Minutes of the Commercial Township Land Use Board meeting was held at the Municipal Hall in Port Norris on **June 26, 2019**.

The Chairperson called the meeting to order. It was advised that the meeting was being electronically recorded in accordance with the Open Public Meeting Act and that anyone wishing to speak must stand, state his or her name and address in a clear tone of voice. All joined in the Flag Salute.

**SYNOPSIS:**

**Roll Call:**

Michael Vizzard, Mayor

Ryan Broughton, Committee Man

Doris Tomlinson, Class IV Board Member

Russell Stormes, Class IV Board Member

Debra Karp, Class IV Board Member

Dean Berry, Class IV Board Member

LaRae Smith, Class IV Board Member

Aaron Harden, Class IV Board Member

Ken McGill, Environmental Commission

Frank DiDomenico, Solicitor

Heather Whitaker, Board Secretary

**Absent:**

Steve Nardelli, Engineer (Excused)

**Minutes:**

Minutes: February 27, 2019

A motion was made by Mr. Broughton and Seconded by Ms. Tomlinson to accept the minutes.

**Roll Call:**

Ryan Broughton Yes

Kenneth McGill Abstain

Michael Vizzard Yes

Doris Tomlinson Yes

Russell Stormes Yes

Debra Karp Yes

Dean Berry Abstain

LaRae Smith Yes

Aaron Harden Abstain

**Resolutions:**

Resolution No. 2019-08

A motion was made by Ms. Smith and Seconded by Mr. Berry to accept the resolutions.

**Roll Call:**

Ryan Broughton Yes

Kenneth McGill Abstain

Michael Vizzard Yes

Doris Tomlinson Yes

Russell Stormes Yes

Debra Karp Yes

Dean Berry Abstain

LaRae Smith Yes

Aaron Harden Abstain

**OLD BUSINESS**

**NEW BUSINESS**

County was first on the Agenda but they had not arrived yet, therefore we continued to the next application. We will hear the County once they arrive.

**Port Norris Properties, LLC**

**Block 225 Lot 17 & 17.01**

**Site Plan/Conditional Use Variance**

**Completeness Only**

Richard Hluchan: Attorney for Bill Hagstotz

Joe Maffei: Engineering Associates

Mr. Maffei: Page 4 of Mr. Dennis’ report, we have requested a couple of waivers. The first is a Wetland Interpretation; there are wetlands on this area but there are no buildings purposed no development that would impede on wetlands. There are only going to be conveyers. The second was the storm drains; there are none that’s why they aren’t referenced on the plan. The next is the location of facilities; the septic is shown and well can be denoted on the plan.

 #2 is the location of the off-street parking. We will not have any real delineated parking spaces. We will be able to fit about 54 parking spaces, that includes about 3 on the site where the barging will take place. Those will be shown on the plan for resubmission. Number of boat slips is 30, the number of employees will be 0. There is no one on site for the marina, Mr. Hagstotz will be running that from his home. The number of employees for the sand barging will be 2, again there is room for 3 parking spots there so they will be shown on the plan.

 The restaurant and other building are vacant at this time, they are hoping at some point to put them to use, but there are no plans at this time.

Mr. Stormes: What kind of an impact will we have on the environment is this going to have? Sand creates dust, dust gets in everywhere. What kind of impact will it have?

Mr. Maffei: It won’t really have any impact, there will be some dust but no more that what is created by the existing shell piles and traffic in and out of the parking lots. It’s not anything different than what has been done in the past.

Mr. Stormes: Personally I would like to see that study done. We do have a right to ask that.

Mr. McGill: The Environmental Commission would like to see the plans.

Mr. Stormes: Now we haven’t even discussed your Site plan for completeness and I’ve seen a barge down there with sand in it. So how can you start doing your barging, your industrial use, without approval on your application.

Mr. Hluchan: First of all, we acknowledge that Mr. Hagstotz did start without board approval and we apologize for that. Since the township has notified him, I don’t believe he has done anything down there. We filed our application, we are here, and we are trying to get it legalized. We are going to get you whatever information needed.

Mr. Harden: Well they have been working now. I pass them every morning coming in town.

Mr. Hluchan: But they haven’t been barging sand now.

Mr. Harden: Sure they have!

Mr. Hagstotz: Not on a continual basis though.

Mr. DiDomenico swore in Mr. William J. Hagstotz III.

Mr. Hagstotz: We started to process in May to legalize the barge operation. I think this is pretty complete in it gives you a good idea of what is going on and what’s proposed with the site.

Mr. Harden: We are talking about you running the operation and that you haven’t stopped once the township came to you. It’s almost like you don’t care.

Mr. Hagstotz: I do very much care. I have put a lot of work in the last two months, we purchased the property last year in October with all intentions to work with the township. We want to work with Commercial Township.

Mr. Harden: We are saying you haven’t stopped bringing sand in and barging it out even after the township came to you and told you to stop. You are still barging.

Mr. Hagstotz: I can’t deny that, though we are not in full operation.

Mr. Harden: But you are still barging sand out of here!

\*inaudible comment from public, silenced by Mr. DiDomenico\*

Mr. DiDomenico: Mr. Hagstotz, you are not denying that you are continuing to barge as Mr. Harden has indicated.

Mr. Hagstotz: Right

Mr. McGill: I have a question in regards to the barge. You are using a tub boat?

Mr. Hagstotz: Tug boat

Mr. McGill: Are there any barriers put around the vessels for spillage of petrochemicals that way they will be contained to that area? Is that something you will do or is that being hired?

Mr. Hagstotz: That is being out-sourced, they are going to be hired.

Mr. McGill: So you would have no responsibility if there was any kind of spill? That would be the responsibility of the tug boat operator.

Mr. Hagstotz: I guess so yes.

Mr. Hluchan: We don’t have the facilities to provide any petroleum products.

Mr. McGill: They will be on the boat though.

Mr. Hagstotz: No different than on any other vessel.

Mr. McGill: Usually in environmentally sensitive areas, the vessel will have a barrier, so that if there is a spill it is contained to that area so it does not spread. Will your hired vessel have that barrier?

Mr. Hluchan: There is no exchange of gasoline.

Mr. McGill: It is on board and if there is any change in ballast there can be a spill.

Mr. Hagstotz: I can look into it, though I can assure you the Maurice River has a lot of ship activity with tugboats that use your river. They are up to par with the requirements of the Coast Guard.

Mr. Broughton: What materials are being used to the entrance and exit drive?

Mr. Maffei: right now it is just gravel and the existing shells.

Mr. Broughton: There is no grip rock to say knock the sand off the tires and such?

Mr. Maffei: No but we can add some grip rock ribbon or something there to protect Berry Rd.

Mr. Stormes: A concern I have is that the Township spent a lot of time and millions fixing Berry Rd after super storm Sandy. What kind of an impact is it going to have with your sand trucks, some weighing 80 thousand pounds, running up and down the road which is not made for that kind of load and the impact on the Township for the maintenance of that road?

Mr. DiDomenico: That is really not a concern of this board.

Mr. Stormes: But that would be part of that impact study, the environmental study.

Ms. Smith: My question is as far as transportation. We have lots of folks in this area, are there set hours. There shouldn’t be trucks at 2:00 in the morning while they are sleeping. We do want this business, we want economic development, but we want to make sure that there is some parameters to follow. Just to make sure you aren’t doing whatever you want to do. I don’t want you to feel like we are beating up on you, we just want answers.

Mr. Hagstotz: It is not a 24 hr operation. It will be Monday through Friday, based slightly on Day Lights Savings. Starting about 5:30 am and terminated by 3:00 pm.

Mr. Stormes: The reason I brought up Berry Ave, there are sensitive areas along that road. If the road caves in and blocks off the drainages in those sensitive areas.

Mr. Berry: I’ve lived in this area all my life and have personally worked on these roads. The areas they are working at is high solid ground, that area of road has never been washed out. Further up the road from them there are some problems but not where they are. There is no washout in that area, I can tell you that for sure.

Mr. McGill: So you will not be barging based on tide but on clock?

Mr. Hagstotz: That is two fold. To be sensitive to the chanel, we will be going in and out by high tide. SO if high tide is say 2AM, then the barge will be picked up at high tide but we will keep the trucking and loading to the hours stated above. We will never be trucking trying to make the 4AM tide shipment. It will wait until the next tide.

 We are very environmentally sensitive. We are a family company. One of the most sensitive things happening right now is the truck traffic. The pollution from the trucking and the truck traffic. On a small scale, we can take some sand and move it to Philadelphia. We don’t expect this to be a major event. This operation will most likely only go about 7 months of the year. We will use three to four trucks to fill the barge over a few days. Once that barge is full it goes up gets unloaded and then it comes back to be reloaded. It’s not a round of full barges 7 days a week. If it ever got to that point we would be more than happy to come back before the board at that point.

 Basically what we are proposing is to use the Maurice River as it was used historically to move aggregate out of the area.

Mr. McGill: I do appreciate you working with out river and saying that you will be determined by the tides.

Ms. Tomlinson: So you will be going to Philadelphia and will be taking about a barge a day?

Mr. Hagstotz: More like one a week. The process takes 48 hours travel time. It’s not that aggressive.

Ms. Tomlinson: It’s really the trucks on the roads will be less?

Mr. Hagstotz: The barges we use hold about 50 – 100 trucks. The beauty of this is your sand. The sand here is the best sand. But the trucking is the problem. Nobody wants to truck from down here, so they are barging sand from Delaware and Maryland. We want to get your sand into the Philadelphia market, and we want your sand. It’s the best and we’ve gotten used to it. If I can’t barge it then we would be forced to use sand from somewhere else.

Mr. Broughton: Can you explain to me again where the parking is?

\*Mr. Maffei visually showed on map and explained\*

Mr. Smith: I know this question is out there on the minds. As far as sanctions, fines, and such, is that part of completion?

Mr. DiDomenico: That can’t be considered in the application.

Ms. Smith: So as far as this board is concerned are all fees paid and complete?

\*Confirmed by the secretary that all is paid\*

Mr. Maffei: We will revise all the plans to reflect what was discussed tonight.

Mr. McGill: How soon can that be completed?

\*discussion was held between Mr. McGill and Mr. Maffei to come before the Environmental Commission on July 9th, 2019 and what all would be required\*

Mr. Stormes: Would the board be interested in having an Environmental Impact Study done? The board has a right to ask.

\*discussion between Ms. Smith and Mr. Hagstotz about his willingness to cease operations until the next board meeting, where he kindly explained that is was no disrespect to the board. He was continuing at the lowest possible to keep his contracts in tact with his drivers and to offset the costs of the barges. He has to pay for the barges whether they ship or not so he has just been moving them enough to pay for themselves. He is also very limited by storms in the winter months and therefore pressed for time. He requested that the board consider hearing for completeness and vote next month for these reasons and he would be happy to provide any environmental information needed.\*

No objections to hearing for completeness and merits, given they will come before the Environmental Commission meeting and do an Environmental Impact Statement.

Mr. Vizzard: I just wanted to confirm you are not planning on bringing anything in FROM Philly?

Mr. Hagstotz: No, nothing is being barged back, they come in empty.

A Motion was made by Mr. Berry and Seconded by Ms. Smith to move their completeness hearing to next month’s meeting, July 24, 2019, and to hear it for his merits as well along with the Environmental Impact Statement.

**Roll Call:**

Ryan Broughton Yes

Kenneth McGill Yes

Michael Vizzard Yes

Doris Tomlinson Yes

Russell Stormes Yes

Debra Karp Yes

Dean Berry Yes

LaRae Smith Yes

Aaron Harden Yes

George Garrison was sworn in.

George Garrison: As the Mayor, I sat on this board for 20 years and reviewed numerous applications. I’ve never met these men before. I’m familiar with their operations, some of the questions from the board in regards to sand, being an owner/operator of a trucking company for many years. The type of sand they are talking about are silica sand, concrete sand. It’s damp, it doesn’t blow all over creation, it doesn’t create an environmental problem. To ask for a barrier to be put around the barge for loading and unloading. Are you going to be asking that of every oyster boat in the river? I think you are discriminating against the applicant. I think you need to sit back and look at what he is doing. This area is far from being a thriving economic metropolis. Barging years back, there was another company that came in much bigger operation, the county was much involved, this is a much smaller operation. I think you need to consider working with the applicant in any way you can to encourage economic development in the community. Otherwise, I step back and thank you for your consideration.

Todd Reeves was sworn in.

Todd Reeves: We just purchased Long Reach Marina. As you all know the fishing industry is gone. We did not purchase it with the plan on it staying a marina. It’s going to change. It’s just not here. We can’t continue putting $20,000/year in taxes to lose $30,000/year doing. At some point, we will be looking for something different to put here, I don’t know what that is but the state took the marinas from us. The only thing this town is missing, business-wise, is a tumbleweed. I was grateful for what you guys did for this man tonight because he has really put a huge investment into this town. I thank you guys for what you did for this man, because things are going to have to change and that is never easy for a town.

**Cumberland County**

**Block 206 Lot 23**

**Emergency Communications/Cell Tower**

**Courtesy Review**

Mr. DiDomenico addressed the public about the fact that this was a courtesy review and that the Township has no authority over the County.

Theodore (Ted) Baker; County Council

Mr. Baker discussed the application:

Location of 1792 North Ave, Block 206, Lot 23, 13.2 Acres.

The plan is to have a regional Public Works facility on the property to better serve the area. The County was discussing purchase of the property with the owner Mr. George Garrison, when it was found that there was an option on the property by a tower company. So the County was not able to purchase the property without giving the tower company the first right of refusal. It happened to work out because the County was looking for a place to put a 700 mHz Emergency Communications Tower to meet a state mandated upgrade. Plans were provided to each of the board members as well as to those of the public who wished to have a copy. They plan to start construction within 6 months.

Council was made aware that the tower company’s 3rd and final extension was expiring on June 30, 2019. Council then clarified that that was for a different project. The tower being built is a project for the county and it being built for the purposes of Emergency Management Communications. Not to say that it cannot have commercial applications but that is not it’s intended purpose for being built.

The tower being built is going to be 245’ with a 5’ lightning rod on top.

Mr. Berry: Mr. Harden and I are on the local fire department and when we try to reach the local 911 call center we cannot get through on our personal radios. We have to go back to the department to get through and even then sometimes our radios still won’t reach.

This is why this is being updated. They do expect it to be a significant, wide spread improvement.

Mr. Berry: Right now if you have a Firefighter in a Mayday, you will not be able to hear him. Will this tower fix that problem?

Mr. Baker: That is the hope. There are actually three towers being built to fully address this problem. The first has already been built in Cedarville. This will be the second tower, we are still working on the exact location of the third.

There is also hope that it will increase the broadband service and fiberoptic service in the area, 4G and 5G access as well. It should bring some commercial applications to the area as well. It should enhance our internet capabilities and bring Commercial Township on the right side of the electronic divide.

Ms. Smith: Right. Where the tower is going, the tower company is going to buy it from George Garrison and then the County will be purchasing the whole property from them. So down the road it will be a regional Public Works department?

Mr. Baker: Not down the road, we estimate by the fall. There are some things we need to do such as update the septic system, a little clean-up, though all the environmental work has already been done.

Mr. McGill: The Tower is going to be self-supporting with no guide wires?

Mr. Baker: Yes, absolutely. There is a foundation that is about as deep as this ceiling. The break zones are so that it falls straight down not to one side or another. They collapse into themselves in pieces.

With no other questions from the board, a motion was made by Mr. McGill and Seconded by Ms. Karp to open the meeting to the public.

All were in favor, none opposed.

Lori Wands was sworn in.

Ms. Wands: This tower is going to be in my back yard. I am opposed to it. No one even questioned or came to us about it.

Board: A tower was approved by this board several years ago.

\*Discussion regarding notification took place, Ms. Wands received a notice from the County\*

Ms. Wands: What type of megahertz are coming off that thing?

Mr. Baker: There could be others in the future, but what the County is putting on there is 700mHz.

Ms. Wands: What type of effect will that have on my animals and the children that live at my property?

Mr. Baker: None that we are aware of.

\*Discussion ensued about the exact location of the tower on the property with regard to Ms. Wands’ property.\*

Joanne Baglio was sworn in.

Ms. Baglio: I did some research about this subject. \*She turned in the a packet to the County Council along with a letter stating her concerns.\* We understand that you feel the tower is necessary, but the neighbors have some concerns. My first concern was the height because over 450’ would interfere with migratory birds, however that is not the case.

Mr. Baker: Yes we do have to have FCC clearance.

Ms. Baglio: What is the range of service that will be covered?

Mr. Baker: I can’t say specific to this tower, but between the three towers the coverage would be almost the entire Delaware Bay and the lower 5-10 miles of Cumberland County.

Ms. Baglio: Is this just for Port Norris? Because I don’t hear the fire alarms going off that often and I don’t think it’s worth me and generations getting cancer.

Mr. Baker: It’s not just for Port Norris, it will benefit Port Norris, but it is a system that is being put into effect throughout the state to enhance communications. The reasoning is because the communication is spotty right now and it’s putting fire fighters at risk.

Ms. Baglio: What other areas have been considered, because you seem to be putting it right in the middle of a residential area?

Mr. Baker: I will concede that it could go within a mile of this location, but this became a possibility because we couldn’t buy the property for our Public Works without dealing with the tower company. We did signal tests and found that it would work well for us. If we did not put the tower here we would not be able to put the public works here, we would have to vacate the area.

Ms. Baglio: I can’t believe the Township would put income above the health of their residents.

Board: The Township is not making any money. Once the County takes this over the township will lose the tax revenue on this property.

\*Discussion about changing of ownership and tax exemption of the County, too many people talking at once\*

Ms. Baglio: I want to see the data that this is necessary.

Mr. Baker: You can send the County an OPRA request, or speak with someone in OEM.

\*Long discussion about OPRA and if the “study” has been done\*

Mr. Baker: We have to convert to the 700 mHz system. We have to build these towers in order to convert. There is State data. It is not isolated to Cumberland County. It’s mandated that we convert to this system.

Ms. Baglio: Has the EPA been involved in this at all?

Mr. Baker: No there is no need. We have had Environmental studies done.

\*Mr. Baker explained at length that they are required to get approval from all governmental agencies, including FCC, FAA, FFA, and EPA for public works, the tower has nothing to do with the EPA\*

Ms. Baglio: Another concern is the farmlands in the area, will the crops be affected by the radiation from the Cell Tower?

Mr. Baker: There is no evidence of that.

Ms. Baglio: The American Cancer Society said that there is no evidence that it is harmful to humans but that there is no evidence that there is not. They stated there are readings you can get to make sure it is within legal limits, will the County pay for that or will the Township have to pay for that?

Mr. DiDomenico: The experts will tell you there is no danger and that by federal law the radiation from any cell tower cannot pose any threat to any residents.

Ms. Baglio: Why does this have to be put in a residential area? There are plenty of marshes and open land.

Mr. DiDomenico: This is not a residential zone. That property is zoned Light Industrial, not residential.

Ms. Baglio: Our biggest concern is Real Estate value. That is going to decrease our real estate value.

Both Attorneys – That is not a criteria that the board can consider and you would have to be an expert in order to testify to that affect.

Mr Baker: Do you have a Cell Phone?

Ms. Baglio: Yes.

Mr. Baker: Why do you have a cell phone?

Ms. Baglio: Because it is a necessity.

Mr. Baker: But you do know that it can cause hemoblastoma. That has been proven.

Mr. DiDomenico: I don’t mean to interrupt you, but now we are getting into areas that need expert witnesses. This board is not going to be voting on this application. You need to take this to the Board of Freeholders.

Mr. Baker: Does the board have any other questions, otherwise Ms. Baglio and I can take this conversation into the lobby?

Mr. McGill: You mentioned that this is a test.

Mr. Baker: No, this isn’t a test. This is part of a Grant program through the State Department of Agriculture that would allow the development of a program in improving other communications to the area. Broadband, 4G, 5G, Fiber cables…

\*Discussion with Ms. Baglio in regards to other towers coming to the area and the tower in Cedarville after her comment about highspeed internet not being more important than our health. Many people talking over each other in regards to the location of the Cedarville tower and other such towers\*

Mr. McGill: I just wanted to specify, my question was not in regards to enhancing our services or signals but for the emergency personel.

Mr. Baker: It will enhance the 911, the County, it will enhance all of our systems. How we communicate with each other. If you were to ask Mr. Berry to call the County from his radio, he wouldn’t be able to do that, with this new system he will be able to.

Mr. Stormes: In the essence of time, can the board please move on? Ms. Baglio, your issues will have to be brought before the County.

A Motion was made by Ms. Smith and Seconded by Mr. Stormes to close the meeting to the Public.

All were in favor, none opposed.

**CORRESPONDENCE**

**BOARD BUSINESS**

**BILL LIST**

**APPROVE BILL LIST**

A motion was made by Ms. Tomlinson and Seconded by Ms. Smith to approve the Bill List.

All were in favor, none opposed.

**OPEN TO PUBLIC**

No further public to be addressed.

**ADJORN MEETING**

With no other business, a motion was made by Ms. Smith and Seconded by Ms. Karp to adjourn the meeting.

All were in favor, none opposed.

Heather N. Whitaker

Board Secretary

Next meeting: July 24, 2019