

ALLOWAY TOWNSHIP PLANNING BOARD

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

MINUTES FOR REGULAR MEETING – July 14, 2010

Meeting called to order at 7:05 P.M.

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

Present: Alexis Coleman, Karl Ott, Ed Masker, Allen English, Joe Fedora, Walter Leslie, Craig Kane, and Betsy Burden (Alternate No. 1)

Absent: Jack Cianfrani, Cheryl Lowe, George Reeves (Alternate No. 2)

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

A Motion was made by Burden, seconded by Masker, to approve the minutes from the June 9, 2010 meeting. Unanimous voice vote.

A Motion was made by Ott, seconded by Kane, to approve the Closed Session minutes from the June 9, 2010 meeting. Unanimous voice vote.

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

No public comment.

- Resolutions: 2010-06 Appointment of Planning Board Secretary – Suzanne D. Pierce
Motion by Fedora; second by Burden. Unanimous approval vote; Kane abstain.
- 07 Smith, Bruce (B 106, L 6) – Minor Subdivision w/ bulk variance
Motion by English; second by Ott. Unanimous approval vote; Fedora abstain.
- 08 Garton, Gregory and Sherri (B 64, L 10) – Minor Subdivision w/ “C” variance
Motion by Kane; second by Ott. Unanimous approval vote; Fedora abstain.

Business:

1. PIG Grant (Planning Incentive Grant) – Randy Scheule submitted a brief summary of the grant he began review for in November 2009 which qualifies the Township for funding important to the Master Plan as it promotes farmland preservation. The end result will be to amend the Master Plan.

Karl Ott questioned whether farms/properties outside the ‘targeted’ area identified on the map presented would be denied preservation. Mr. Scheule advised they would not, however, the soils may be poor in the ‘untargeted’ area. Mr. Scheule also advised the properties in the ‘targeted’ area (highlighted in yellow) have already applied for preservation.

A motion was made by Fedora, seconded by Burden to open the meeting to the public for comment. Unanimous voice vote.

Public Comment (PIG Grant):

Barbara Ott asked where the plan is available for viewing. Same may be viewed in the Township Clerk's Office or on line at the Township's website.

Member English asked what the Township actually provides to match the \$750,000 provided for farmland preservation. The funding formula is located in the plan.

Sharon Coleman advised there are no matching funds from the Township, but the two cent fund may be utilized. She also noted William Coleman's farm (on Page 94) should be deleted as he withdrew from the program.

Randy Scheule acknowledged Sharon Coleman's effort and significant input she provided in completing the grant.

A motion was made by Fedora, seconded by Burden to close the public portion of the meeting.

A motion was made by Ott, seconded by Fedora to adopt the Farmland Preservation Plan as submitted. Unanimous approval vote.

2. Solar/Wind Biomass Ordinances - Randy Scheule provided a Memorandum regarding renewal energy ordinances for the Board's review and a brief discussion was had regarding newly adopted and pending legislation of same.

Member English questioned whether Bill 1538 affects both preserved and non-preserved farms. Mr. Scheule advised it did, but advised Bill 3125 would override same regarding the right-to-farm. The Township's Right-to-Farm Ordinance was discussed, as was deed restricting properties for farmland use after use by solar on preserved lands.

Member Leslie questioned limiting over production on lots and was advised there are limits set pursuant to the size of the lot.

Barbara Ott raised a questioned regarding noise levels. Member Ott advised Upper Pittsgrove Township had a sound expert review the decibel level, etc. on an application in said municipality. Chairman Coleman advised he previously viewed a system and the noise was not excessive. Marilyn Patterson commented that the noise was dependent upon whether the panels were stationery or articulating. Ms. Patterson also advised the Township should toughen the Tree Removal Ordinance and also require a performance bond to be posted for removal after use.

3. HKS Holdings, LLC (B 37, L 6) – Frank Hoerst and William Ziegler, attorneys for Applicant, as well as Joseph Raday, P.E., and Nicole Maslavich, of ABR Consultants, LLC, Applicant's engineer, Santo Susino,

Applicant, and Charles Chelotti, Board engineer, were all sworn in. Member English stepped down from the hearing.

Mr. Hoerst provided a summary of the application in that it originated in July 2007 for a conceptual review. The Township's Cluster Ordinance was reviewed and changed. Thereafter, Applicant proposed a new yield plan with 22 lots on the 100-acre property with 70% being open. The property is also to have four (4) COAH units.

Solicitor Albano advised the COAH and growth share fees collected (if funds are set aside), and the law is changed, may be returned to Applicant and/or the COAH units phased out.

Mr. Hoerst continued by advising preliminary approval was applied for in November 2008 with the resolution being memorialized in December 2008. An application for final approval was submitted in February 2010 with same being deemed complete in May 2010. An informal meeting between the attorneys and engineers was held on June 8, 2010 of approximately four (4) hours to identify the remaining outstanding issues.

Solicitor Albano forwarded a letter to Mr. Hoerst regarding the Board's request that a \$5,000 escrow be established to hire a Hydrologist and Archeologist (\$2,500 each). Applicant objected and would rather have an Archeologist brought in if items are discovered. It was discussed that the field of Hydrology is not a licensed field and Applicant feels same is unnecessary.

The Time of Decision Rule applies to the application from the preliminary approval date of December 12, 2008. The time frame is 95 days from having been deemed complete on April 14, 2010, being July 20, 2010.

Mr. Chelotti's July 8, 2010 review letter was discussed as follows:

Page 4, Item #8: The report (submitted by Applicant to DEP) which was shown as April 23, 2009 should have been listed as April 17, 2009 and was actually a "baseline" report, not the final certified report as noted on the NJDEP's November 2, 2009 'No Further Action' (NFA) letter signed by George King. The July 27, 2009 letter from the NJDEP advised Applicant wouldn't receive its NFA letter until all issues were resolved. The only issue outstanding at that time was fees which needed to be paid.

Page 4, Item #12: Same will be a condition of final approval.

Page 4, Item #15: Applicant must provide a letter from the Board of Education advising no concrete bus pad is required (stop may be moved). Same shall be a condition of final approval.

Page 4, Item #16: Applicant submitted plans to South Jersey Gas in April 2010. The Board will require the building envelopes to be marked out on the four (4) lots over which the gas line runs. A notation being placed in the Point of Sale Disclosure was noted. The low and high points are already marked on the line, but not on each property. The plan revised April 20 was forwarded to South Jersey Gas with grading and utility marked thereon. Lastly, the Board will require South Jersey Gas, as well as a surveyor with an excavator, at the site to locate the pipe.

Page 4, Item #17/18: The fence along the English property was discussed as it relates to keeping deer off the English property, as well as the 450' no hunting barrier. The Board reviewed the Swamp Pink issue as well as

the deer traversing the wetlands. Exhibits marked A-1 (map outlining fence) and A-2 (swamp pink area) were marked into evidence. A discussion was had between English, Messrs. Raday, Hoerst, and Ziegler regarding changing the location of the fence. English advised the corner of the property is a “high stone” where the English, Mehaffey, and Hurff (and other) properties meet and that the fence should be run up to that point along the property line. Also, placement of a sign was discussed.

Page 4, Item #19: A discussion was had regarding the April 14, 2009 Fish & Wildlife letter which recommended working with a Hydrologist to review the site.

Applicant has no septic or well approvals at this time. The Salem County Health Department does not review applications until final approval is had. The site was approved for homes based upon a nitrate dilution model of 2.7 in a 3-acre zone, not in a 1-acre zone.

Condition No. 5: Driveway

Condition No. 7: Any new buyer/applicant must notify the Board within 10 days of purchase that it will agree to all approvals.

Condition No. 18: Maps will only be provided pursuant to the Map Filing Laws, and not be individual easements recorded.

Condition No. 19: Again, need letter from Board of Education advising no concrete bus pad needed.

Condition Nos. 20-35: Briefly reviewed, as well as the remainder of Mr. Chelotti’s letter. A television inspection of the storm drain (as noted in Item D18) will not be required, as well as Items G1, 3, 4, and 5).

Member Kane submitted the July 13, 2010 Alloway Township Environmental Commission letter which was marked into evidence as “EC1”.

It was noted the Hydrologist’s and Archeologist’s reports would be ready by the next meeting (August 11).

Member Leslie questioned regarding hydrology licensing.

A motion was made by Fedora, seconded by Burden to open the meeting to the public for comment. Unanimous voice vote.

Public Comment: Francis Ponti provided an overview of the site by marking into evidence as “PFP1” a map of the site with various notations regarding soil types, phosphate testing, outline of detention basins, and tree line. He advised he considers himself a wetlands specialist, although he holds no license. He has worked on many water quality monitoring workshops, as well as basin water quality testing, etc. Additional comments were made regarding the street lighting being required to be paid for the Township after a 50% occupancy of the site is had, that the lighting be directional and limited, that the street names should reflect the area, a deficient yield plan exists, that the development is incongruous and not consistent with the Master Plan, the elevations of the basin in relation to the wetlands is poor, and the swamp pink and downstream water quality will be affected. Also the pH ranges of the water will be elevated due to swimming pools, snow removal, salt, etc. The length

from the detention basin to Lake Ponchatoula is only 1,000 feet from the site and, with the property being surrounded by wetlands, additional problems may arise.

Lastly, he advised he supports the Remington & Vernick letters, the Environmental Commission's and Planning Board's efforts for a full search of the facts. This area holds the last unaltered waterway, as well as protecting the Swamp Pink.

Public Comment: Warren Wieting noted the Swamp Pink which runs along the property, as well as the fence being installed along the property line.

Public Comment: Barbara Ott questioned if the development is approved, and the Swamp Pink and/or Lake Ponchatoula are damaged, who is responsible.

Public Comment: Matt Blake, American Littoral Society, commented regarding the nitrate dilution model and the Fish & Wildlife letter.

Public Comment: Curtis Hurff thanked the Planning Board for their efforts, discussed the Swamp Pink, infiltration into Lake Ponchatoula, the yield plan, the hiring of a Botanist and/or Hydrologist to identify all Swamp Pink areas, etc.

A motion was made by Fedora, seconded by Ott to close the public comment portion of the meeting. Unanimous voice vote.

Mr. Hoerst summarized that the Applicant significantly cleaned up the property, had met all requirements imposed by the Board, etc., and requested the Board vote on the application.

A motion was made by Ott, seconded by Kane, to DENY the application based upon the nitrate dilution model, the pending Hydrologist's and Archeologist's reports, U. S. Fish & Wildlife letter, and the fence along the English preserved farm. A roll call vote was taken with all members voting to deny the application.

4. T/P Campgrounds, Inc. t/a Yogi Bear's Jelly Stone Park (B 103, L 3.01) – Eric Garrabrant, attorney for Applicant, as well as Thad Gilder, Manager of Applicant, were sworn in.

Messrs. Garrabrant and Gilder gave a brief overview of the intended splash pad, describing the use, materials to be utilized in constructing the extension to the existing swimming pool, etc. Detailed drawings of the splash pad were submitted and marked into evidence as Exhibits A-1 and A-2, as well as a copy of the outbound survey prepared by Henry V. Engel, III, P.L.S., being marked into evidence as Exhibit A-3.

The pad will be constructed of a porous material with water slides and a retaining pond underneath. The campground has been located at its present site for over 40 years. Three (3) camp sites will be eliminated to install the pad, and there will be a very minor increase to the impervious surface. Pavers are intended to be installed leading to the pad/pool area. No new signage is intended, although Applicant requested a "stop" sign be placed at the end of the driveway leading to the campground from Beal Road.

A motion was made by Burden, seconded by Ott to open the public portion of the meeting. No comment was made either for or against the application. A motion was made by Fedora, seconded by Burden to close the public portion of the meeting. A motion was then made by Masker, seconded by Fedora, to grant the relief requested. Roll call vote: 7-0 in favor.

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

Public Comment: Sharon Coleman indicated the campground application should have preceded HKS.

No further public comment.

Member Ott suggested the Code be fixed to time payment of escrows to five (5) days before the meeting.

No discussion of correspondence.

On motion by Burden, seconded by Ott, the meeting is adjourned at 11:45 PM. Unanimous voice vote.

Respectfully submitted,

Suzanne D. Pierce
Planning Board Secretary