

**MANSFIELD TOWNSHIP LAND USE BOARD
ZOOM MEETING MINUTES
MAY 18, 2020 at 7:30pm**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by VAEZI at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the front door of the Municipal Building and Municipal web site;
2. causing said notice to be published in the Star Gazette/Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

ROLL CALL:

Present: Farino, Hayes, Spender, Keggan, Jewell, Vaezi

Alternates present: Creedon, Wielgus, Reagle

Absent: Hight, Barton, Petteruti, Cruts

Also present: Attorney Bryce, Engineer Kastrud

Pledge of Allegiance was recited by all

MINUTES:

MOTION was made by **HAYES** to approve the minutes of the April 20, 2020 Regular meeting. **SECONDED: CREEDON.**

Those in favor: Farino, Hayes, Spender, Keggan, Jewell, Creedon, Reagle, Vaezi

Opposed: None.

Absent: Hight, Barton, Petteruti, Cruts

Abstain: Wielgus

RESOLUTIONS:

16-02 - Brinkerhoff Enterprises dba Airport Rd Estates, Block 1201 Lot 22, Request for Resolution Extension

MOTION by **HAYES** and seconded by **JEWELL** to approve memorializing resolution extension for Brinkerhoff Enterprises dba Airport Rd Estates, Block 1201 Lot 22.

Those in favor: Farino, Hayes, Spender, Keggan, Jewell, Reagle, Vaezi

Opposed: None.

Absent: Hight, Barton, Petteruti, Cruts

Abstain: Creedon, Wielgus

APPLICATIONS:

20-01 – David & Illena Raffaele – Block 703.01 Lot 3/3.01, 90 Hoffman Rd., Use variance – Hearing

Attorney Bryce stated that this applicant is seeking a D1 variance requiring 5 affirmative votes and asked for clarification whether the application is being filed under them personally or their farm name.

Mr. Raffaele confirmed that this is a personal application.

Attorney Bryce swore in David Raffaele, property owner and explained that this is a use variance which is typically followed by a Site Plan application.

Mr. Raffaele briefly described their desire to use a portion of their farm for educational classes and possibly small events.

Attorney Bryce explained that agricultural related educational activities may possible be more appropriate for the County Ag Board while entertainment is within the Board's zoning jurisdiction.

Mr. Raffaele testified that they have a 22 acre farm presently raising chickens and goats and in the future possibly grapes for making wine. The goal is to bring agricultural awareness with activities to be hosted in the barn with buses being able to park in the driveway and any additional cars can be parked in a three acre field behind the barn.

Engineer Kastrud, referring to his May 8 technical review, stated that items 1-5 have been discussed appropriately while item 6 has been addressed by a survey. Questions to be answered with a Site Plan are water supply, sanitary sewer, parking, lighting, handicap accessibility, noise and congestion.

Mr. Raffaele stated that water exists at the barn and there is electric with flood lighting on the barn, port-a-johns would be brought in and the entrance is inclined. With the size of the barn there can be no more than 50 people and any contracts will require that any evening events will comply with the noise ordinance requirements.

A Board member asked how these offerings are going to be advertised.

Mr. Raffaele stated that a brochure would be handed out during various educational events but no direct advertising will occur just through word of mouth.

Attorney Bryce asked what the closest residential structure is and what's the existing traffic like.

Mr. Raffaele stated 110 Hoffman Rd on one side is approximately 300 ft. and on the East side the closest neighbor's home is Sobrowski's which is between 500 – 1000 ft away and across the street is undeveloped land.

Mr. Raffaele stated traffic is limited during the day but several cars during rush hours. The traffic is minimal on a weekend and believe there would be no traffic issues.

Attorney Bryce asked for confirmation regarding catering.

Mr. Raffaele stated that the renter would be responsible for bringing in their own food and drink.

Attorney Bryce asked if any proposed site lighting would impact any neighbors.

Mr. Raffaele believed there would be no lighting issues given the site is far enough away from neighboring residents.

Attorney Bryce stated that there may be a fire requirement to sprinkler the building or any other required code compliance.

Mr. Jewell express that this is a beautiful and remote piece of property being actively farmed raising animals and suggested that perhaps this wait until next month so that members can take a look at the property.

Board members expressed concern over this approval following the land not the owner and being wide open for anything.

Mr. Raffaele asked what the criteria was for Treelicious to have these events which are advertised on their sign.

Others mentioned Donaldson Farms' Nights on the Farm events.

Mr. Jewell confirmed with Attorney Bryce that if the Board was inclined to approve the 'D' variance the approval could include limiting conditions designed to mitigate any negative effect.

Chairman **VAEZI** opened the meeting to the public

Attorney Bryce swore in Mr. Ron Cybrowski, 80 Hoffman Rd.

Mr. Cybrowski asked several questions regarding the amount and types of events, maximum amount of people, parking accommodation details all of which would normally be addressed by a full Site Plan application.

Mr. Raffaele stated that these are all possible types of events, some agricultural in nature and some entertainment, with no anticipation of large demand. There is a limit to the amount of people based on the size of the barn. Agricultural education field trips would be the primary focus although delayed due to COVID-19.

Chairman **VAEZI** closed the meeting to the public

Attorney Bryce reminded everyone that at least 5 affirmative votes are required for an approval. The applicant has the right to request an adjournment, to allow more time to flesh out additional details, or withdraw the application and re-apply in the future.

Mr. Raffaele stated after hearing all of the comments he would like to hold off for now and start the agricultural educational events first.

Motion by **VAEZI** and seconded by **JEWELL** to carry 20-01 – David & Illena Raffaele – Block 703.01 Lot 3/3.01, 90 Hoffman Rd., Use variance to the June 15 meeting.

Those in favor: Spender, Jewell, Keggan, Creedon, Wielgus, Reagle, Vaezi

Opposed: None.

Absent: Petteruti, Barton, Wielgus

Abstain: Farino, Hayes

20-02 – Ildefonso Gallegas & Green House Solar – Block 1302.02 Lot 15, Side and Rear Yard Setback Variances – Completeness and Possible Hearing

Chairman Vaezi noted that Mr. Kastrud's report indicates deeming the application complete.

MOTION by **KEGGAN** and seconded by **VAEZI** to deem application 20-02 – Ildefonso Gallegas & Green House Solar – Block 1302.02 Lot 15, Side and Rear Yard Setback Variances **COMPLETE** requiring that the neighbors provide letters in favor of this work and a field visit to a site with this type of apparatus before approval.

Those in favor: Creedon, Spender, Keggan, Jewell, Hight, Cruts, Reagle, Vaezi

Opposed: None.

Absent: Petteruti, Barton, Wielgus

Abstain: Farino, Hayes

Attorney Bryce swore in Mr. Ildefonso Gallegas, Owner, 1417 Route 57

Mr. Gallegas stated he would like to install solar to save money and received positive responses from his neighbors

Attorney Bryce swore in Ms. Cindy Boerner-Lay, Architect

The Board accepted Ms. Boerner-Lays' professional credentials.

The proposal includes two ground mounted solar panels, one to be installed as soon as possible the second in the near future. The panels are each approximately 12 ½ ft x 20 ½ ft with a maximum height of 20 ft. depending on their positioning since they move to follow the sun.

Photos of the panels were shown on the screen with technical specifications and a survey showing the panel locations.

Mr. Boerner-Lay stated that 19.1 ft and 43.7 ft rear yard and 22.2 ft & 34.2 ft side yard setbacks are being requested. With the property only 120 ft wide and setbacks of 50 ft required there is not a lot of wiggle room for placement. With the panel dimensions there is nowhere on the property they could be placed without a side yard setback variance. These panels are placed in the yard for optimum solar exposure. According to the owner roof mounting is not an option as the roof is older and the structure is not sufficient to support the weight of these panels. Secondly, the roof will need new shingles in the next five years making it costly to remove the panels to replace the roof and thirdly, the roof does not face the optimal solar direction. According to Green House solar it would take over 60 roof mounted panels to produce the equivalent solar of these two ground panels.

Ms. Boerner-Lay also stated they believe these are unobtrusive and do not block the view of any neighboring properties, they conform to the allowable height, generate no noise or additional runoff and provide environment benefit by naturally producing energy to offset the electric bill.

Attorney Bryce swore in Mr. Frank Curran of Green House Solar

Mr. Curran answered questions regarding glare and the amount of solar stating that these solar trackers will always be facing the sun and therefore there would be no glare and was designed to support only the electricity demands of Mr. Gallegas' home.

Some members expressed concerns over the height of these trackers and the noise generated when they move.

Mr. Curran stated that these are actually only 18 ft tall when vertical which is only at night and in the morning then move every 7 minutes to follow the sun making a low hum less than that of a pool pump. When the sun is directly above these will flatten to 13 ft. high.

Mr. Gallegas stated that there will be trees planted along the property lines with the nearest neighbor approximately 35-40 feet away.

A Board member asked about the output of these panels.

Mr. Curran stated that each tracker contains 20 panels which put out 360 watts each and have anemometers to measure winds which will tell it to move vertical to protect itself.

When asked if there is the potential of selling electricity back to the power company Mr. Curran stated that JCP&L will not allow them to design a system to create more power than consumed. Mr. Gallegas had above average usage based on the year prior electric consumption and is the main reason for this configuration.

It was mentioned that in Mr. Kastrud's report it is noted that our ordinance states any ground mounted solar facilities shall consist of no more than 10 panels but yet Green House solar just stated that these units each have 20 panels on them.

Engineer Kastrud stated that he believed that's not what the ordinance intended.

Attorney Bryce stated that there is a definition for panel in the ordinance which seems to indicate that these trackers are considered panels.

Attorney Bryce swore in Mr. Tim Kennedy, Green House Solar, to confirm that the pole does not extend just the panels tilt.

Mr. Curran offered anyone could come to his house at 2 Florence Ln., Blairstown to look at his based on concerns with regards to appearance to neighbors and noise level.

Chairman **VAEZI** opened the meeting to the public

Chairman **VAEZI** closed the public portion

The Board requested that Mr. Gallegas submit something in writing from his neighbor(s) stating that they have no objection to this.

Attorney Bryce stated that letters are not evidence which can't be cross examined and neighbors were noticed and had the opportunity to appear.

MOTION was made by **VAEZI** to carry the application to June 15 meeting without further notice.
SECONDED: KEGGAN.

Those in favor: Farino, Hayes, Spender, Keggan, Jewell, Creedon, Wielgus, Reagle, Vaezi

Opposed: None.

Abstained: None.

OLD BUSINESS:

Engineer Kastrud stated that Meadows home building has slowed. Calls to Mr. Hotz to discuss the sewer plant startup and club house construction as those thresholds are approaching.

Engineer Kastrud also stated that he would issue a Notice of Violation to Enterprise Renta-a-car.

NEW BUSINESS: None

DISCUSSION/CORRESPONDENCE:

Attorney Bryce mentioned some new legislation that has not been passed yet that will allow Boards to extend the decision deadlines.

INVOICES:

Murphy McKeon, P.C.

Inv #3332	Raffaele	\$165.00
Inv #3331	Meadows at Mansfield	\$90.00
Inv #3330	Brinkerhoff	<u>\$240.00</u>
		\$495.00

GRAND TOTAL **\$495.00**

MOTION was made by **FARINO** to authorize payment by the Township Committee for the invoices submitted by the professionals. **SECONDED: CREEDON.**

Those in favor: Farino, Hayes, Spender, Keggan, Jewell, Creedon, Wielgus, Reagle, Vaezi
Opposed: None.
Abstained: None.

Chairman VAEZI adjourned the meeting at 10:16 PM.

Respectfully submitted,

JoAnn Griffith, Clerk