

Springfield Township Planning Board Meeting Minutes
June 20, 2017

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 5, 2017;

- 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	Absent
William Bauma, Vice Chair	Present
Stephen Makuka	Present
Richard Toone, 1 st Alternate	Present
Patrick Hermesmann 2 nd Alternate	Absent

Also in attendance was Board Attorney Denis C. Germano, Esq. and Board Engineer Jeffrey Richter, PE, PP of Banc3 Engineering

Minutes:

May 16, 2017

Mr. Marinello pointed out a correction on page 3; 2nd paragraph 1st sentence stating, "Mr. Dunn that Mr. Marinello mentioned..." and should be "Mr. Dunn indicated that Mr. Marinello mentioned...". Chair called for motion for corrected minutes. Mr. Marinello motioned to approve the corrected minutes, seconded by Mr. Bauma. Motion carried unanimously.

Application:

#4-17 – Anthony Marinello – Block 1201, Lot 29.01 – Minor Site Plan

Architect – Daniel Dunzik

Applicant – Anthony Marinello

At 7:32pm, Mr. Marinello recused himself from the dais.

Mr. Richter to read his June 5, 2017 review letter in full.

The applicant has applied for minor site plan approval to construct a 1,188-square foot ground mounted solar array on the above referenced property. The property is located within the AR-10 Agricultural Rural zoning district and contains 38.1 acres. All of the surrounding properties are also zoned AR-10. The surrounding properties contain farm uses and single family residential dwellings.

Completeness Review:

The Site Plan Checklist requires many items that would typically be provided on a Site Plan. These items include a key map, graphic scape, zoning information and a certified typographic survey. The applicant will require a waiver

of these submission requirements as they have not been provided. The information submitted by the applicant is sufficient for the review of this application, therefore, we would recommend that the above submission waivers be granted.

Zoning:

1. Section 215-9 of the Township Ordinance defines Renewable Energy Facility as a facility and all associated equipment that engages in the production of electric energy from solar technologies, photovoltaic technologies or wind energy. The applicant is proposing a solar facility which is in conformance with this definition.
2. Section 215-14.N of the Township Ordinance permits Renewable Energy Facilities as a conditional and accessory use within the AR-10 Agricultural Rural District. Section 215-134.E(1) of the Township Ordinance sets forth the requirements for solar and photovoltaic facilities.
3. The solar facility is an accessory use on the site based upon the criterion of Section 215-134.E(1)(a)[2] of the Township Ordinance.
4. Section 215-134.E(1)(a)[5] of the Township Ordinance states that ground mounted facilities contained within an area of 1,000 square feet to 10 acres shall require minor site plan approval prior to obtaining a zoning permit. The proposed solar systems will be 1,188 square feet; therefore, minor site plan approval is required.
5. Section 215-134.E(1)(a)[6] of the Township Ordinance requires ground mounted facilities greater than 1,000 square feet to provide one or more of the following beneath the structures: meadow grasses or agricultural area for crops or grazing farm animals. The applicant shall provide information concerning the ground cover proposed beneath the solar facility.
6. Section 215-134.E(q)(a)[11] of the Township Ordinance requires all electrical control equipment to be labeled and secured to prevent unauthorized access. Information concerning the proposed labeling and security of this equipment should be provided.
7. Section 215-134.E(1)(c)[4] of the Township Ordinance requires ground mounted systems with an area greater than 1,000 square feet to be screened from adjacent residential zoning districts and rights-of-way. The proposed location is surrounded by existing mature hedge rows and wooded areas that will screen the proposed solar arrays from adjacent residential properties and rights-of-way.

General:

1. The minor site plan should include signature lines for the Planning Board Chairperson, Secretary and Engineer.
2. The details for the proposed solar array are not legible due to the submitted plan size. Legible construction details should be provided for the proposed site improvements including the proposed solar panels, ground mounting systems and any equipment that may be required for this facility.

Mr. Marinello of 417 Birmingham-Arney's Mount Road was sworn in by Mr. Germano. Mr. Marinello testified with regards to section 5; paragraph 5 of Mr. Richter's letter, the land is currently a hay field and will remain that way. Mr. Germano indicated that another item will need clarification which is the inverters. Otherwise, it's a straight forward application. Chair indicated as far as the Completeness portion, the recommendation is to grant the submission waivers. Chair feels it is a straight forward application.

Daniel Dunzik, Architect, was sworn in by Mr. Germano. Mr. Dunzik indicated that Mr. Marinello is proposing to install a 21.13 kw solar array in his hay field. The array is approximately 59' 4" x 20'; approximately 1,188 sq. ft. It's offset by the smallest distance from any property line by 185'. The property is completely screened of view by any other properties. The size of the array is based on consumption which is the logical way the solar systems are sized. The consumption is for the user on the property. It's an accessory use providing solar power to the homeowner. Mr. Germano asked if it will be connected to the grid. Mr. Dunzik responded it is connected to the grid and that purpose is so that it can be monitored. Solar systems can produce power to go out on the grid but power companies generally don't like that because wires break and people get electrocuted.

Mr. Dunzik continued to explain there are safeties built in to this system. This system is designed with micro inverters. In the older systems, there will be a bunch of deep c panels connected going to an inverter that converts the power to AC current and tapped into the panel at the meter at the existing residence. The micro inverters are a new way which are safer and are addressable by the company that makes them. They're addressable for rapid shutdowns. Mr. Dunzik described the AC disconnect process in detail to the Board. There are no central string inverters. The micro inverters convert the power from DC to AC on each panel. The AC current is taken into the busload center which is a combiner box. They bring all the power together there and then goes to the AC disconnect and from there it goes through a 337' trench back to the house and tapped into the main panel. Electrical drawings accompanied this to the Building Department and they are still in someone's hands now. Details for this system are on construction documents and they will also be duplicated by a company that the solar contractor uses as a subcontractor to install the mounting system for the solar panels. The solar panels are mounted onto a steel galvanized frame attached to galvanized helical footings which are drilled into the ground. The company that does that will have their own engineer who will be certifying the document once it's produced. It will be done once the preliminary approval is done. The Building Official will be privy to that information as well as all the construction details. Mr. Dunzik indicated that this addresses the General item #2. The details the overall height of the system is on the plan which is 8' and that needs to be addressed in a lot of zoning ordinances so that's why it was added to the drawing. The details for construction of it are provided by a shop drawing made from the manufacturer who has the prioritizing system that will be secured to the ground. Mr. Germano asked Mr. Dunzik if he'll comply with the request. Mr. Dunzik responded as yes. Mr. Dunzik further stated that he will comply with item #2 all the details including the panels, the ground mounting system, the grounding system, all the equipment and cut sheets will be provided as well. It'll all be showing in detail on a single line diagram that the local Electrical Official will be reviewing. This will be providing all the electrical information about the system in its entirety. It's not being produced at this stage because it may not be approved by the Planning Board. Mr. Dunzik summarized his testimony.

Mr. Germano asked about Mr. Richter's review letter; paragraph 6 being provided. Mr. Richter further explained the detail needs to be bigger on the sheet so he can read it. Mr. Dunzik provided a copy of the detail sheet showing all the connection details, the well sizes; the connector plate details, etc. Another detail sheet of the 2 types of helical anchors for rocky surfaces and sandy soils. Mr. Dunzik further indicated the electrical is not available now but it will be provided and submitted for review for the Electrical Sub Code Official. Mr. Germano asked Mr. Richter is item 6 is addressed. Mr. Richter addressed to Mr. Dunzik it seems that there is no safety hazard to the panel that someone could gain access to it. Mr. Dunzik replied as no because the micro inverters are so complex now, that if one of the inverters were to be tampered, the monitoring company would be immediately alerted and would be out to check on it the next day. In fact, every time there is a power failure, a tech will be out the next day to inspect it.

Mr. Dunn asked Mr. Dunzik that basically all the energy that is produced is consumed by the resident and doesn't go to the grid? Mr. Dunzik replied that there is a production meter that is monitored and reported on every several of months. The amount of production goes out onto the grid if no one is home (meter spins backwards). The owner will receive credits for renewable energy when production is monitored and reported on every several months. The credits are received as credit or as a commodity that can be traded on a trading market. When paid for out of pocket the owner of the property receives those credits and s/he trades them and it's financed through a finance company who monitors and provides a credit during evenings when power is being used. The credits area used against what is produced during the day. Mr. Dunzik concluded that very little goes out to the power grid.

Chair asked if any questions from the Board. Being no questions from the Board, Chair Jacques opened the floor to public comment on this application. Being no public comment on this application, Chair called for motion to close public comment. Mr. Makuka motioned to close, seconded by Mr. Dunn. Motion carried unanimously.

Chair indicated there are some submission waivers to be granted on the completeness review. The applicants have agreed to conform to all Mr. Richter's comments and requirements. Mr. Germano added the applicant will

need to add the signature lines and legible detailed copies. Mr. Dunzik indicated that he brought in the copies with the signature lines which he certified himself. Mr. Dunzik asked the Board Engineer if he should submit them now. Mr. Richter replied regarding the signature lines, the Board needs to have them. Mr. Dunzik indicated he has 11 copies. Mr. Richter indicated that he will review them. Chair called to entertain a motion. Mr. Toone motioned to approve the application; seconded by Mr. Dunn. Motion carried unanimously.

At 8:56 pm, Mr. Marinello returned to the dais.

Resolution:

#2017-03 – William McCoy – Block 804, Lot 4.01 – Minor Subdivision
Granting Minor Subdivision

Mr. Toone motioned to approve said resolution, seconded by Mr. Dunn.

Ayes: Marinello, Hlubik, Dunn, Bauma, Toone

Nays: None

Abstain: Mr. Makuka

Other Business:

- Discussion of Commercial Vehicle Ordinance

Mr. Germano addressed his May 17, 2107 letter to the Board that it was to be made clear the trailer portion of a tractor trailer couldn't be parked whether attached to the truck or not attached in the residential zones is in the bold print. Mr. Makuka indicated when initially discussing, the limit was 1 axle so maybe the language could be changed to indicated "with only 1 axle" to eliminate any ambiguity. Mr. Germano read aloud the portion where Mr. Makuka is referring. "For purposes of this subsection a "truck" is a commercial vehicle registered at a gross vehicle weight of 18,000 pounds or more on one rear axle" should say "with only 1 rear axle". Chair indicated it should stay as it is. There are 2 different sections here. In this section, the ordinance is saying what is not allowed for commercial vehicles. If it's stated as "with only 1 axle", then only multi axle vehicles are allowed. This is not what is intended by the Board. Mr. Dunn interjected to possibly leave out the number of axles. Chair agreed to have as a commercial vehicle registered at a gross vehicle weight of 18,000 pounds end of story. Mr. Germano indicated with the other 3 sections to change from "on" to "with only" works. Chair further indicated that it'll just stay at 18,000 pounds or more and not count axles at all. The Board agreed. Mr. Germano indicated he will change the other 3 sections from "on" to "with".

Mr. Marinello requested clarification of the weight of the vehicles that it's 18,000 lbs. or more and not less than 18,000 lbs. Mr. Marinello further asked about bringing vehicles home at night. Chair responded this is for commercial vehicles; it's not the vehicles to be brought home at night. The other sections pertain to bringing their trucks home. Brief discussion ensued regarding commercial and industrial zones. Chair asked for any further questions. Being none, Chair requested Mr. Germano to take it back to Council. The Board is done making changes to this ordinance.

- Discussion of Farm Labor Housing Ordinance

Mr. Germano discussed the Farm Labor Housing ordinance changes with Councilman Frank as previously agreed by the Board.

Mr. Germano asked the Board if they want to keep the ban against family members living in these units? The Board discussed options of the family being paid by the farmer while living in the unit as being incidental. Mr. Dunn asked what is being protected here if it's proven that it's family living in the unit. Mr. Dunn further stated that if it's a commercial farm, more than one home can be built on the property as it stands now. Mr. Germano indicated it was discussed many times and we don't know why the ordinance says what it says. The ordinance says that only 1 principal structure and 1 principal use on a lot except for commercial farms. Mr. Dunn indicated there

are several of such in town already. There is no protection against family. Mr. Dunn feels the farmer shouldn't be renting out to someone. Chair indicated the farmer shouldn't be building the unit as farm labor housing and just let their family reside there. If the family is on the payroll, then they are farm laborers. Chair indicated that this topic never came up in the discussion previously. Mr. Dunn said it was discussed way back when first discussing the ordinance. Mr. Germano spoke in detail of others who came before the Board for variances to have more than 1 use. Mr. Makuka feels if the family lives in the unit; a laborer moves in, then the use of the housing changes. Mr. Makuka asked if the ordinance would just apply to just familial residents of those dwellings. Mr. Hlubik mentioned that there were 2 parts as single family and dormitories. Chair agreed. They are seasonal dorms and year-round. Mr. Germano asked Mr. Dunn if this is the time to revisit. Mr. Dunn replied as yes, it needs to be reviewed. Mr. Hlubik mentioned the Helis Farm having both where it's grandfathered in. Mr. Marinello indicated the purpose of redrafting this ordinance was to get better housing rather than people living in trailers and cardboard boxes. Mr. Hlubik further indicated that when this situation comes up, it's difficult to find the property owner and who is responsible so there is no enforcement. Mr. Marinello asked about the dormitory living. Chair responded that we already have seasonal and we're not changing the seasonal. Chair addressed the Board of what needs to be done with the year-round housing; the single-family unit. Mr. Germano asked if it's ok to have family living in the unit. The Board feels that it's already existing now, let it stay as is for preserved farms. **Mr. Germano indicated that the prohibition for family living will be removed as addressed on page 2 of Mr. Germano's June 2, 2017 letter to the Board.**

On page 3; 1st paragraph, Mr. Germano indicated that last line, "In short, a separate septic system won't be necessary in every case. So why require it in every case?" The Board discussed that it is the County Board of Health will determine whether expansion is necessary. Chair's concern is the farmer can be blindsided if it's not indicated in the ordinance. Mr. Hlubik indicated the Construction Official cannot approve a permit until the Board of Health has provided their approval. The Board further discussed. The number of bedrooms determines if a septic expansion is necessary so the County will handle it. **The County will need to provide their approval and will notify the property owner if a septic expansion is required.**

The next area discussed was at least 50' of separation between farm labor units and 50' of separation of farm labor units and existing housing for fire safety. Councilman Frank felt utilizing as little land as possible so check with the Fire Marshall. Mr. Dunn indicated the ordinance is 20' between structures. Mr. Germano reiterated when talking about single family homes or duplexes for year-round employees, the units have to be at least 50' apart if 2 or more. Chair indicated that if the applicant must come before the Board for a variance, then they can ask for a minor site plan at that time. Mr. Germano indicated the ordinance draft doesn't say how far apart the seasonal units should be apart from each other and from other homes in the draft that was sent to Council. The year-round units were addressed in the draft. We should indicate how far the seasonal units should be from existing houses and other structures. Mr. Toone asked if the Planning Board would be culpable with the 50' separation and a fire burned down the neighboring unit. Mr. Germano indicated that legislative immunity would protect the Board because the Council is asking the Board to help them with a law. **The Board decided upon 50' separation for the seasonal units.** Chair mentioned for the seasonal, the farmer will need to come before the Board for minor site plan. For the single or duplex, the farmer will not need come before the Board.

Mr. Germano proceeded to item 5 where it basically says these are ag buildings so why not just let them have the same setbacks as other ag buildings. The seasonal units are set back farther. The ordinance already says 85' front yard and 50' side and rear. The Board said 150' on all 4 sides but it can be reduced to 75' on the sides and rear if landscaping is implemented. Mr. Toone questioned the reasoning for landscape buffering. Chair Jacques indicated if a dorm is next to a residential neighbor, the screening would be necessary. If the farmer should desire to not have buffering because agriculture exists on all sides, s/he can go before the Board. Chair further indicated the SADC could override everything anyway. Mr. Germano asked if the setbacks should be treated as other ag buildings for the seasonal units. **The Board agrees to treat as any other farm buildings as 85' front yard and 50' side and rear.** Mr. Dunn indicated a dwelling is 100' from a barn which is in the code. Mr. Dunn further stated that he was told it's 100' animals in the barn and/or tractors and heavy farm equipment which should not be in a residential area where kids are playing. Mr. Germano reiterated the 100' being discussed is in the existing

ordinance and this Board has nothing to do with it. Chair further stated the Council did not ask the Board to amend that ordinance so the Board cannot do so. **The Board agreed to treat dorms as any other farm building.**

Mr. Germano continued to page 4; item 6 where a blocked single spaced paragraph has the current language of the ordinance written as "Absent a compelling agricultural purpose seasonal farm labor housing units shall be located in close proximity to other existing farm infrastructure and/or on the commercial farm's poorer quality soils" was suggested by Councilman Frank to delete the words "absent a compelling ag purpose" and amending it read "Whenever feasible seasonal...units shall be located on the close proximity...". It should be more somewhat vague making the rule less hard and fast. The Board discussed the amendment. They would have to come before the Board for a minor site plan, so it could be discussed at that point as per Mr. Makuka. **Mr. Germano felt the Board is not interested in changing the language. The Board agreed.**

Mr. Germano proceeded to item 7 where Councilman Frank suggested to remove some language. To be more specific, **remove the word, "efficient" in Section 8.B.4.** This section requires the minor site plan to "provide for safe and efficient pedestrian and vehicular circulation".

Mr. Germano proceeded to item 8. Councilman Frank questioned the need for landscape buffering. Chair indicated the only purpose of the buffering was to provide a buffer from the dorms to the residential neighbors. Again, the farmer will need to come before the Board and ask for a waiver should the farmer desire to do so. **The Board agreed to leave it as is.**

Mr. Germano continued to the last suggestion of Councilman Frank that the minor site plan should show if work must be done in the municipal right-of-way. To be more specific, the written plan must show the farm's entire road frontage and not just the area around the road opening. Mr. Richter suggested how to rewrite it. **The Board agreed.**

Chair asked for any other comments or questions. Being no further comments or questions, Chair indicated this draft will go directly to the Council.

Chair asked for any other business.

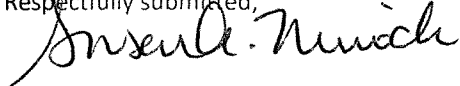
Public Comment:

No public present

Adjournment:

Chair called for motion to adjourn. Mr. Toone motioned to adjourn, seconded by Mr. Bauma. Motion carried unanimously. Meeting adjourned at 9:02 pm.

Respectfully submitted,



Susan A. Minock
Planning Board Secretary