

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin who read the following statement: "Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the South Jersey Times on January 8, 2014. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. In addition, notice for this evening's public hearing was sent in writing to the South Jersey Times by the applicant's attorney.

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Absent – Mr. Manfredi, (excused), Mr. Price, (excused), Mr. Sander, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sebastian, Council Liaison.

Public Hearing:

1. #14-01 – Jennifer Lewis-Gallagher/Edward Gallagher – Use Variance

Present – William Ziegler, applicant's attorney, Jennifer Lewis-Gallagher, applicant, Edward Gallagher, applicant.

Member's packets contained: 1. Report dated February 10, 2014 prepared by Pam Pellegrini. 2. A copy of the most recent minor subdivision plan dated 12/4/2012 and approved on September 27, 2012. 3. A copy of the applicant's use variance application.

The applicant is proposing an agricultural use on the subject property which is not a permitted principal use in the zone. The lot contains approximately 28.61 acres and is located in the Business Park zoning district with an Airport Overlay. The lot is irregular in shape and wraps around Lot 4.01 which is a flag lot. The flag pole of Lot 4.01 is the ingress/egress for this lot through an easement known as Airport Drive. The property is located at 1531 Tuckahoe Road, also known as Block 14301, Lot 4.

Mr. Ziegler introduced himself as the applicant's attorney. Edward Gallagher and Jennifer Lewis-Gallagher were sworn in by Mr. Marmero. Mr. Ziegler displayed the minor subdivision plan for the Board.

Public Hearing: (continued)

1. #14-01 – Jennifer Lewis-Gallagher/Edward Gallagher (continued)

Mr. McLaughlin asked Mrs. Farrell if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that the applicant is asking for a waiver from providing three photographs of the property showing different views of the lot. Mr. Ziegler explained that the property is an empty field with trees along the perimeter so the pictures would have been of an empty field and would not have given the Board any additional information. The survey before the Board is of a minor subdivision approved in September 2012 showing the creation of the lot in question.

Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the waiver and deem application #14-01 complete. Voice vote; all ayes, motion passed.

Mr. Ziegler stated that there are many different business interests surrounding the property which is located in the airport overlay zone. The applicant is proposing to grow crops on the property, specifically hops. He stated that they are looking to the future with the property in anticipation of the State Legislature passing legislation that would allow commercial farms to have microbreweries and brew their own beer onsite. In the future, the applicant's would like to have a farm to table type restaurant on the site as well. They first have to experiment and see if the land is conducive to growing crops. Some of the property is wooded and the applicant's are not proposing to remove any trees at this time. Mr. Ziegler also commented that there is State policy with regard to the "Right to Farm Act" that encourages agricultural uses and he read some of that policy. The "right to farm" does not automatically apply though in this case because that use was abandoned in the 1950's. He stated that there are numerous commercial uses surrounding the property and that the property is accessed through an easement a copy of which he has provided to Ms. Pellegrini and Mr. Marmero along with the County's restrictions on the County road opening.

Mr. Sebastian commented on the proposed use not being permitted in the airport overlay zone as stated by Mr. Ziegler. Ms. Pellegrini stated that an agricultural use is not a permitted principal use in the business park zone; however it is permitted in an airport overlay zone since airport overlays can cover many different zones.

Public Hearing: (continued)

1. #14-01 – Jennifer Lewis-Gallagher/Edward Gallagher (continued)

Mr. Marmero explained Mr. Ziegler's comments concerning the "Right to Farm Act". The "Right to Farm Act" supersedes municipal zoning; however in this case the farm use was abandoned at some point. The Township's ordinance essentially adopts the "Right to Farm Act" which encourages the preservation and maintenance of farmland.

Ms. Pellegrini reviewed her report for the Board. She stated that the applicant has been working with the County Agricultural Board and will be applying for farmland assessment if the use is approved. She verified that the applicant is proposing a commercial farm use. There is a mix of uses in the area of residential and commercial. The applicant will have to follow the standards of the air safety zones with regard to the height of any kind of structures on the property. While the proposed use is not consistent with the goals and objectives of the Township's zone plan; the town also recognizes that farming is an important State interest and promotes the preservation of farmland. The Board should consider the surrounding uses and whether the use provides a benefit to the community. If someone were interested in a business park use the current use can easily be converted so there really isn't any detriment or negative impact to the zone plan. The applicant is not proposing any permanent structures at this time. The applicant must obtain any outside agency approvals that may apply.

Mr. Carney asked if there are any drainage problems on the property. Ms. Lewis-Gallagher stated that she has already contacted the USDA and the Natural Resources Conservation Service to develop a conservation plan that will diagnose and address any such issues. Mr. Sebastian asked where the farming equipment will be stored. Mr. Gallagher stated that his father-in-law owns an airport hanger with a carport where he will store his farm tractor. Currently he has a sixteen foot trailer that will be his workshop. Ms. Lewis-Gallagher commented that they live about a quarter of a mile from this property so they will be transporting materials back and forth. Mr. Sebastian also commented that if the applicant does clear cut the property and then at some point in the future no longer wants to farm, that could cause a problem with runoff. Mr. Ziegler stated that as a condition of approval at the cessation of farming operations, the applicant will be required to plant a cover crop or other means of dense vegetation to prevent any issues with water runoff onto adjacent properties.

Public Hearing: (continued)

1. #14-01 – Jennifer Lewis-Gallagher/Edward Gallagher (continued)

Mr. Marmero asked if there is any fencing around the property. Ms. Lewis-Gallagher stated there isn't any fencing yet. Mr. Fritz asked if they will fence in the property. Mr. Gallagher replied that they are proposing some fencing but nothing near the airport. They do have problems now with people on four wheelers driving across the open field. The fence will be a split rail fence. The applicant is not proposing an eight foot fence to keep the deer out because hops are a fairly deer resistant crop. Ms. Lewis-Gallagher also stated that they are contemplating growing food for the deer around the perimeter of the trellis system which can be upwards of twenty-five feet, because they want to encourage wildlife. Mr. Sebastian asked if there are any height restrictions in the ordinance with regard to agricultural uses. Mr. Ziegler stated that there are not. Mr. Gallagher testified that he doesn't anticipate going any higher than about sixteen feet with the trellis system to grow the hops. Ms. Hui asked if the applicant would face a hardship if the Board denied the request for the use. Ms. Lewis-Gallagher replied that her family has given them some privileges with regard to the use of the property and it would be a financial burden for them to find a viable commercial property which also may require them to leave the Township.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Motion by Mr. Carney, seconded by Mr. Fitzgerald to grant the use variance conditioned upon the applicant receiving any outside agency approvals as necessary, compliance with the air safety zone standards, planting of a cover crop upon cessation of farming. Roll call vote: Ayes – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Portion:

Motion passed to open the meeting to the public.

1. Manny Bermudez introduced himself as a member of the Economic Development Committee and stated that he is attending different Board and Committee meetings to get a feel for what is happening throughout the Township.

Motion passed to close the meeting to the public.

Reports:

No reports.

Approval of Minutes:

1. 2/4/14 regular meeting.

Motion by Mr. Salvadori, seconded by Ms. Hui to approve the minutes from the February 4, 2014 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:26 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski
Clerk Transcriber