

Springfield Township Zoning Board Meeting  
February 26, 2018

Chair Earl Akins called the meeting to order at 7:30 p.m. and led the flag Salute.

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 10, 2018;

- 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 the Trenton Times.
- 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:**

C. Earl Akins, Jr, Chairperson	Present
Kenneth Sunderland	Present
Robert Bowen Vice Chair	Present
Barbara Shinn	Present
Stacey Gordaychik	Present
Alexandra Corwin Johnson, Alternate	Absent
Stephen Specca, Alternate	Present
Carole Melman	Present
Ernest Borden	Present

**Minutes:**

**January 9, 2018 - Reorganization**

The Chair called for approval of said minutes. Ms. Melman motioned to approve, seconded by Ms. Gordaychik. Abstain: Mr. Bowen. Motion carried unanimously

Mr. Specca recused himself from the application per Chair Akins.

**Application:**

**#1-16 – Johnson’s Locust Hall Farm – Block 2104, Lot 5 & Block 1501, Lot 22 – 269 Monmouth Road  
Modify a Condition of Approval**

Applicant Attorney: Patrick McAndrew, Esq.

Applicants: Eric Johnson and Wes Johnson

Applicants, Mr. Eric Johnson and Mr. Wes Johnson were sworn in by Mr. Germano. Mr. McAndrew gave summary for the applicants who went before the Board on April 18, 2016. At that time, the applicants proposed to do weddings on their farm and a statement was submitted pertaining to the operation of the weddings specifically the days, the hours, the size of the weddings, and inside certain buildings. That statement came through the definition of what the applicants would do. One of the statements was that the applicants would have one (1) wedding per weekend; Friday, Saturday or Sunday. The process has been in operation for about two (2) years and the applicants have found that it’s been running smoothly so they wish to amend their application to have two (2) weddings per weekend at a maximum. Everything else would stay the same such as hours, how they operate and where they

operate. Mr. McAndrew indicated the applicants only wish to go from one (1) wedding per weekend to two (2) weddings per weekend.

Mr. Sunderland asked if this application was advertised. Mr. Germano responded as yes, it was advertised to amend the condition of approval in both townships, Springfield and Mansfield. Municipal Land Use Law indicates that if the original application was needed to be advertised and the applicants seek to eliminate a condition of approval, then this application needed advertisement. Mr. McAndrew interjected that about ninety (90) people were noticed. Mr. Germano indicated that notice was timely and proper.

Ms. Melman mentioned that she drove out to the property since she was not on the Board for the original application. Ms. Melman asked the Johnsons if they had been any noise complaints since they started operations because there used to be noise complaints. Mr. Wes Johnson responded not that he is aware. Mr. McAndrew indicated there were noise complaints when a tent was being used by the previous owner and Mr. Eric Johnson indicated there were noise complaints to the previous owner that were farming related. Ms. Melman asked about a three (3) sided structure in the original application. Mr. Wes Johnson responded it was probably referring to Locust Hall and it's no longer three (3) sided because it's been finished with doors on the front. Ms. Melman replied that's better that it's been enclosed. Ms. Melman asked if the additional wedding per weekend a wedding is specifically, or could it be a special event of some kind also is a wedding a one (1) day event or can it be two (2) days. Mr. Wes Johnson replied it is a one (1) day event and it would be two (2) weddings per weekend. Ms. Melman asked if someone were to have an anniversary party, that would not be acceptable? Mr. Germano interjected that the original application categorized it as a special occasion/wedding event. Ms. Melman indicated that this is just not restricted to weddings. Ms. Melman feels the applicants may be restricting themselves by only stating two (2) weddings per weekend than having two (2) special occasions per weekend. Chair pointed out Resolution 2016-01 in section 11; "the applicant seeks approval to conduct "Special Occasion Events...". Mr. McAndrew indicated that it will be mostly weddings, but it can be other special events. Chair read aloud that it will occur between May to October and no later than 10 pm.

Chair asked if there are any other questions from the Board. Ms. Gordaychik asked if the applicants would ever want to increase the weekend events to three (3) per weekend. Mr. Wes Johnson replied probably not but they don't want to close the door. Mr. McAndrew responded that if that were to become a desire, the applicants would come back to the Board and they would notice. Mr. Borden asked if they want to have more events per weekend. Mr. Wes Johnson replied they are treading lightly so one thing at a time.

Chair opened the floor to public comment for this application.

- Councilman Peter Sobotka of 47 Applegate Road approached the Board and mentioned that he is hard of hearing. Councilman Sobotka was sworn in by Mr. Germano. Councilman indicated the Johnsons are his neighbors and his property is adjacent to their property and he did receive notice. Councilman said his notice indicated the applicant will seek any other waivers or variance noted by the Board or staffed through the course of review needed for these weddings/special occasions. They want to increase the number. Councilman indicated that he was present two (2) years ago opposing the original application and he needs to state very clearly because sometimes he was misunderstood, and he is not against farming. Councilman Sobotka read over his notes to the Board. Councilman read aloud that he is against the

expanding of a current commercial establishment under the cover of a farm. The barn which is not a barn because they (the Johnsons) have a bar and dance floor in it but it's still taxes as a barn. They paid for their permits but not for the increase in values. There are no hardships if this is not granted and there are no benefits to the community if this is not granted. Traffic is still a problem as stated when Councilman first appeared. It's a speedway in front of the place and Councilman is concerned with night time exiting. There is more traffic going to and from to Great Adventure. There has been seven (7) accidents along the stretch of Route 68 to Georgetown-Juliustown Road. Already there has been two (2) accidents this year. There is an accident problem along that stretch of roadway. Councilman mentioned a fatality on Route 537 near Georgetown-Juliustown Road several where they ran off the road onto the Johnson's property several years ago. These people were coming back from Great Adventure. In the Councilman's opinion, the present owners are taking advantage of the situation. The Board has opened the door for them and now they have come back to try to get it opened even wider. These things that have been created have become permanent so if they're increasing the value of their property by the Board allowing variance. Councilman asked the Board to take into consideration before the Board just rubber stamps this application. Again, Councilman mentioned these changes become permanent. Councilman sees no great advantage to the community and there are no hardships for these individuals. It's only getting more profit for the farm but not as a farm but as a commercial establishment. As for the noise, it has been much improved since our first discussion. There was a wedding there and notices were sent out saying to please excuse the noise, it was the Johnson's son's wedding. Councilman appreciated that but they do have noise that occurs at times and as stated two (2) years ago it is annoying and he didn't ask for the music and didn't ask for that type of noise so if the Board does grant the approval, it must be considered that it's permanent; it stays with the property even transferred to someone else.

For the Record, Chair indicated Mr. Sobotka is a Councilman for the township. Being on the Council, he should have been aware of what the County Farmland Preservation people have done and what they ask the Board to do for the farmers. Not all farmers have as much as they (the Johnsons) do as far as land goes but some of them need help with farming a little extra money and that's what the County really wants. What the Johnsons are doing is not illegal. Councilman feels the variance has changed something that was illegal to legal and mentioned about a limit on number of ABC permits. Councilman talked about intoxication and going onto the roads. Chair indicated the previous owner applied for the same thing which was not approved, and the Judge overturned the ruling. Councilman feels the law enforcement will face issues and Councilman feels that he would be amiss not mentioning what he has said, and it doesn't matter whether he is a Councilman.

Mr. Germano indicated that it's not fair to say this is a commercial operation represented as a farm. It's only the time granted for a farm. There was Hancock and the veterinarian. One of the reasons why those applications like this one meet the test for being granted the variance is the Township Ordinance treats farms in a unique way. The ordinance says every lot in this town except farms can only have one (1) principal use. What the Board has read into that is that when the Governing Body says you can have two (2) uses on a farm, the only uses permitted in the AR-10 zone are houses. If there are two (2) uses, what's the other one going to be? Mr. Germano indicated that it's got nothing else to be but commercial. So, what was said in those resolutions approving those other variances is the Board is reading the ordinances for allowing some room for commercial activities on these preserved farms. Just last month when the Board filed its annual Zoning Board of Adjustment report to the Governing Body, to enable the Governing Body to see if amendments are needed in any areas or leave things the same. In

that report, the board is telling the Governing Body that is how they're interpreting the ordinances and the Governing Body has said keep it up. Mr. Germano further indicated that the barn being used for dances but being taxed as a barn. Only the land can be taxes as a farm, but the buildings are taxed as any other commercial business. Ms. Melman brought up the Board talking about taxes shouldn't be the issue of the Board and Mr. Germano agreed.

Ms. Melman asked the Johnsons if Locust Hall has exiting on Applegate Road. Mr. Wes Johnson replied there is no exiting on to Applegate Road. Ms. Melman asked if any accidents mentioned by Mr. Sobotka had taken place due to the activities of Locust Hall? Mr. Wes Johnson replied as no. Ms. Melman asked about patrons or anyone. Mr. Wes Johnson replied the two (2) accidents which occurred this year were when the farm was closed. Ms. Melman indicated that Route 537 has numerous accidents and she got to witness of them. 537 is a County road and has lots and lots of traffic from the base. Great Adventure traffic increases in the summer time but it's not their (the Johnsons) responsibility that the traffic is increasing or decreasing. That road always has traffic. Ms. Melman cited a Wall Street Journal article pertaining to farmers not being self-sustaining today and how they must take other jobs and all sorts of other things to try to have their farms stay as farms. Family farms all over the United States are having problems. Ms. Melman asked the Johnsons if Locust Hall did not have these events, would the Johnsons be able to be self-sustaining? Mr. Wes Johnson gave a reply, but it wasn't answering Ms. Melman's question, so she reworded to ask if there were no events at Locust Hill, would it be much more difficult to sustain that property? Mr. Wes Johnson replied as yes. Ms. Melman indicated that is why the county did what it did. As far as noise, events will bring noise and she's aware of the noise during hunting season and the base has noise and the farm fair has a tremendous amount of noise that Ms. Melman gets to listen to every summertime so for her, the noise is not an issue.

Ms. Shinn mentioned that when the original application was before the Board, it was brought up about no left turns out onto Route 537. What that up to the Police or the County? Mr. Germano responded that it's a County, so the town has no jurisdiction. Chair remembers at that time, when they have their events, the people can come in from Route 537 and exit to Juliustown-Georgetown Road. So, the patrons can go either way. Mr. Germano disagreed with Chair and it would be blocked off. Ms. Shinn indicated the lights would be going into people's houses at night. Chair indicated for the daytime picking, the people can exit to Juliustown-Georgetown Road. Ms. Melman interjected the visibility on 527 is good for either making left or right turns. Mr. McAndrew is happy that this time it's only Mr. Sobotka because the last time, there were about six (6) people for comment and now that the Johnsons have been operating for two (2) years, there is only Mr. Sobotka's objections. Mr. McAndrew indicated that he never understood the objection to commercial on a farm because farmers will grow hay and they sell it and they'll raise cows to sell milk. If you don't make any money on it, then you're not going to be a farmer. There are two (2) generations of Johnsons and they must make money.

Being not further public comment, the Chair called for motion to close. Mr. Borden motioned to approve, seconded by Ms. Melman. Motion carried unanimously

Mr. Borden motioned to approve said application, seconded by Mr. Sunderland.

**Roll Call:**

Aye: Bowen, Sunderland, Borden, Gordaychik, Shinn, Melman, and Akins  
Motion carried unanimously.

Mr. Specca returned to the dais at 8:02 pm.

**Other Business:**

Chair spoke of Mr. Germano's letter regarding the "do's and don'ts" of Land Use.

**Public Comment:**

The Chair opened for Public Comment.

- Councilman Peter Sobotka of 47 Applegate Road came before the Board. Councilman spoke of the noise not being monitored for decibels. Ms. Melman said the neighbors would call if the noise were an issue. Councilman continued regarding the noise not being measured. Chair brought up the Board of Health and the Council can reach out to them. Councilman spoke of State Mandates and carrying noise is the annoying noise. There is no system to measure the carrying noise. Chair asked Councilman about his issue with hearing so how can he hear the noise from across the road. Councilman said he has temporary clogged hearing due to an infection. Mr. Bowen stated if there were a dozen people here tonight, then he would agree with Councilman. Councilman feels the people who didn't come were frustrated the last time. Mr. Bowen indicated they would have been here if it were such an issue. Mr. Germano said they would have come tonight if the noise bothered them and Mr. Dunn were here due to the lights at night.

Being no further Public Comment, Mr. Specca motioned to close, seconded by Ms. Melman. The motion carried unanimously.

**Adjournment:**

Being no further Board Business, Mr. Sunderland motioned to adjourn, seconded by Ms. Gordaychik. The motion carried unanimously. Meeting adjourned at 8:08 pm.

Respectfully submitted,

Susan A. Minock  
Zoning Board Secretary