

**Springfield Township Planning Board Meeting
October 20, 2015**

Chair Jacques called the meeting to order at 7:30 p.m. and led the salute to the Flag.

The Chair read the Open Public Meetings Statement. "Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Springfield Township Planning Board in the following manner on January 7, 2015;

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, N.J.
- b. Mailing written notice to the Burlington County Times and Register-News.
- c. Filing written notice with the Clerk of Springfield Township.
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such service.

Roll Call:

Jo Jacques, Chairperson	Present
Anthony Marinello	Present
John Hlubik	Present
Bernard Dunn	Present
Theresa Nicholson	Present
William Bauma	Absent
Stephen Makuka	Present
William Pettit, 1 st Alternate	Present
Michael Welsh, 2 nd Alternate	Absent

Also present were Board Solicitor Denis C. Germano, Esq. and Board Engineer Jeffrey S. Richter, PE, PP of Banc3, Inc. Consulting Engineers

Minutes:

August 18, 2015

Chair Jacques indicated that Other Business; last bullet; beginning of the second sentence contained a typo as "Housing units hall be permitted" needs to be "Housing units shall be permitted" and under the same bullet; next line "following requirement sin addition..." needs to be "following requirements in addition..." Chair Jacques called for motion to approve said minutes. Mr. Pettit motioned to approve the minutes as corrected, seconded by Mr. Dunn

All in favor: Hlubik, Dunn, Makuka, Pettit, Jacques

Opposed: None

Abstain: Marinello, Nicholson

Applications:

#4-15 –NJ Land, LLC, Block 1901, Lot 11 (2469 Saylor's Pond Road)

Amended Preliminary and Final Site Plan

- Review Letter from Jeffery Richter

Attorney: Vincent D'Elia, Esq.

Engineer: Michael R. Thomas, PE

Applicant Attorney Vincent D'Elia represents NJ Land, LLC. Mr. D'Elia indicated this application is to amend a site plan that was approved by the Board some years ago. Mr. D'Elia gave overview beginning with the approval of their solar farm in 6 phases several years ago. At that time, they applicant knew who they wanted to have as a customer but they didn't know if they could get them. The target of such is always the military bases. Since last here before the Board about 5 years ago, they've been working through the bureaucracy of Federal Government

and several branches of the military. The military has a need for redevelopment of the housing. First Montgomery Group has a 50 year contract to redevelop the housing. At the military bases here, they have a project called United Communities which is in contract with NJ Land, LLC to provide the electrical power. In order to meet their needs, and their expectations, the first phase of this project where they are before the Board tonight, is entirely dedicated to that site. Looking ahead, Mr. D'Elia talked about the second phase in conversation now to provide electrical power to the Joint Base for operational purposes. This is the expectation of the second phase. The purpose of changing the plan was to accommodate United Communities and to accommodate the new redevelopment housing. Many of the Board Members may have looked at the old plan and this new plan and noticed that there's not a lot different between the two. Michael Thomas, the Engineer, is present to explain the site and answer any questions.

Mr. Germano swore in Mr. Thomas. Mr. Thomas stated his credentials to the Board. Mr. Thomas is recognized as an expert in his field. Mr. Thomas marked the plan sheets as follows:

- Exhibit A1 – Page 4; the Overall Plan Site Index represents the 2 phases that were mentioned by Mr. D'Elia
- Exhibit A2 – Page 3; a prior site plan prepared by Stouton Caudwell referred to as the Overall Phasing Plan

Mr. Thomas shows the plans side by side to show what has changed from earlier to now. There were 6 phases as part of this solar project which is now being reduced to 2 phases. Mr. Thomas gave a quick summary recap of the site for the Board. All of the existing structures on site will be demolished. The prior site plan had a grading plan associated with it. A subsequent analysis of the grading was done which showed an additional excess of material that will need to be removed off the site from the prior plan. So they regraded the site by raising it about 5" and by doing so, it balanced the site out. They did not have to remove soil from the site. Mr. Thomas gave description of the roads which primary reason is for maintenance access, as well as fire access, on the site. The solar panels are all being access through Saylor's Pond Road. Phase I is located to the eastern portion of the site. Phase II is located to the western portion of the site. Phase I is primarily composed of 9 megawatts DC. Phase II is a little over 15 megawatts DC. These are the major differences over the 2 site plans. The panel layout is a little different than before but generally the same concept is maintained. The same access roads around the perimeter of the site are maintained. We are staying outside of environmentally sensitive areas including previously delineated wetlands and flood hazard areas. They are meeting a visual setback of 500' from Route 68. The potential encroachment notated on the Engineer's letter will be corrected. The buffers around the site are native for the most part. So there is existing vegetation surrounding the perimeter of the site but will be supplemented with additional proposed landscaping. No solar panels will be located within the utility easement. This is the summary of changes per Mr. Thomas.

Mr. Germano inquired about the utility shed/building being eliminated. Mr. Thomas agreed. Mr. Germano indicated that there are no variances for this application. Mr. Thomas agreed. Mr. Germano has for the amount of megawatts for Phase I of the previously approved project. Mr. Thomas responded as 2 megawatts. The current panels generate more electricity that what was previously proposed. Mr. Germano asked if Phase I will still be tied into the grid as was previously proposed. Mr. Thomas agreed and explained that Phase I would be directly connected to the substation located on the base. Mr. D'Elia further stated that it will not be tied into the grid. Phase II is currently under negotiation.

Mr. Marinello indicated that several years ago when the applicant was here for the original site plan approval, there was some concern from the residents regarding some materials that were placed around the site. There was a letter from the NJDEP with regards to as long as the materials were not disturbed, they could remain on site but if they are disturbed, then they are to be removed. Does any of the grading plan effect any of that? Mr. D'Elia responded that every approval that the applicant needed from the DEP was granted. The approval with regard to the concrete; in the event that there was any construction on the site, the applicant is required to file a deed restriction that provides under no circumstances will the property ever be used for residential purposes. Mr. Marinello further stated that he thought he recalled the DEP letter to indicate any soil disturbance or any disturbance of the material would require removal of this material from the site. Mr. D'Elia referred to a portion of a letter dated March 15, 2011 from the State of New Jersey Deputy Attorney General's Office. It read "It is the Department's understanding the site owner is planning to use the site as a solar panel farm. This is an acceptable

use for this site provided a deed restriction approved by the Department is filed prior to the commencement of any construction activity on the site.” Mr. Marinello remembers this letter and this why the Board gave the approval the last time. However, Mr. Marinello thought there was an additional letter from the DEP that said any disturbance of the fill material required removal of the fill material from the site. Mr. D’Elia didn’t recall such letter. Mr. Dunn indicated that he remembers it when they were installing the panels as long as they didn’t penetrate. Chair Jacques confirmed that the applicant is testifying that they’ll be removing less soil and the grading is going to be less intrusive than the previous plan. Mr. Thomas replied that they won’t know until actual construction is underway where the exact locations are of the material and the concretes. Mr. Thomas continued that the idea is that in those areas they’ll be using a ballasted system. In other words, the posts holding up the arrays are going to be a ballasted surface system. The solar arrays will not be any taller than 10’ tall. So in locations where there is no slag material, the typical foundations can go in. The areas with the slag material will have the ballasted system which will not penetrate the ground. Mr. Marinello asked of the grading plan if they were not going to grade the slag and not move it around at all. Mr. Thomas replied there will be some soil disturbance. The grading plan is designed to balance the (inaudible) on site so they’re not taking the material to a different place. Mr. Marinello is not concerned it is being taken from the site. Chair interjected that the letter from the DEP indicates if they disturb it, they need to remove it. That letter would still be the case and it wouldn’t change because of this. Mr. D’Elia responded that this is what the DEP required and they must comply. Mr. Germano asked if the requirements can be made available to the Board Engineer so when construction begins. Mr. D’Elia replied as yes. Mr. Germano addressed Mr. Thomas that the current plan is for the panels to be no higher than 10’. Mr. Thomas agreed. Mr. Germano indicated that the resolution of years back has a condition for the panels to be no higher than 8’. Mr. Thomas referred to the plan which indicates a height of 8’ for the panels. Mr. Thomas apologized for his error. Mr. Marinello asked if there is any mapping to show location for the slag material. Mr. Thomas replied that he doesn’t have such mapping. Mr. Richter indicated that per the prior resolution, there was a requirement to address this as “minimized to the (inaudible) cuts and fills and general site disturbances throughout the site. Consistence with the directive in the Deputy Attorney General’s (inaudible) dated April 8, 2011. In the course of regrading or otherwise preparing the site for the proposed use, the applicant disturbs the concrete or the slag material, the Township and the DEP must be notified and the material must be tested and removed.” Mr. D’Elia indicated that this still holds. Mr. Marinello stated that this is what he remembers from the previous approval.

Mr. Makuka asked about the existing wells on the site that are not marked on the plan. Mr. D’Elia said they can mark them on the plan even though they are not still actually on site currently. Mr. Richter indicated that he would only want them marked if they are there. Mr. Richter further stated that the majority of his review dealt with review of the old plans versus the new plans because they did switch engineers. Some of the information was left off the fire plans and it’s covered in his review letter that it needs to be provided in the plans and they also did address some of the resolution items when they prepared the plans. So if they’re not on site, then don’t show them on the plan but if they are on site, then they should be shown with their numbers. Mr. Thomas understands that they’re no longer there. However, if there is, then it will be provided on the plans.

Chair Jacques indicated that if there is no other Board questions, Mr. Richter may proceed with his October 7, 2015 review letter for any other items. Mr. Richter indicated that under the Completeness Items, the main things that need to be provided are as follows:

2. B. The covenant or deed restrictions, the Board had required a deed restriction mandating the removal of the panels if they were discontinued in operation for more than 18 months. This information needs to be provided.

2. C. There was some information provided under the prior plan that should be provided and the applicant has agreed to do so in regards to the location of the existing water utilities. Mr. D’Elia agreed.

Mr. Richter continued that most of the Completeness was on the prior plan that needs to be completed on this one. No waivers other than the environmental impact statement which the Board had granted the waiver last time. Basically the same application just done in 2 phases; the coverage of the site is basically the same as per Mr. Richter. The solar panels may be a little more high tech than they were 5 years ago but the coverage and the location are the same. The proposed landscaping is identical to the buffering proposed in the prior plan and it was approved by the Board.

The Zoning comments just outline the Township Ordinance requirement that it allows this use on the site and directs to various items listed in Mr. Richter's prior letter concerning the use of the site. As indicated, there are no variances required and everything is permitted by Ordinance.

Mr. Richter continued to summarize the General Requirements as dealing with plan revision. The applicant will need to bring in plans and add the information that was either on the prior approved plans or additional items that need to be added to the plans to address the prior resolution of approval. Mr. Richter finished up his summarization and asked for any questions on the specifics.

Mr. Germano addressed Mr. D'Elia of seeing the Board Engineer's review letter and asked him if there are any issues with any items that are being requested. Mr. D'Elia replied as no and further stated that they will comply.

Mr. Makuka asked since the applicant's client is the Military is there any security issues required by the Military that changes the plan such as fencing or guard shack? Mr. D'Elia responded that he has not been in negotiation and it is his understanding there's a whole slew of security features that need to be met. However, dealing with the site plan, there is nothing else Mr. D'Elia is aware of that isn't already there.

Mr. Germano addressed Mr. Richter regarding the grading plan that he was not happy with. Mr. Richter responded that the changes are easy to make and they will need to be shown on the plan so when the Township Engineer is inspecting, he will know what he's looking for. Mr. Richter further indicated that he doesn't believe the comments are difficult to accomplish, they just need to be reflected in the plans to provide a record of it. Mr. Germano asked if signage is proposed. Mr. D'Elia responded as no. Mr. Germano asked if the outside agency approvals are received. Mr. D'Elia replied as not knowing the answer to that. Mr. D'Elia continued to say the DEP is done. Mr. Thomas indicated that 1 outstanding regulatory approval that is needed is from the Burlington County Soil Conservation District. Application has been submitted and a review letter has been received back. Mr. Thomas has already spoken to the reviewer. There is no problem complying with his requests and Mr. Thomas will update their plans accordingly.

Chair opened Public Comment.

-Greg Flynn was sworn in by Mr. Germano. Mr. Flynn asked when the first plan was approved. Chair responded 2011. Mr. Flynn asked about an environmental impact study. Mr. Germano responded it was waived. Mr. Flynn asked of the soil types; was it prime Ag soils and continued about the ordinance not allowing it. Mr. Germano said the previous owner brought in many tons of cubic yards of fill. Mr. Germano continued that would be mostly impossible for any Ag soils to remain on top. Mr. Flynn continued to stormwater management and the fact that panels do not count as impervious coverage towards stormwater. Chair responded that is correct. Mr. Flynn asked about taxing but it's not Planning Board associated. Mr. Flynn had other questions.

-Joanne Bauma-Banks was sworn in by Mr. Germano. Ms. Banks' concern with the panels and the water runoff. She feels it should be taxed as a business. Chair indicated that tax is not a Planning Board issue; it's at a State level. Mr. Thomas explained wetlands and the water will drain to the west. Mr. Richter indicated that with the mix of vegetation under the panels will slow down and filter the runoff from the panels.

Being no further public comment, Chair Jacques called for motion to close public comment for this application.

Mr. Marinello motioned to close, seconded by Mr. Hlubik. All in favor.

Chair asked for any other questions or comments from the Board. Chair called for motion for said application. Mr. Hlubik motioned to approve, seconded by Mr. Pettit. Mr. Germano provided conditions (1) the 2011 Resolution contained 10 conditions of approval and Mr. Germano recommends to have them remain in effect unless something from tonight invalidates any of them. (2) The applicant agreed to modify the plan; add notes; provide additional information and do a variety of things suggested in the Board Engineer's review letter. (3) The 2011

filing of the 2 deed restrictions; no residential use and if the use of solar farm is discontinued for 18 months, then it all has to be removed. (4) The applicant agreed in response to a request that they make available to the Board and Township of all conditions of approvals imposed on them by the DEP. (5) The Board Engineer recommended as partial waivers and the applicant agreed that they would provide the utilities and the road information that he had requested. (6) Outside agency approvals and corresponding approvals.

ROLL CALL:

Marinello Yes, Hlubik Yes, Dunn Yes, Nicholson Yes, Pettit Yes, Makuka Yes, Chair Jacques Yes

MEMORIALIZATION OF RESOLUTION FOR NJ LAND, LLC

Mr. Germano will prepare a supplemental resolution of condition for next month's meeting. Mr. D'Elia gave explanation of urgency due to Military deadline. Chair called for motion. Mr. Pettit motioned to accept the memorialization of said resolution, seconded by Mr. Hlubik.

ROLL CALL:

Marinello Yes, Hlubik Yes, Dunn Yes, Nicholson Yes, Pettit Yes, Makuka Yes, Chair Jacques Yes

#5-15 –Sherjung Benipal, Block 701, Lots 1 & 2 (1786 Jacksonville-Jobstown Road)

Minor Site Plan and Bulk Variances

- Review Letter from Jeffery Richter

Attorney: Sujeet Mohanty, Esq.

Planner: Deborah V. Anderson, RA, PP, PWS

Applicant: Sherjung Benipal

Mr. Mohanty gave brief overview of the application. Mr. Benipal would like to make some additions to the properties that he owns. Mr. Mohanty introduced Ms. Deborah V. Anderson to the Board. Ms. Anderson was sworn in by Mr. Germano. Ms. Anderson stated her credentials as a Professional Planner and Architect to the Board. The Board accepted Ms. Anderson's credentials as being qualified.

Ms. Anderson explained that Mr. Benipal purchased 2 lots at separate times and would like to consolidate the lots. There's an existing building on Lot 1 which consists of 4,778 sq. ft. Mr. Benipal proposes to remove a small portion of 384 sq. ft. of this building and in turn, would like to add 1,216 sq. ft. The building consists of a dog grooming shop, a transportation company, and the remaining structure contains Mr. Benipal's deli. The intention is to leave the dog grooming shop and the transportation company but the deli would be condensed and he would add new retail stores. They currently have an existing septic and well. Ms. Anderson further stated that they went to a company in Mays Landing to do a study on the existing septic. The Board Engineer's report mentions some disparity in that soil so Ms. Anderson continued that it would be something they would take care of. To summarize, the proposal is to add 1,216 sq. ft. to a one story structure and change the building from a modern structure to more contemporary to the area.

Ms. Anderson reviewed 2 pages of Mr. Richter's April 2, 2015 review letter in length. Mr. Benipal's taxes are current. A grading plan will be furnished. A waiver is asked for the environmental impact study. A variance is requested due to the size of the property. The trash dumpsters will be moved as requested in Mr. Richter's letter. Buffer changes to eliminate some paving. Ms. Anderson indicated that they are agreeable to comply with all the Board Engineer's requirements in his letter. Drainage issues will be addressed when their engineer does their grading plan. Their intention is to change some lighting, move the dumpster, add some additional landscaping and the exterior of the building will change.

Chair Jacques asked about the removal of the small section of the building. Ms. Anderson responded to show on the plan how the building currently sticks out about 384 sq. ft. and remove that corner to straighten out the elevation a bit. Ms. Anderson showed a photograph. Chair confirmed that this is what faces Jacksonville-Smithville Road. Ms. Anderson agreed and it's actually part of the deli but Mr. Benipal only uses it as storage. The opposite of the current deli building will be expanded onto the adjacent property purchased by Mr. Benipal.

Chair asked if there's no immediate questions from the Board, then Mr. Richter will read his April 1, 2015 review letter to point out any other items not already addressed.

Mr. Richter indicated there are a few issues so he will summarize as he reads through his letter.

Completeness Review

1. The tax certifications will be provided by the applicant as stated previously.
2. Test borings will need to be provided.
3. The grading plan will need to be provided because they are changing the configuration of pavement along Jacksonville-Smithville Road. They are proposed perpendicular parking to that road and they'll be utilizing the road as a driveway which requires County approval.
4. The applicant is requesting a waiver of an environmental impact statement which is up to the Board to decide. The site to be disturbed is small. The impact environmentally won't be very significant.

Zoning

1. The applicant indicated they will continue the same uses that are listed in the Ordinance. If anything is other than listed in the Ordinance, then the applicant will need to return to the Board for a variance for that particular use.
2. The total consolidation of the lot equals .848 acres and the minimum lot area is 3 acres so a variance is required. There is some discrepancy between the site plan and the survey.
3. They will need to correct the distances in the zoning table so the 2 dimensions for width and depth are in conformance.
4. The Ordinance requires driveways and accessories located at least 20' from the side and rear property lines abutting residential uses. The sites in the Hamlet District, Mr. Richter believes they will be moving the dumpster enclosure so it would conform and a variance is not needed.
5. The Ordinance sets forth the maximum impervious coverage and floor area ratios. The plans do not indicate what they are but based on the architectural plan, it appears the floor area ratio is .14 which is in conformance. There's no impervious coverage so Mr. Richter indicates that the survey shows some concrete and a shed and some other things. Mr. Richter asked the applicant if the building is going to be removed as part of the project. Ms. Anderson responded that they will cut down the impervious coverage. Mr. Richter continued that the applicant will need to be consistent and it needs to be shown on the plan.
6. The Ordinance requires if you have more than 1 use in a building, the floor area must be a minimum of 750 sq. ft. The proposal is less than 750 sq. ft. Mr. Richter continued that there are 2 units with an area of 585 sq. ft. and 1 with 578 sq. ft. A variance would be required for those 2 units. Mr. Germano asked the applicant if they've given any thought to what they're going to do. Ms. Anderson replied that it may be best to cut it to 2 and it would meet the Ordinance or be pretty close to it.
7. This item deals with the capability of the building by changing it to a modern design with a flat roof and a flat roof is not permitted by the Ordinance.
8. The Architect may want to show the plan in keeping with more of what is there now. Ms. Anderson replied that they're keeping the front.
9. The Ordinance requires a 10' wide planted buffer along the common property lines. Mr. Richter indicated that it sounds like the applicant will do that. Ms. Anderson replied as yes.
10. The first 15' adjacent to the street; 10' adjacent to any property line should be planted and maintained. The applicant can't do anything along Jacksonville-Smithville Road because it's all pavement at this point so a variance would be required from that side. They propose to provide the 10' area along the southern side of the property and along the eastern side. They are proposing buffering along Jacksonville Jobstown Road and Mr. Richter recommended that they adjust that. It's a mass of evergreens now so when they grow up, it'll block the site. They have really tall trees at the edge so it'll look awkward. Mr. Richter recommended they make some changes to that.

11. The plans do not indicate any new signage. Mr. Richter assumed the existing signage will remain. Ms. Anderson replied as yes. Mr. Richter asked if no changes and Mr. Mohanty replied as no changes. Mr. Richter indicated it must be shown on the plan.
12. A variance will be needed for the parking space size going from 171 sq. ft. to 168 sq. ft. Mr. Richter indicated that it's pretty common. That's the 9'x18' space as opposed to the 9'x19' that is required by the Ordinance. A lot of sites have been approved by this Board and the Zoning Board for 168 sq. ft. spaces. A variance is still needed.
13. The screening of the parking areas are proposed to be provided along Jacksonville Jobstown Road.

Drainage Comments

1. There's a discrepancy between the plans that the applicant's Engineer used to design the plan versus the site plan so there just needs to be coordinated. He's proposing a stone basin on Jacksonville Smithville Road where the parking spaces are located. The layout doesn't match up and it needs to be corrected.
2. The applicant is proposing a rain garden for the runoff from the building to handle the increase in runoff. But the soil borings that they have from their Soil Engineer shows the permeability to be .002 to .1" per hour which is a case zero soil. They mention the septic system; a case zero is undesignable for a septic system. It's very slow but if they can dig deeper and find suitable soil, they'll have to do similar to a replacement septic system or they'll have to come back to put in a fill through (inaudible) but until they find that, this is unacceptable. Mr. Germano asked what a rain garden is. Mr. Richter replied it's a fancy underground storage system. They're proposing some pipes and stone underground.
3. The drainage calculations do not seem to take into account the increase of impervious on the side of the county road mainly because the plan's different.
4. In accordance with the septic regulations, the rain garden as far as the stormwater management facilities to be at least 50' away from the septic system so the location needs to be shown of the septic disposal bed. The distance of separation needs to be coordinated.

General Comments

1. The applicant is requesting a Minor Site Plan approval however it should be a Major Site Plan approval request because the increase in the building is more than 700 sq. ft. and requires more than 3 additional parking spaces.
2. The grading along the roadway needs more spot elevations.
3. Burlington County needs to approve the configuration of parking perpendicular to Jacksonville Smithville Road.
4. The County Health Department will have to issue an approval for the septic system. By increasing the sq. footage of the building, the design flow for the system will go up. Mr. Richter feels the old system was designed under the old regulations and it'll either need to be a replacement system or something will have to go there so the applicant will need to coordinate with the Health Department.
5. A safety island is recommended to delineate the driveway and break up the large area of paving. Ms. Anderson agrees.
6. Another discrepancy between the survey plan and the site plan of the items to be removed. The applicant should confirm that these items will be removed or they should be reflected on the plan.
7. The last parking space on the east needs to be relocated to a more accessible area.
8. The building modifications/the footprint needs to be reflected on the site plan.
9. The details need to be removed for the Zoning Table on the Title Sheet.
10. Not discussed
11. Not discussed
12. The handicap parking striping needs to be corrected.
13. The lighting facilities are not up to the Ordinance requirements. The applicant will need to provide additional facilities or increase the wattage and provide details for the wall mounted fixtures.

14. The soil and sediment plan will be required for the building. The temporary stabilized construction entrance should be coordinated if required. It might not be required because the way the site is with this soil district.
15. A list of the variances should be required on the cover sheet of the plan. They did submit a list but it needs to be on the cover sheet of the plan per Mr. Richter.
16. Lots 1 and 2 should be consolidated as part of this application. The applicant should submit a deed of consolidation for review and approval before it's filed. The sight triangle for the access driveway should be provided on the plan to be sure of landscaping outside the sight triangle. The Ordinance requires buffering around Jacksonville Jobstown Road more appropriate to provide a more decorative planting in this area. Ms. Anderson agreed to work with the Engineer's office to revise the plan.
17. The applicant shall obtain all outside agency approvals.

Mr. Hlubik asked if the current septic system is working. Mr. Richter responded that the County Board of Health Department will inspect it.

Chair opened the floor to the public for this application.

- Frank Dunker was sworn in by Mr. Germano.
- Eleanor Dunker was sworn in by Mr. Germano

Mr. Dunker has a concern with increased traffic. He realizes that it's a County road with the large trucks. He feels there will be an increase in traffic in the front of the store with parking on the street. The other concern will be the lights if they will be drop down lights or shine into their property across the street. Another concern is the hours of operation and will the hours increase. Mr. Benipal indicated that the hours should not increase. Mrs. Dunker feels the new stores may increase their hours of operation. Mr. Dunker indicated the building has progressively gotten bigger over the years. His other concern was the septic system but that has been addressed. Ms. Anderson indicated that a traffic study has been done. Mr. Germano interjected that when an area is zoned for certain types of uses and people will come in that the traffic will get worse. It's the town council that pass an ordinance of the zoning district so the traffic will coincide with the type of zoning so the Board cannot deny an application based on the traffic. Even if the Council were to change the ordinance tomorrow, the businesses are grandfathered in.

Mrs. Dunker gave a history of their life in Springfield and the surrounding businesses. She indicated that the building grew bigger and bigger with different owners. Mr. Dunker had a concern with the lighting. Ms. Anderson indicated that the light will have shielding. Mr. Richter indicated that the plantings will also help with the lighting. Mrs. Dunker gave description of the parking lot activity at night when the business is closed. She's also concerned the building will be expanded again in the future.

The speeding of trucks was brought up again and Mr. Hlubik indicated that the speeding has been addressed with the County and it's a rural road and the speed limit will not be changed. Mrs. Dunker requested to reduce the speed limit but Mr. Germano indicated that it's a County road so the Governing Body cannot do anything. She also issued complaint that the trucks are parking with their motors running and the noise keeps them awake. Mrs. Dunker thanked the Board for their attentiveness. Chair said they cannot address all of their issues but they would not be able to expand anymore.

-Greg Flynn gave kudos for the Engineer's report.

Chair Jacques asked if anyone else had public comment. Being no further comment, Chair asked for motion to close. Mr. Marinello motioned to close public comment, seconded by Mr. Dunn. All in favor.

Chair asked for the amount of variances. Mr. Germano responded that there are 2 or 3. One for the parking space size and 1 or 2 buffering variances. Mr. Mohanty replied there is a variance for the lot area also. Mr. Richter agreed that there are 2 buffering areas that do not comply because the existing driveway on the side will be less than 20' from the property line so that's a variance. Mr. Germano indicated along the county road and he pointed

out that the applicant will work with the Board Engineer's office. Mr. Germano indicated that it will be Preliminary Site Plan approval with the 4 variances: lot area; parking space size; and the 2 buffering areas. Chair indicated the applicant has also requested a waiver for EIS so the area that's adjacent to the deli right now is paved. Discussion of the impervious surface location took place. It turns out the paved area is a sidewalk next to the deli and there was impervious area where the house was located but has since been removed. Chair is looking at the overall impact to the area and whether environmental impact is really necessary based on the size of the site and the amount of change to be made. Mr. Germano indicated that Lot 1 was developed with a house on it. Chair indicated that the total is not much different than what the 2 lots were like before the house was torn down. Chair is inclined to grant the waiver but she would rather hear the opinion of the rest of the Board.

Ms. Bauma-Banks interjected that Lot 2 where the old house was located could not be expanded upon because it couldn't pass the perc to put the septic in. It was an unusable lot. Ms. Banks concern is where the water will go if the applicant expands. Ms. Anderson will do a drainage plan and they will comply with the new stormwater regulations. If it doesn't work, then they cannot go forward.

Mr. Pettit feels the Board needs more information and there are too many possibilities. Mr. Hlubik indicated the main concern about the environment is the surface water on the site and what to do with it and septic. Mr. Hlubik feels if they do a stormwater plan and see if they can get a septic and that would mediate any other issues. Mr. Richter indicated that they were the main two things to be impacted by the development of the site. The other thing is from an environmental standpoint. Chair Jacques feels the EIS would be necessary because the 2 main issues are already being addressed in other ways. Mr. Pettit feels the applicant should have the opportunity to come back and address it all. Mr. Richter can understand from where Mr. Pettit is coming from. Mr. Germano indicated a way to address Mr. Pettit's concern is to give them Preliminary. Then when they've solved the problems, they can come back for Final.

Chair summarized if this application were to be approved, then the Board would grant a waiver on the EIS and a variance for lot size; and the 2 buffering variances; and the parking space size. Chair Jacques asked if anyone would entertain a motion for this application. Mr. Hlubik motioned, seconded by Mrs. Nicholson. Chair indicated that the applicant had said during testimony that they would also address the lighting issue as a condition of approval. The buffering in the front would deal with the headlights.

ROLL CALL:

Marinello Yes, Hlubik Yes, Dunn Yes, Nicholson Yes, Pettit Yes, Makuka Yes, Chair Jacques Yes

Correspondence:

- Acquisition Targeting List – Chair pointed out the listing in the Board Members' packets. Nothing new on them.

Other Business:

- Discussion Farm Labor Housing was not discussed due to the late time.

Public Comment:

Chair opened public comment. Seeing no one rise, Mr. Marinello motioned to close public comment, seconded by Mr. Pettit.

All in favor: Marinello, Hlubik, Dunn, Nicholson, Makuka, Pettit, Jacques

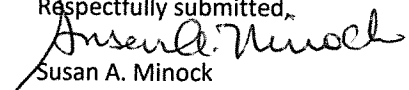
Opposed: None

Abstain: None

Adjournment:

Mr. Pettit motioned to adjourn, seconded by Mr. Hlubik. Motion carried unanimously. Meeting adjourned at 9:38pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan A. Minock". The signature is written in a cursive style with a large initial 'S'.

Susan A. Minock
Planning Board Secretary