

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
Monday, October 22, 2012
Regular Meeting**

The regular meeting of the Mansfield Township Planning Board was called to order by Chairman Preidel at 7:30 P.M. on the above shown date followed by the Flag Salute and the following opening statement:

The notice requirements provided for in the 'Open Public Meetings Act' have been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Planning Board on January 23, 2012. Said resolution was published in the Burlington County Times on February 1, 2012, e-mailed to the Burlington County Times, Trenton Times, and Register News, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on January 30, 2012.

ROLL CALL:

Board Members: Douglas Borgstrom, Robert Higgins, Gary Lippincott, Dalpat Patel, Scott Preidel, Robert Semptimphelter and Douglas Walker. LaVerne Cholewa and Arthur Puglia were absent.

Professional Staff: Harry McVey, Planner

Public Comments:

Chairman Preidel opened the public comments portion of the meeting on non-agenda items.

Hearing no public comments **Chairman Preidel** closed the public comments portion of the meeting.

MATTERS TO BE CONSIDER BY THE BOARD:

Application Number PB12-03PFSP&V: Manheim Remarketing, Inc., Block 2, Lots 1.01, 2.01 & 3 and Block 1, Lot 5.03:

Chairman Preidel introduced this Application noting that as the applicant has run into unfortunate difficulties with PSE&G they will re-notice for the November 26, 2012. Therefore, the application has consented to an extension to the Board to take action on this application until November 26, 2012.

MEMORIALIZATION OF RESOLUTION:

Resolution Number 2012-09-11:

Granting **Application Number PB12-02PFSP&V: Dr. James & Teresa Rockwell/Mansfield Investments, LLC, Block 33.04, Lots 9.01 & 9.23** Preliminary & Final Site plan, Variances and Minor Subdivision with conditions to construct a 15,900 square foot one-story building of professional office space with the site sharing access with existing professional office space located on Lot 9.23 via an access easement and will also have direct access from Sheffield Drive located at 14 Sheffield Drive in the C-3 Office/Residential Zoning District.

A motion was offered by **Douglas Borgstrom** and duly second by **Robert Semptimphelter** to memorialize **Resolution Number 2012-09-11**. The motion carried on a roll call vote taken as follows:

AYE:	Borgstrom, Higgins, Patel, Semptimphelter, Walker, Preidel
NAYE:	None
NOT VOTING:	Lippincott
ABSENT:	Cholewa, Puglia

DISCUSSION/ORDINANCE RECOMMENDATIONS:

Solar Energy Facilities on Farms

Harry McVey said we have been talking about solar energy off and on for the last two years and there was a memo from him dated back in February where he made the recommendation at the time that they should wait for the State to come up with the rules and regulations dealing with farms. The Board asked that he give an overview of where the State was at and where the Township might go and essentially if it is an already preserved farm through the either the County or a State program there are specific rules and regulations that the Township does not get involved with. He thinks the key is there is an attempt to try to limit the amount of land that is covered by solar panels on preserved farms, it is limited to 10% and beyond that for every acre that is in solar, you have to have at least five acres of land that is used for agricultural purposes. There is a limit to the amount of energy that can be generated by a farm related energy system. Lastly, he thinks it is key that any power generated is not farm income, which is important because it carries over to farmland assessment for other properties. Beyond that, the State does allow solar farms if you will to occur on agricultural land in non-preserved farms in industrial areas subject to very few regulations. They were supposed to come up with some additional rules and regulations both for preserved farms and non-preserved farms and the State has not done that. That is not unusual in an election year. There is a lot of legislation that gets pushed to the side. For instance, we are still waiting on a new state plan that has been in draft form since the Governor took office and it also has the Governor's support but that has not helped move it along. He thinks it is a similar type of legislation where everybody see's the need for it but nobody has the time to deal with it because it is not the type of thing you can go back to your elector and see what I did. Nonetheless, it has not been a problem in the Township and he does not anticipate it being a problem because if you have been following the credits, the cost of credits has dropped traumatically, which has slowed the growth of accessory uses in terms of solar. It use to be as high as \$600 and credit is down to \$100 and again movement at the State level to try to change the amount and percent of solar power that the PSE&G's of the world have to buy. When you increase that percentage, the cost of the credits goes up. Right now, it is low enough that it is really not an incentive to move forward for the average first person or property owner. His recommendation is to just sit tight on it, there are regulations in place for certain types of farms and he thinks it is important that the Boards have the flexibility to deal with the issues on a case-by-case basis. This does not eliminate it, it doesn't stop it, it doesn't promote it, it just says we are going to deal with it at the Board level when the time comes, so his recommendation is just let it sit. **Chairman Preidel** asked if anything was sent to the Committee. **Mr. McVey** said no. **Chairman Preidel** commented on preserved farms. **Mr. McVey** said the State Board was to look at and develop standards and again they have not done so either. The rules that he went through quickly are in place and enforced in order to have solar on a preserved farm. They need to go through the State and the County also gives a recommendation but it has to be approved by the State Ag Board before that can transpire. He noted at this point it would be an accessory use and it would have to be looked at by the Board, they would have to meet all setback standards. There is nothing that would inherently prevent it except for the fact they are going to lose the farmland assessment. If it is a non-preserved farm it is going to impact, if we go to a TDR program, it is going to impact that. You put solar on those farms there are no TDR credits so you lot that value of addition. **Robert Higgins** said the market is to increase in the next three years so some farms in this community looking for them. Therefore, what do we do to protect ourselves? **Mr. McVey** said thinks before the demand picks up he thinks that State will have regulations in place. There is a strong recognition of the need to do that but going beyond that both this Board and the Zoning Board have the authority to look at it and say if we are going to allow solar on a farm that is in a residential area they have the ability to say it is an accessory use. If you do not have a primary use, you cannot have an accessory use. **Chairman Preidel** asked if there should be limitations

on commercial solar. **Mr. McVey** said there is a taxing issue there that goes hand and hand with land use but it is beyond the scope of where we are at. **Douglas Walker** asked when the solar panels are not as productive and they are loaded with lead people cannot afford to dispose of them, where are they going to be then. **Mr. McVey** said he thinks one of the items that is being considered at the State level and he does not have an answer to it right now but part of the answer would be to have long-term bonds for the removal and disposal of that type of equipment. **Dalpat Patel** asked if the State Ag has the right to change this. **Mr. McVey** said there is a preserved farm that has buildings and living quarters and so forth on it they have an electric demand each, you can meet that demand and exceed it by 10%, that is it. If there is a farm and there is no demand then in theory the state cannot approve it because there is no demand you cannot zero by 10%. Again, his recommendation is to just sit on it right now.

Maximum Square Footage of Attached Garages

Harry McVey said what he looked at rather than reconfiguring the ordinance normally you do not put your bulk standards in your definitions but we have already done that with the freestanding garages or accessory structures that is where the 1,000 square feet comes in for the size limitations. He thought the easiest way to deal with it would be to go to the definition of private garage, which specifically defines it to go with an individual home. He put a standard in for attached garages that mirrors the 1,000 square feet but in order to prevent somebody having a home and putting 1,000 square foot garage on the side and 1,000 square foot garage in the back there is one 1,000 square foot garage that is permitted per home attached or detached. If they want to go more they have to apply for a variance.

A motion was offered by **Chairman Preidel** and duly second by **Douglas Walker** to send this recommendation for Maximum Square Footage of Private Garages to the Township Committee for consideration. Motion carried.

Farmland Acquisition Targeting Recommendations

Harry McVey said this is in regards to a letter that the Township received in mid September from the County. They gave us their priority list of farms to be preserved through the farmland preservation program. It does not mean they are the only farms they will go after. However, it is an area that they target, they will specifically go to the property owners and they come out with a list every so often. The last one dated 2008 that is the map that is in front of you that comes from the farm land preservation plan element of the master plan that this Board adopted back in October 2008. It is very similar to what is on the County list. However, there are some changes. The map on the board is basically the same. There have been several farms that have been acquired since 2008. The green represents our list of properties to be added to the priority list. The blue are the Counties list at that time. The fact that they went ahead and acquired some of the green areas he thinks gives a better indication of why we should take this seriously and at least put forward what we think should happen. There have been some changes since the 2008 plan. Noting the solar farm is no longer in play at this point unless they pull out and one of the Albanesi properties is out because of Celestial Church and the other two they recommendation is to pull them off of the list. We make a recommendation that they are deleted from both the County and our list and that is critical because they are within the designated town center that they have been working on for the last eight years. Those properties are needed if we go to a TDR program. Again it does not make sense to start preserving a farmland when the Township building is across the street and will run a road over to that area. Again, he thinks there is an opportunity here to for the Township to add properties that we think should be considered. It does not mean that any of them will be acquired but it does mean that at least the County will have the ability to say it is on their priority list. Again, it does not preclude any farm owner from going to the County and saying I am ready I want to be in whether I am on or not and accept the four properties that are in the Town center he believes the Township would

support that. If the Board is satisfied it now needs to be forwarded onto the Township Committee. There should be a letter because the deadline is fast approaching.

A motion was offered by **Douglas Walker** and duly second by **Robert Semptimphelter** to have Harry McVey send this recommendation to the Township Committee. Motion carried.

APPROVAL OF MINUTES:

A motion was offered by **Douglas Walker** and duly second by **Douglas Borgstrom** to approve the minutes of **September 24, 2012** regular meeting. Motion carried.

ACCEPT, RECORD & FILE CORRESPONDENCE:

Burlington County Planning Board, Mia C. Baker, Supervising Clerk Typist, Secretary to Planning Board

Date: October 2, 2012
Re: Albertson aka Flynn
Punch List of Uncompleted Improvements within the County right-of-way
Date: October 12, 2012
Re: Doschyk Subdivision
Punch List of Uncompleted Improvements within the County right-of-way

LANGAN Engineering & Environmental Services

Date: September 27, 2012
Re: Request for Freshwater Wetlands General Permit 10A Extension
Bordentown Hospitality
Route 206/Old York Road
Block 131, Lot(s) 1 & 4.01

A motion was offered by **Douglas Walker** and duly second by **Robert Higgins** to accept, record and file the correspondence list as submitted. Motion carried.

BILLS LIST:

Litwornia Associates, Inc.

MLC (carwash)	Inv.#11083	\$ 373.75
MLC (carwash)	Inv.#11116	\$ 94.00
MLC (carwash)	Inv.#11139	\$ 443.75

Louis Glass Associates

MLC (carwash)	January 2010	\$ 399.00
MLC (carwash)	February 2010	\$ 240.00
Manheim (NADE)	August 2012	\$ 392.00
Manheim (NADE)	September 2012	\$ 833.00

Raymond, Coleman, Heinold & Norman, LLP

MLC (carwash)	Inv.#9427	\$ 14.00
MLC (carwash)	Inv.#9526	\$ 28.00
MLC (carwash)	Inv.#9676	\$ 462.00
MLC (carwash)	Inv.#9727	\$1,001.00
MLC (carwash)	Inv.#9834	\$ 588.00
Celestial Church	Inv.#13612	\$ 28.00
Manheim (NADE)	Inv.#13609	\$ 217.00
Manheim (NADE)	Inv.#13728	\$ 49.00

Stout & Caldwell Engineers

Manheim (NADE)	Inv.#MPB-08-012A-0001	\$1,118.75
MLC (carwash)	Inv.#MPB-09-004-0005	\$1,065.00
MLC (carwash)	Inv.#MPB-09-004-0006	\$ 675.00

A motion was offered by **Robert Semptimphelter** and duly second by **Douglas Walker** to approve the bills list as presented. Motion carried.

NEXT MEETING DATE:

It was noted that the next regular meeting will be held on Monday, November 26, 2012.

EXECUTIVE SESSION:

REQUEST FOR PROPOSALS:

RESOLUTION NUMBER 2012-10-12

Resolved that pursuant to Section 8 of the Open Public Meetings Act, the public shall be excluded from that portion of the meeting involving discussion of Personnel.

Further Resolved that discussion of such subject matter in executive session can be disclosed to the public when the matter has been resolved.


A motion was offered by **Douglas Walker** and duly second by **Dalpat Patel** to adopt the foregoing resolution and to go into closed executive session at 8:00 p.m. Motion carried.

The regular meeting resumed at 8:07 p.m.

MOTION FOR ADJOURNMENT:

There being no further business a motion was offered by **Douglas Walker** and duly second by **Dalpat Patel** to adjourn the meeting at 8:08 p.m. Motion carried.

Respectfully submitted,


Michelle L. Gable, Secretary

11/26/12
Approval