

**Springfield Township Planning Board Meeting
October 7, 2014**

Chair Jacques, called the meeting to order at 7:30 p.m., led the Flag Salute, and 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, 2014;

- 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 | Present |
| Stephen Makuka | Present |
| William Pettit, 1 st Alternate | Present |
| Michael Welsh, 2 nd Alternate | Present |

Minutes:

September 16, 2014

Mr. Hlubik motioned to approve said minutes, seconded by Mr. Marinello

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

Opposed: None

Abstained: Welsh

Business:

- Farm Labor Housing

Chair indicated that Council requested the Board to see if Farm Labor Housing is appropriate to allow in Springfield's zoning and make possible adjustments to the ordinances. A discussion tonight will not bring forth resolution but it will get it started. The farm labor housing may require Master Plan amendments and Chair believes that we're due for a Re-Exam of the Master Plan in a year or two so it may make sense to do a Re-exam early next year and include this topic as part of that process.

As per the September 17th Meeting, the Board requested to review surrounding town ordinances that contain provisions for farm labor housing and they have received:

- North Hanover Township Zoning Ordinance 2009-19; RA Residential-Agricultural Zone Section with language for Migrant and Non-Migrant Agricultural Employee Housing and Ordinance 2009-04 Right to Farm
- Model Ordinance for Farm Labor Housing from the Burlington County CADB.

- Board Professional Planner, Brian Slaugh, had written a memo to the Board in regards to a discussion with Tom Brill from the SADC.

The Planner's memo has questions to help lead the discussion. Being no comments or questions from the Board, the Chair referred to the Planner's first question, as does the Board desire to distinguish between permanent farm labor and seasonal farm labor. Example was given by Mr. Hlubik that vegetable farming would be seasonal as opposed to horse farming which is year round (permanent). Mr. Dunn receives more calls for seasonal workers. Mrs. Nicholson brought forth the fact that people should not be housed with farm animals and/or hay...no barn conversions.

Discussion led to the type of facilities being dormitory or single family house. Addressing Planner's second question, the Board discussed that seasonal or migrant workers without families would most likely live within a dormitory environment as opposed to a tenant farm house or accessory apartment as would a permanent or non-migrant worker.

Addressing the Planner's third question, the Board discussed possibilities to limit labor within the housing. Chair suggested that maybe the SADC or CADB can provide common requirements. It was also indicated that the size of the farm should be an indication of how many workers to house. For example, a horse farm may get sold and the next farmer is a vegetable grower so the type of farm and size of the farm may be the way to determine housing limit. Possibly a limit needs to be provided and a need to eliminate subleasing of rooms in a dormitory environment is another area to be discussed. Mrs. Nicholson indicated that possible rule enforcement maybe needed and by whom. Example, such as the State Department of Labor as per stated in the North Hanover non-migrant ordinance was briefly discussed. The limit of the number of buildings should be discussed also. Building code could determine impervious coverage. Possibly speak to a farmer who currently has farm labor housing in another town. A current resident is looking to gather information to come before the Zoning Board in regards to farm labor housing as per Mr. Dunn. It was suggested contacting the South Jersey farmers who have very large operations to obtain information by Mr. Pettit.

Lastly, the Planner's fourth question is in regards to farm management units that are operating multiple farms. Springfield does have multi-parcel farms. Discussion incurred as to whether housing should be on multiple parcels if farmers are to rent multiple farms. Farm laborers can be transported to various farms with housing on 1 parcel. It all depends on the amount of laborers and sizes of parcels, etc. Also take into account the size of the farm and how many workers are needed. The migrant workers may not need to live on the farm where they are working per Chair Jacques. Mr. Pettit gave example of some of his land that is rented by another farmer who has farm labor living in town and labor housing is not needed for his situation.

Public Comment:

Chair Jacques opened the floor to public comment. Being no public comment, Mr. Marinello motioned to close, seconded by Mrs. Nicholson.

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

Opposed: None

Motion passed unanimously.

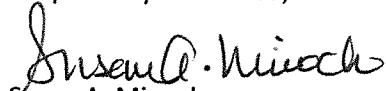
Chair indicated that this subject will take some time to resolve. Mr. Dunn spoke to Brian Wilson, Farm Preservation at the County, where a new owner applied for preservation and they found illegal housing

so the County does check in to it. Mr. Wilson is aware of the illegal housing becoming a problem all over the county and there is need for housing. Further discussion took place in regards to inspection of housing. Chair asked for more comments.

Adjournment:

Mr. Dunn motioned to adjourn, seconded by Mr. Marinello. Motion passed unanimously. Meeting adjourned at 9:55 pm.

Respectfully submitted,


Susan A. Minock
Planning Board Secretary

Springfield Township Planning Board Meeting
October 21, 2014

Chair Jacques, called the meeting to order at 7:30 p.m., led the Flag Salute, and 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, 2014;

- 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 | Absent |
| Theresa Nicholson | Present |
| William Bauma | Absent |
| Stephen Makuka | Present |
| William Pettit, 1 st Alternate | Absent |
| Michael Welsh, 2 nd Alternate | Absent |

Also present were Denis C. Germano, Esq., Board Solicitor; Mr. Jeff Ritcher PE, PP of Lippincott Jacobs; and Brian Slaugh, PP, AICP of Clarke Caton Hintz

Minutes:

October 7, 2014

Mrs. Nicholson motioned to approve the amended minutes, seconded by Mr. Makuka

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

Opposed: None

Abstained: None

Motion passed unanimously

Application:

#5-14– Moose Run Development, LLC, Block 2107, Lot 2

Final Major Subdivision

William Fox, Esq. - Applicant Attorney

Mark Malinowski – Applicant Engineer

Mr. Fox re-introduced himself to the Board as the legal Counsel for the applicant. Mr. Fox indicated that there is the easement issue and the status of arsenic testing issue. Mr. Fox requested to address the easement issue first.

For the record, applicant Engineer, Mark Malinowski, was sworn in by Mr. Germano at the September meeting. Mr. Malinowski recapped from last meeting referring to the easement represented in Exhibit A3, known as the Site Plan. The proposed easement was proposed to come off the common drive. The

easement was in the front yard setback area off the road to give access to the lot. However, that particular proposed easement did not provide access to the adjoining property owner's garage. The applicant's professionals and the neighbor's attorney had gone back and forth so another alternative was provided by the applicant which would provide access to the garage. This easement was a bump out of the proposed fences along the common drive. Although this method allowed access to the garage, it was not a direct access. The Board felt it was not an adequate solution to the problem. The reason for this condition on the property was due to its state as pointed out in Exhibits A1 and A2. A1 is a picture of the rear yard of the adjoining property from about the rear side yard area showing quite a bit of junk. A2 is again a shot of the back yard from behind the property showing the extent of the junk and household debris. The applicant is attempting to screen by proposing fencing along both sides of the common drive to block the view of the back yard. This was not very receptive by the adjoining property owners.

Mr. Malinowski displayed a colored sketch marked as Exhibit A5 (dated 10-14-14) which is a proposed access easement along the common drive to the driveway of the adjoining property owner which would meet conditions of the preliminary approval. Also it provides a 20' driveway width and an easement for the driveway itself with direct access to the garage. The fencing still along both sides of the property line and along the common drive. This alternative proposes a sliding gate across the driveway to block any view of the back yard. Fenced area will go along the property line that's common with the adjoining property owner. One thing added was 6' high solid vinyl fence on both sides as proposed in preliminary and it goes to the front yard setback. However it's not permitted to go beyond the front yard setback so the ordinance does say that a 36" high fence can be placed within the front yard area. Therefore, the sketch indicates a 3' high, solid vinyl fence continuing to what is known as the ultimate right of way. The adjoining property owner reviewed the plan and the Engineer has made some alterations to address their concerns. With that being said, Exhibit A6 dated 10-20-14; known as Access Easement is the revision from Exhibit A5 per Mr. Fox. Mr. Malinowski indicated that this concept is very similar to A5 but this one has the fence running along the common property line to the opening of the driveway and the gate is set back 20' from the base of the garage. This will allow the adjoining property owner to park their vehicles in that area without obstruction to the gate operation. Also provided is a taper to the driveway to turn left in to the driveway from the common drive. Mr. Malinowski continued that another proposal of adding a driveway apron from the common roadway to the gate is to be paved to provide control of stormwater and maintenance. Pavement will extend under the gate.

Mr. Richter asked to have the rolling gate construction details in the plans. Further discussion of the sliding gate and pavement took place. Mr. Malinowski indicated that the distance from the gate to the garage will be 20'.

Mr. Slauch indicated that a pickup truck with an extended cab will be longer than 20'. Further discussion took place.

Chair requested the results of the arsenic testing. Mr. Malinowski responded the consultant doing the testing feels the arsenic is a natural background to the site. At the last meeting, Mr. Malinowski indicated that remediation would need to take place but he was in error when making that statement. The NJDEP criteria indicates no remediation to natural arsenic background. A Licensed Site Remediation Professional will test and provide a report and Mr. Germano and Mr. Richter will review it.

Chair asked the Board for questions. Being no questions from the Board, Chair Jacques opened the floor to public comment on this application. Mr. Mike Ridgeway, Esq., representative of the Johnsons

introduced Mrs. Johnson to the Board. Mrs. Christina Johnson was sworn in by Mr. Germano. Mr. Ridgeway continued that photos were taken this past week; Saturday, 10-19-14; to show the cleanup of the backyard. These photos are marked as Exhibit O7. He indicated that Mr. Johnson has a 22'+ long vehicle. The recent changes have been a vast improvement. The Johnsons would like a wider opening to the size of 26' to 28' to allow for propane and septic trucks to enter. They'd also like the gates to be electronically controlled so Mrs. Johnson does not have to leave her car late at night to open and close the gates so remote entry is necessary. They want the builder to install it and provide the remotes. The applicant indicated that the maintenance will be the responsibility of the Johnsons. Discussion took place of the gate remaining closed to shield the view of the backyard. Mr. Hlubik indicated that snow would hinder the gate from opening and closing so the gate would be better left open. More discussion took place.

Mr. Fox requested a break at 8:20pm to discuss matters with client. The meeting reconvened at 8:27pm.

Mr. Ridgeway indicated that the Johnsons would like a 24' opening as opposed to a 22' opening and would forego electric. Mr. Fox agreed to the gate opening as 24' but it will remain closed and it's to be part of the easement agreement as a condition. Mr. Ridgeway indicated that the easement agreement will be drafted and both attorneys will review it. The Board Attorney will also review it. Chair Jacques asked if anyone has further questions. Being no further public comment, Chair asked for a motion to close public comment. Mr. Marinello motioned, seconded by Mr. Hlubik.

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

Abstained: None

Opposed: None

Mr. Germano had already drafted a resolution for tonight's meeting. The resolution contains the conditions of the last meeting such as all review fees paid in full; homeowners association will be responsible for the maintenance of the access drive; the homeowner's association documents including the utility easement and the easement permitting lot 16, the Johnson's lot to utilize the private access drive must be reviewed and approved by the Board Engineer & Solicitor; the applicant will make the plan amendments; provide additional arsenic testing as needed and add notes to the plan as indicated in the last month's review letters by the Board Planner and Engineer; performance and maintenance guarantees; affordable housing impact fees as per ordinance. The conditions that would be added are the complete construction details of the gate will be included and Mr. Germano recommends adding a more sophisticated detail of Exhibit A6 with an increase of to a 24' width; non electric roller gate; bottom taper and add top taper; and a 3' high fence as per ordinance.

Chair Jacques asked for questions/comments from the Board. Being no further questions/comments, Chair called for Motion for approval with all conditions. Mr. Marinello motioned; seconded by Mrs. Nicholson.

Roll Call: Marinello Yes, Hlubik Yes, Nicholson Yes, Makuka Yes, Jacques Yes

Other Business:

- Farm Labor Housing

Chair Jacques started the discussion of how to or if limits should be placed on the amount of housing to be on a property depending on the size of the farm, type of farm. This is an issue that the Board has been struggling with. Mr. Slaugh responded that there's a distinction of whether seasonal workers or

permanent workers. If working for a farm chain, then the workers may not necessarily work on the farm where they reside. He also indicated there's the Federal and State way of looking at farm housing.

Mr. Marinello said the process started when complaints were issued about people living in substandard housing throughout the township. As a result, the Zoning Officer went to inspect, he substantiated that there were a lot of these substandard living facilities throughout the township. Chair indicated that she believes there were a couple of farmers that have questioned whether or not ordinances existed. Mr. Marinello indicated now that the Zoning Officer has identified the problem, the Council has been asked to come up with a solution as how do we address farm labor housing. Discussion incurred regarding amount of houses on a farm.

Chair reflected upon last meeting of what was discussed. Does the farm housing have to be on the lot where the workers live and what if a farmer rents out the farm including the housing. Mr. Marinello responded that he feels this is what is happening. The town has multiple owners and sub-renters and sub-lesers. This situation has become an enforcement issue to figure out who actually rents and owns the property. Mr. Hlubik said it would make the most sense to put the farm labor housing on the property they own. If they're renting ground, they're not going to build farm labor housing on the property they don't own. Chair indicated that the owner may no longer farm and decide to rent it out to someone so do you let that person house his farm labor workers there? Mr. Germano indicated that the farm labor housing would be in the same lot as the house. Further discussion took place.

Mr. Hlubik asked to address the size of farm labor housing on a property. He feels it's not the place of local government to micro-manage an individual's business. The level of intensity of how one runs their business is their concern. The township's concern is that the housing is adequate and maintained. The amount of farm labor workers is up to the individual and a limit of the amount of workers should not be placed upon him/her. Mr. Germano indicated that farmers are not apt to build more than what they truly need. Chair agreed by saying they're not going to up a dormitory for 100 if they only need 30. As long as it meets any other setbacks and impervious coverage, the County will approve any septic and well requirements for health and safety, then it's really not up to us to regulate the amount of people.

Board wants to deter a rooming house. Mr. Germano indicated that there's a consensus that we don't limit the number of workers who could be housed but however many are housed have to work on the ag management unit where the housing is located.

Mr. Makuka indicated that there are 2 types of housing depending on whether seasonal or permanent. One being more dormitory style and one being more family oriented. Single family homes for the year-round workers who are apt to have a family as per Chair Jacques.

No barns can house people with animals and/or hay being safety and health issue per Mrs. Nicholson. Fire from a hot water heater can set the hay on fire, the occupants are done. The health issue from the animals is not a place for human habitation. Former barns that will no longer house animals or hay would be ok.

Mr. Germano indicated with single family housing, the owner has to provide proof that the workers do work there and when they stop working there. Mr. Hlubik interjected if it's preserved farmland, then the owner must abide by the CDAB regulations. Mr. Germano further stated that there is some pretty strict regulations that we can borrow from if this the Board wishes to be allowed.

Chair indicated that a) this is something we want to allow; b) allowing both kinds: seasonal and permanent.

Mr. Marinello inquired of how it will all work once the ordinance permits the farm labor housing and then we have multiple units that do not conform and they continue to violate the ordinance. Chair responded the Zoning Officer would need to go out. Mr. Marinello further stated that the farmer rents from someone else, who rents from the owner who lives in a foreign country. How do we deal with it? Chair responded that this ordinance doesn't apply to this type of situation. Mr. Germano indicated that this ordinance can lay responsibility at someone's door. Chair feels that is the situation going on now and there's no way to determine the owner or the location of the owner. Further discussion took place between Board members. Chair indicated no matter passing this ordinance or not, the problem will still go on. This ordinance will help the people who want to do the right thing and they're not sure what to do being there is no ordinance now. Further discussion took place in regards to enforcement. Mr. Germano indicated that there are no answers right now. Chair and Mr. Germano indicated that this ordinance will help the people who want to do the right thing and they'll have something in place to do so. This is not a Planning Board issue but it's a Council issue for those who are doing something that is not allowed. Chair further stated that this is discussion for 2014 but the work will begin in 2015. Mr. Marinello said the Council is asking is this something we need to go into and is it something we need to further? Mr. Germano asked can we at least tell Council that there's a consensus on 3 issues from the Planning Board and where would they like to go next. Chair asked for any further comments/suggestions. Mr. Germano will draft that everyone is on board and will provide notification to the Board before sending to Council.

Public Comment:

Chair Jacques opened the floor to public comment. Being no public comment, Mr. Marinello motioned to close, seconded by Mr. Makuka.

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

Opposed: None

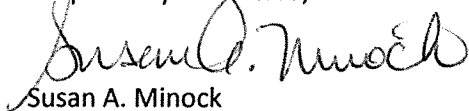
Abstained: None

Motion passed unanimously.

Adjournment:

Mr. Marinello motioned to adjourn, seconded by Mr. Hlubik. Motion passed unanimously. Meeting adjourned at 9:18 pm.

Respectfully submitted,



Susan A. Minock
Planning Board Secretary

PUBLIC NOTICE

Please take notice the Springfield Township Planning Board meeting scheduled for Wednesday, November 5, 2014 at 7:30 PM has been cancelled.

The next scheduled meeting is Tuesday, November 18, 2014 at 7:30 at 7:30 PM.

Date: October 23, 2014

Patricia A. Clayton
Land Use Administrator

PUBLIC NOTICE

Please take notice the Springfield Township Planning Board meeting scheduled for Tuesday, November 18, 2014 at 7:30 PM has been cancelled.

The next scheduled meeting is Tuesday, December 2, 2014 at 7:30 PM.

Date: November 12, 2014

Patricia A. Clayton
Land Use Administrator

Bode

PUBLIC NOTICE

Please take notice the Springfield Township Planning Board meeting scheduled for Tuesday, December 2, 2014 at 7:30 PM has been cancelled. The next scheduled meeting is Tuesday, December 16, 2014 at 7:30 PM.

Date: November 24, 2014

Patricia A. Clayton
Land Use Administrator

PUBLIC NOTICE

Please take notice the Springfield Township Planning Board meeting scheduled for Tuesday, December 16, 2014 at 7:30 PM has been cancelled.

The next scheduled meeting is the annual reorganization meeting to be held on January 6, 2015.

Date: December 12, 2014

Patricia A. Clayton
Land Use Administrator