

TOWNSHIP of WASHINGTON
Burlington County NJ
PLANNING and ZONING BOARD
Chairman Tim Michel

REGULAR MEETINGS
MONTHLY 1ST WEDNESDAY
2436 RT. 563, GREEN BANK

Horace A. Somes, Jr., Secretary
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PLANNING and ZONING BOARD
REGULAR MEETING – FEBRUARY 2, 2011

The meeting was called to order by chairman Michel at 7:30 pm. In attendance were Committee-representative Cavileer, members Conrad, Downs, Mayor Lewis, secretary Somes, alternate Keating and solicitor Norman. The open public meetings statement was read. Publication notice of the 2011 meeting schedule had been forwarded to the *Atlantic City Press* and the *Burlington County Times* on January 10th; and also posted on the meeting room bulletin board in the Municipal Building. The minutes of the January 5th reorganization and regular meeting were accepted as posted on motion of Downs, second by Conrad and roll-call vote – with Keating abstaining. The minutes of the executive session I were accepted as posted on motion of Downs, second by Conrad and roll-call vote – with Keating abstaining. The tentative meeting agenda had been distributed on Jan 31st, and Michel indicated that the agenda would be adjusted for new business.

Russell Groff, legal counsel Thomas Darcy, Frank Olivo – counsel for prospective buyer and Jay Sciuolo – Marathon Engineering were present for an **informal presentation and discussion regarding the Groff properties and salvage yard**. Michel indicated that the matter was being discussed informally and that no determinations or actions would be taken. Norman indicated that there was no development application, and that the presentation was to be considered conceptual. The following correspondence had been reported: Jan 7 from Darcy re Groff's junkyard, Jan 11 response to Darcy re Groff – informal review, Jan 26 distribution to members of zoning/tax map of Groff properties and photomaps, Jan 26 from Darcy re Groff informal presentation (copies previously distributed to members), Jan 27 to Norman/Kluk re Groff informal presentation, Jan 28 to Darcy re considerations for Groff conceptual proposal and Jan 31 from Kluk re Groff fax. Darcy indicated that the secretary had previously forwarded copies of records. Also, a copy of the Jan 28th considerations had been forwarded to Olivo by Darcy.

Darcy indicated that previous dialogue and meetings with the Pinelands Commission had indicated the need to resolve issues of past development and existing conditions, with reliance upon the local Board's review and determinations. The relative locations of the residential lot where the house had been located, the separate junkyard to the rear and the adjacent business road-front lot were explained. A map of conditions on the former residential lot was displayed, and it was noted that this plan was not included with the Jan 26th submittal. Groff will be requesting a determination and documentation of finding with regard to the age of the house which had been destroyed by fire. Township records could not confirm the construction date; however a letter had been obtained from the former owner – Leek/Minney, indicating that the structure pre-dated the Pinelands act in 1979. Keating noted that the house had been constructed over several years, and was before the Pinelands

regulations. Michel suggested that historic aerial photographs be inspected; and Darcy indicated that available imagery was not definitive – but further research would be done.

Darcy indicated that with the Board's consent and zoning certification, a garage had been constructed on the residential lot as an accessory structure and for Groff's vehicles and equipment. A letter had been obtained from Bradley Heffley regarding the weight scales and Groff had apparently proceeded with the understanding that they were permissible – however, there are questions with regard to the review for the scales and concrete ramps, and whether they had been approved by the Board. The garage also now includes an office structure.

Darcy further indicated that the rear junkyard is now accessed via the original road across the adjacent Cavileer property, as well as the additional road that now connects across the residential lot to the scales and Route 542. No Township record has been found as to the past or current status of the original road, which historically served the blueberry fields that were in and around the current junkyard site. Some noted that this road appeared on the former State Geologist's atlas sheet, which also indicated the former bog at the junkyard location. Barry Cavileer indicated that the old road originally had continued through his property to River Road. Darcy indicated that the establishment of a formal easement had been discussed with property owner Cale Cavileer.

Some noted that the Board had approved a resubdivision of Groff property to provide street frontage for the junkyard in the Business zone – prior to Groff's purchase of the Leek house lot. Zoning certification had been given for a residence and access lane to the junkyard, with business development of the street-front parcel subject to site plan application and review. Darcy indicated that both the proposed residence and access lane on that lot were not acceptable to Pinelands due to wetlands.

Michel inquired as to a wetland delineation and if this would constrain future development. Darcy indicated that this matter had been discussed with Pinelands staff, and that there had been a meeting and inspection on the property inspection. No further development can occur on the rear junkyard area due to wetlands. A waiver will be sought for continued use and proposed development outside the wetland portion of the residential lot fronting the highway.

Frank Olivo then indicated that he was present as legal counsel to a potential buyer, and introduced Jay Sciuillo of Marathon Engineering – who displayed and explained the sketch plan for conceptual development that had been previously submitted. A photomap of the property area also was displayed, with the development plan overlaid. Olivo indicated that the salvage yard was a nonconforming use of record, and that the proposal would involve a use variance for existing usage and further business development on the former residential lot. Reconstruction of a house is not proposed, to avoid mixed use of the property. The development on the roadfront lot would be within the existing disturbance area of the former house and the other existing business activities – including the garage, weight scale/concrete ramps and access ways. In response to solicitor Norman, Olivo indicated that a use variance would be more appropriate than an application to expand a nonconforming use – and that

rezoning of the roadfront property as an extension of the existing adjacent Business zone, might be considered due to the the existing business conditions and obvious property usage.

Michel inquired if there was a client purchaser/developer who might a pose a potential conflict-of-interest for Board members. Olivo indicate that a Mr. Norman was involved, but unrelated to the Board solicitor. If the proposal proceeds with formal applications and review, there will be a formal agreement between Groff as the owner and a LLC entity as the buyer.

Olivo indicated that the proposal would involve an office trailer and a new business structure for cardboard recycling and machinery on the roadfront lot, in conjunction with the existing pole-barn garage, weight scales and access to the rear junkyard. No further development is proposed for the rear junkyard, which would continue to involve car and metals salvage. A temporary allowance might be sought for an equipment-storage lean-to or enclosure, while development is on-going. Michel questioned if the 50-foot setback from the highway might be appropriate for the proposed business building, and inquired as to the height – which was indicated to be approximately 30 to 35 feet. Discussion followed with regard to members’ questions regarding: noise level due to compacting machinery – which was indicated to be negligible due to operation within the building enclosure; truck traffic – approximated at 8 to 10 per day; business hours – normal daytimes of approximately 7/8 AM to 5/6 PM on 6-days per week; traffic type/pattern – which would be indicated in the plan proposal; inter-property lot lines – which could involve resubdivision with the Cavileer property; types of recyclables – involving metals as currently salvaged in the rear and cardboard compaction/recycling as proposed; and water usage, types of machinery and other development details – to be indicated in the plan proposal. Some noted that the prior resubdivision of the property, anticipated further business development and applications/review involving the original junkyard and resubdivided frontage on the highway – although the Leek property was not involved as it had not been acquired by Groff at that time.

The following **general correspondence and materials** were presented:

Jan 6 to RMC Hoffman re Board professional appointments

Noted that copies of the requests-for-proposals had not been received from the Clerk.

Jan 6 to solicitor Norman re 2010 resolutions (2): retransmittal of November minutes

Jan 7 to RMC Hoffman re reorganization appointments

Noted that the Township appointment resolution had not been received.

Jan 8 to Norman re contact info

Jan 10 distribution: Board approvals attachment - updated listing for CY 2010, 2011 YTD

Jan 18 from Kluk Consultants re emergency service map: boatworks layout

Noted that Cavileer would be reviewing certain details that had been included in the Board’s site plan approval for the properties

Jan 19 to Kluk Consultants re CGP&H grant alert

Mayor Lewis indicated that the engineer would be researching the possibility of Community Grants for Planning & Housing, that might be applicable to the renovation of the municipal building as a historic structure.

Jan 21 to Ward re eMail service: receipt of prior attachments transmittal?

Jan 21 from NJ Forest Service re Community Forestry Assistance Act – 2010 status report

Jan 24 from NJ Forest Service re 2011 Green Communities grant award
Noted that the Township was now eligible for a NJ Forest Service grant for the development of a community forestry plan; and possibly future funding for specific projects – such as the removal of hazardous trees around municipal facilities.
NJ Planning Officials re 2011 NJPO winter-spring agenda
NJ Planning Officials The New Jersey Planner, Dec 2010 – Jan 2011

The following resolutions were presented by solicitor Norman for review and approved:

- # **2010-7 re stormwater management** plan/ordinance endorsement
Motion of Keating, second by Downs and unanimous roll-call vote.

- # **2010-8 re audio-tape recording**/administration
Motion of Conrad, second by Lewis and unanimous roll-call vote.
The following correspondence was reported:
Jan 9 to Hoffman re Board audiotapes – Clerk’s archives.
Noted as regarding the disposal of any additional tapes over 10 years old.

- # **2011-3 Cavileer subdivision application # 2010-9**
Motion of Keating, second by Lewis and roll-call vote with Cavileer recused.
The following correspondence was reported:
Jan 7 to Kluk re Cavileer subdivision
Jan 12 from Kluk re minor subdivision: Jan 5 comments
Jan 16 from Kluk re invoice for Kluk Consultants
Jan 17 to CFO Kilkenny re engineers billing – Cavileer 2010-9:
payment certified

- # **2011-1: Solicitor’s appointment**/2011 – Norman
Motion of Keating, second by Downs and unanimous roll-call vote.
Noted that the Clerk had provided a copy of the undated response by Norman to Request for Proposal – Planning Board Attorney.

- # **2011-2 Engineer’s appointment**/2011 – Kluk Consultants
Motion of Lewis, second by Keating and unanimous roll-call vote.
Noted that the Clerk had provided a copy of the undated Contract of professional employment – Planning Board Engineer: Kluk Consultants.

The secretary indicated that a provision had been made in the agenda for a 2011 resolution as # 3, for a previous recommendation by the solicitor for memorialization regarding Board meeting schedule/2011 and designation of official newspapers. Norman indicated that this memorialization was unnecessary.

Discussion of previous **resolution # 2009-5 re Theuret & Stahl** was tabled. The following correspondence had been reported:

Jan 6 to CMFO Kilkenny re Theuret & Stahl escrow
Jan 10 to Butensky re Theuret & Stahl # 2009-5 – Escrow

Jan 10 from Kilkenny re Theuret & Stahl escrow
Jan 10 to Ridolfino/cc Norman re Theuret & Stahl escrow, and the cross-referenced
Feb 15, 2010 to Lewis/CMFO Cicalese/ Michel re escrow accounting
Jan 11 to Kilkenny re Theuret & Stahl escrow balance???

Discussion of the **Solicitor's billings**, was tabled pending review of the vouchers which had been submitted at the meeting. The following correspondence had been reported:
Jan 6 to Norman/RMC Hoffman/CMFO Kilkenny re Board solicitor's billings
Nov 17, 2010 to Cicalese/cc Norman re Planning Solicitor's voucher – litigation

The following correspondence had been reported regarding the **ordinance codification**:
Jan 8 to Lewis/Hoffman/Kehler/Michel/Norman re business registration
Jan 26 from Pinelands re adoption of Pinelands CMP amendments
related for forestry (disking practices)
Mayor Lewis indicated that the codification process was continuing

Development of a summary of the various **planning/zoning fees and schedules** was pending receipt of ordinance copies from the Clerk. Some also reported that a draft of Township resolution # 2005-6 had been located, but its approval status as an amendment to the fee schedule in the Land Development Ordinance had not been determined by the Clerk.

Further consideration of **various zoning amendments** was tabled. The following information had been reported:

Wood furnaces -

Jan 16 Atl. City Press re “Government rebates spur furnace sales”
Noted that no further zoning applications had been received.

Wind turbines –

Jan 11 Atl. City Press re “Wind turbine catches fire at Villas home”
Jan 21 Atl. City Press re “Our view: wind-turbine fires: a wake-up call”
Noted that current zoning standards allow for wind turbines as accessory residential constructions. Consideration had been previously discussed with regard to the establishment of specific standards/setbacks in Village areas; however no changes had been made to the zoning standards.

Solar arrays –

Pinelands Preservation Alliance, Dec 2010-Jan 2011 *Inside the Pinelands* re
“Diversion without compensation: DEP and Pinelands Commission approve
Solar facility on preserved parkland”

Noted that current zoning allows for ground-level solar arrays as accessory residential constructions subject to existing setback and coverage standards. Ground arrays had recently been installed at Stockton College and in Egg Harbor City.

Mayor Lewis indicated that the status of the **updated tax maps** would be discussed at the next Committee meeting. Some reported a Jan 10 request to the Mayor and Engineer, for a reference set of the current draft maps.

Somes noted that **updated zoning maps** would need to be developed, based upon the revised tax maps. The following correspondence was reported with regard to possible grant funding/assistance to the Township for this work:

Jan 26 to NJ Forest Service/Mercer Co. Soil Conservation District re

CWPP/Community Wildfire Prevention Plan – Wash. Twsp.

Jan 26 from Mercer Co. SCD re CWPP – Wash. Twsp.

Mayor Lewis reported on the status of **Township computer technology**, including the new municipal website as reported Jan 14 in the *Atlantic City Press* “Washington Township, pop. 649, gets website”. Photo-identification cards were being finalized and distributed to Board members. The following correspondence had been reported:

Jan 6 to RMC Hoffman re planning & zoning forms – applications

Lewis indicated that the Board’s forms should now be available on-line.

Jan 15 to Lewis/Hoffman re website - contacts

Jan 19 to Lewis/Hoffman re website – Board agenda: standard format

Feb 1 from Hoffman re website – Board agenda: posting

An executive session was postponed, pending the distribution of materials that had been received from the solicitor.

There being no further business or public participation, the meeting was adjourned at 8:40 on motion of Keating, second by Downs and voice vote.

Respectfully submitted,
Horace Somes, secretary

MINUTES APPROVED – March 2, 2011

NEXT REGULARLY SCHEDULED MEETING – MARCH 2ND – 7:30 PM

Tentative agenda:

Theuret & Stahl # 2009-5 escrow (account status)

Groff # 2011-4 applications (pending submittal)

Solicitor’s professional expenses (status and payment certification)

Land development & zoning:

Township/Board fee schedules

Junkyard ordinance/zoning standards

Stormwater management zoning standards

Business registration ordinance

Wood furnace, wind turbine & solar array standards

Farmland preservation program

Zoning map update

Executive session - litigation