all of these types of applications are new it is hard to determine. Solicitor Albano spoke regarding residential solar applications. Masker questioned if the Board's Planner could review sample ordinances in place in surrounding municipalities and make recommendations. Solicitor Albano will forward to Randy Sheule, the Board's Planner. Ott asked how the municipalities are assessing for tax purposes. Solicitor Albano advised the companies/entities are generally not fighting the assessments. They are generally taxed as a utility. Additionally, in one application he was aware of the municipality requiring the applicant to post a bond to remove the equipment/structure when no longer in use. The structures are being permanently built, therefore taxable. One condition of placement is the wiring being placed underground. Ott questioned regarding easements being obtained. Cianfrani questioned about the lifetime of the equipment and Solicitor Albano has been advised the useful life is approximately 20-25 years. Also, it has been reported that the equipment's usefulness will decrease approximately .05% per year, therefore, in 20 years the equipment will still be 90% efficient. Solicitor Albano also stated the municipalities have been requiring that the land upon which the structures are erected be deed-restricted to never allow single-family homes be constructed thereon. No further comments by the Board.

No comment to the Upper Pittsgrove Notice regarding a solar application provided as correspondence for review by the Board.

#### Public Comment:

Matt Blake of the American Littoral Society in Millville addressed the Board regarding the Township's current Clustering Ordinance and ways it may be improved to protect streams, yield plan requiring individuals to get an LOI, requiring applicants to get a transitional waiver or requiring restrictive buffers from NJDEP, consulting with U. S. Fish & Wildlife which then takes the determination off of the Board's back. Blake provided Ordinance 7-2002 adopted by Mt. Olive as a sample clustering change. He spoke of the City of Vineland requiring 250' to protect waterways, some are 100'-150', wildlife is 300'. He spoke of Upper Deerfield using the State's

model ordinance and increasing same with its own numbers. He provided a Fact Sheet regarding Wide Riparian Zones. He also provided a sample ordinance from the DEP, Office of Smart Growth regarding protecting forest resources and preventing clear cutting. Solicitor Albano advised there is a Supreme Court decision involving Tree Ordinances. Blake acknowledged the spare parts could be removed. Jessica Knox, the Society's Coordinator, was also present. Solicitor Albano briefly spoke regarding the time of decision rule signed by the Governor.

**Public Comment:**

Joe Ingerson-Mahar of the Environmental Commission will send comments to the Board for distribution regarding HKS Holdings. He also advised there is a solar array behind the Ramada off of Route 56 in Vineland if any one wanted to drive through the parking lot to view. This would give the Board a good opportunity to see how the structure is built. There are approximately 6-8 rows with approximately 10' between rows. The area is enclosed with an 8-10' high fence.

**Public Comment:**

Walt Turner advised the Township does have a solar ordinance in place. John Hall's application approximately five years ago prompted same. Turner also asked Mr. Blake how the riparian buffer zones on properties are taxed. Solicitor Albano advised the Tax Assessor should be questioned regarding same.

**Public Comment:**

Jim Yanus advised the Zoning Board requested the Township Committee to address 'green power ordinances' in December 2009, but no action has yet been taken.

**Public Comment:**

Francis Ponti inquired whether public comment would be taken at the June meeting on the HKS Holdings, LLC application. Solicitor Albano advised it would.

**Public Comment:**

Warren Wieting advised there are currently solar panels near the church in Aldine and wondered if there are measures in force to protect the panels from the public, i.e, from balls, etc. hitting the equipment.

**Public Comment:**

Curtis Hurff inquired if the conditions of Resolution No. 08-11 affecting HKS Holdings, LLC will first be required to be completed prior to proceeding for final approval. Solicitor Albano advised the applicant may request some of the conditions to be a condition of final approval; however, all conditions must be addressed, unless waived, prior to final approval. No final decisions would be made on the application without a public hearing.

**Public Comment:**

Sharon Coleman asked if any Zoning Board decisions were a detriment to the Township or Planning Board. Chairman said 'no'. Solicitor Albano discussed with her and advised a combined board is an asset as the Mayor and a Committeeman sit on the combined board and this would allow the Township to be in the loop on all land development activity within the

Township. As it stands now with two boards, Walter Leslie, Zoning Officer, is consulted if there is an issue as to which board to apply to. Without a clear answer he must discuss same with either Mr. Horner, Zoning Board Solicitor, or himself, Planning Board Solicitor, and/or the Township Solicitor, Mr. Telsey. No further comment.

Public Comment:

Karl Ott advised there is a meeting taking place at the County Ag Building on May 13, 2010 regarding the proposed Gloucester-Salem Sewer Project. Mayor Masker advised he was planning to attend. Mr. Yanus advised he attended the Freeholder Meeting and heard that said meeting would be informational only as the project may be put on hold until June or July 2010.

On motion by Cianfrani, seconded by English. The meeting is adjourned at 9:05 PM. Voice vote unanimous.

Respectfully submitted,

Suzanne D. Pierce  
Planning Board Secretary