

# TOWNSHIP OF QUINTON PLANNING BOARD

## October 8<sup>th</sup>, 2024

### MEETING MINUTES

The meeting of the Planning Board was called to order at 7:01 p.m. at the Quinton Township Municipal Building by acting chairperson Larry Winkels.

The Flag salute was held. It was determined that the meeting was posted in a public place and advertised in the official newspapers.

Roll Call: John Allen, Cody Banks, Joseph Hannagan Jr., Alison O'Boyle, William Remster, Suzanne Van Sciver, Kiel Winkels and Larry Winkels  
Absent: Marjorie Sperry and Donald Brown

Also Present: William Horner, Richard Coe, Lawrence DiVietro, Andrew Hogg and Melissa Thom

A motion was made by William Remster to approve the September meeting minutes. Joseph Hannagan seconded the motion and all eligible to vote were in favor. The September meeting minutes were approved.

Acting chair Larry Winkels introduced resolution #2024-17 for Greenspire Farm Brewery LLC, application #2024-02 . At this time Solicitor William Horner asked the board if there were any questions in regards to the resolution. Suzanne VanSciver announced that she would abstain along with Joseph Hannagan and John Allen.

A motion to approve the resolution as presented was made by Cody Banks and seconded by William Remster. A roll call of those board members that originally voted in favor of the action taken was completed and Resolution #2024-17 was approved.

Larry Winkels presented application #2024-03 for Alvin and Marie Williams. Solicitor William Horner explained that the application had been reviewed by the planning board professionals and submitted to the board a completeness review explaining what documentation is missing and some items need clarification.

Resolution #2024-18 was presented and solicitor Horner reviewed it aloud. A motion to approve the resolution was made by William Remster and seconded by Cody Banks. A roll call vote was completed and the resolution was approved and the application was deemed incomplete.

At this time William Horner's business with the board was complete and he left the meeting hall. Acting chair Larry Winkels excused himself as chairman and took his seat back with the board. Conflict solicitor Richard Coe took his seat with the board professionals and stated he would also act as chair for the next application.

Solicitor Coe introduced the application to be heard, #2023-04 Salem Quinton Industrial LLC and asked their attorney Bernd Hefe to give final submissions. Attorney Hefe did a brief explanation of the application and where the applicant is in the process. He also addressed issues brought forward by the resident's attorney. The objection that was found to need additional information submitted was for additional storm water test PITS and ground water analysis. The additional tests were completed and results submitted to the boards professionals for review as well as copies given to the board members. Additional plans and storm water calculations were also submitted. According to Attorney Hefe all results indicate the storm water design is in compliance.

The board's solicitor Richard Coe did clarification on a few statements made by attorney Hefe and that the boards professionals did review the objections brought before them and agree it was appropriate to submit the additional test PITS.

Attorney Brennan representing a resident asked to be able to question the applicant's professionals on their interpretation of the FAR (Floor Area Ratio) calculations. It was agreed once the applicant was finished the presentation, he indeed could ask questions.



At this time the applicant's engineer John Manilio was sworn in and gave explanation on the additional test PITS within the basins. Once those results were submitted the boards professionals from Land Dimensions asked specifics on would the storm water plans actually work. Additional storm water calculations were completed and a design plan completed to show that the plan would work according to the applicants engineer. Mr. Manilio presented exhibit A-#10 and #11. Larry Winkels asked that Mr. Manilio explain the exhibits thoroughly. Mr. Manilio went back and explained some of the previous exhibits submitted to clarify the new information. It showed the difference of raising one of the basins an additional 6 inches to accommodate being 2 feet from seasonal ground water. Larry Winkels asked how the amount of water calculation is done. Manilio explained the program used and what information is input to get the calculation results. Larry Winkels asked if the creek was included in the calculations if it overflows. Manilio explained the DEP flood hazard area line and how the calculations are provided. Larry Winkels expressed concern with the creek and the overflow being so close to the proposed building. Manilio went back and explained the locations of the basins on the property and one was made wider by 16 feet. Basin 6 was the one raised by 6 inches. A ground water recharge analysis was filled out and submitted to the professionals. He explained some of these later calculations and tests done are typically done later in the planning process but they complied to try and answer additional questions from the board's professionals. Board professional Andrew Hogg of Land Dimension clarified that no formal wetlands LOI verification has been submitted but that approval from the DEP is required. It is not however typically part of the site plan approval because it is part of an outside agency approval from the state. If the state disagrees the basin might have to be moved and there would be less area to build and might need a new design. Richard Coe also explained that all outside agency approvals are a condition of any planning board approval. If those approvals are not met the project would not be able to break ground. Cody Banks asked along the eastern border is it showing a drainage pipe and does the overflow go into the creek. Andrew Hogg explained how the process is proposed to work. Larry Winkels asked if there was a check valve in the pipe? Andrew explained in the current design there is not. William Remster asked if the creek can back up into the basin. Andrew Hogg explained the elevation level in regards to the level of the pipe. Andrew Hogg clarified that they issued a letter questioning additional items and the applicant did provide the additional information and tests needed to clarify those items. And he feels all storm water compliances that were questioned are resolved and addressed.

Objector Attorney Brennan asked Mr. Manilio to explain what FAR (Floor Area Ratio) is. Mr. Manilio explained that it basically is usable space of building vs. the area of the lot, however for Quinton township in particular the land area is based on usable land and you must eliminate any environmental constraints. In the case of this application two ratios were completed. Attorney Brennan asked numerous questions to Mr. Manilio and how the FAR was calculated on the property. Attorney Brennan presented exhibit #01, 02, and 03 showing the track of deeds for the property. According to the documents presented it shows the main lot of 25 acres less a 4-acre exception as well as a .89-acre exception. Attorney Brennan asked about NJ GeoWeb which is a state database that does mapping. Brennan presented exhibit #04 which is a section of the property from the Geoweb site. Attorney Brennan believes this information would change the FAR calculations which he asked Mr. Manilio to recalculate with the new results being what Attorney Brennan believed to need a D variance for the application. Attorney Richard Coe asked Mr. Manilio if their initial calculations rely on the property surveyor or the deed history. Mr. Manilio stated they rely their calculations on a certified survey. Planning Board professional Andrew Hogg asked if there is any explanation where the loss of acreage came from. Without knowing where the error is a new FAR calculation is invalid. Board professional Larry DiVietro also stated that their office as engineer and planner also rely on the information given by a NJ licensed surveyor as standard procedure.

Attorney Brennan presented witness Junetta Dix who was sworn in. Ms. Dix is currently director of environmental services at Act Engineers where she has been a consultant for over 35 years. Ms. Dix explained the process of seeking approval for wetland delineation. If the property is over an acre, it



must have an environmental consultant along with a surveyor to come out and flag the property for the wetland boundaries based on three parameters of soils, hydrology, and vegetation. Once you go through the process and receive a letter of interpretation, a wetland boundary verification and submit to the DEP for a reply which currently takes about a year to review. Her office advises not to calculate FAR of the property or design plan of the property until you have the LOI approval or you are at risk of having to change the building plans due to wetland boundaries. Attorney Hefeled asked the witness if she reviewed the wetlands mapping submitted with the application by their environmental consultant. Ms. Dix replied she had not. Attorney Hefeled also asked the witness if the applicant has the option to get approval by the township planning board before getting the wetlands delineation approved. Ms. Dix response was the applicant can proceed in the order they wish. Larry Winkels asked the witness if the consistent flow from the creek on the property could affect the vegetation that would in turn change the wetlands line. Ms. Dix responded that it indeed could create a successional process that could change wetlands.

Attorney Brennan introduced another witness Jim Kates, former mayor of Quinton Township. There was discussion and majority of the board agreed to allow Mr. Kates testimony. Jim Kates was sworn in and listed his positions held for municipalities. He stated he was a zoning officer for 15 years. Attorney Brennan then asked if he had been following this particular application. And if he was familiar with the question of the stairs and the side yard set back and the retaining wall and setback. Attorney Brennan asked Mr. Kates opinion based on his interpretation of the ordinance when he was a zoning official. Kates stated if the property had stairs, a deck, a pool, or anything within the setback area you would have to come before the board and he would not issue a permit from the zoning office. Attorney Hefeled asked Mr. Kates if he reviewed the July 30<sup>th</sup> memo issued by Solicitor Coe. Mr. Kates stated he did not read the memo or know why the boards attorney disagreed with the claims of attorney Brennan on the setback issue. Attorney Hefeled read a section of the memo which includes a portion of land development ordinance 170-70.C which explains definition of a building and setback line definition. Mr. Kates responded that he is referring to a structure not necessarily a building.

The record was closed at this point of the meeting.

Solicitor Richard Coe asked the boards professionals if they feel the applicant has submitted enough additional information to show their application does comply with the site plan ordinance and zoning ordinance. Andrew Hogg replied on the drainage issue he does feel it's been satisfied. Larry Winkels asked for clarification on the sound barrier. It was explained it is a concrete extension off the building and its 16 feet tall and goes to the end of the loading dock. Larry asked if that will indeed block the noise? Attorney Hefeled confirmed a noise study was completed and is in compliance with the sound ordinance. Joe Hannigan states he finds the information hard to believe when the sound study states the trucks would be no louder than normal conversation. Cody Banks asked to clarify that the sound wall actually extends 120 feet beyond the building. William Remster stated the deed from the county has the lot and block numbers switched.

In closing, Attorney Hefeled stated this application is a simple application as it is zoned for this building on this property and requires no variances. An application of this type where the use is permitted within the zone, with no variances, and meets all provisions of the ordinance. He feels by law the board is obligated to accept the application. The county planning board has already given their approval. He states he feels the board should approve the application to avoid any future litigation because by law it meets the requirements.

Attorney Brennan believes there are issues presented that give cause for the application to be denied. He feels the wetlands analysis is not accurate, the FAR calculations have discrepancies, and the survey is not accurate.

Attorney Hefeled states that the FAR calculations were done using a survey completed by a licensed surveyor.



Larry DiVietro reiterates that any and all outside agency approvals such as wetlands, DEP, and DOT must be submitted before they have permission to break ground. And if anything changes or they do not get one of the outside agency approvals the applicant would have to come back before the board. Richard Coe states as per the case of the Pizzo Mantin decision, the planning boards authority when reviewing an application for site plan approval is limited to determining if the development plan conforms with the zoning ordinance and the provisions of the site plan ordinance. The board has to determine does this application satisfy the terms of the zoning ordinance and the site plan ordinance. The boards professional's testimony has indicated that all items on the checklist have been provided and they are satisfied with the requirements. Mr. Coe pointed out that the objectors witness did also state that the applicant is indeed allowed to gain approvals in the order that they wish. Also Mr. Coe stated his ruling again on the set back issue and nothing he heard tonight changes his opinion on that matter. Lastly, attorney Coe states that the additional test pits were submitted as requested and they satisfy to be in compliance.

A motion to approve the application with conditions sited was made by Cody Banks and seconded by Alison O'Boyle.

Larry Winkels asked if it matters if they believe one opinion over another of a witness or professional. Richard Coe stated the credibility of a witness is within the prerogative of the board but certain information is not disputed and can't be ignored.

Roll Call

Cody Banks-Approve, the applicant has gone to great lengths to provide safety, security, sound plan, storm water, all for the residents. He was not a board member when the master plan was written but he must abide by that plan. He feels they have provided everything required.

Joseph Hannagan-No, He believes enough question has been brought up

Alison O'Boyle-Yes, they are not applying for any variances and they have gone to great lengths to try and appease the residence and they are in compliance.

William Remster-No, he believes it is a great hardship on the second most populated portion of the township.

Kiel Winkels- No, because he thinks everyone that comes to the township for approval has to know exactly where lines are and what is being done.

Larry Winkels-No, too many unknowns such as who is occupying the building and has a problem with the creek and water issues.

Motion failed by vote 4 denied and 2 approved.

A motion to open the meeting to the public was made by Larry Winkels and seconded by Cody Banks. All were in favor.

John Carnivale of Salem Quinton Rd. states he is concerned with the current truck traffic and adding to it will only worsen the situation.

Jim Kates- concerned with the procedures of planning board and how the hearings are conducted. He believes negotiations were being made behind closed doors with out the public knowing. Attorney Coe addressed Mr. Kates is entitled to his opinions but cannot make up facts. There were no negotiations with anyone on this application and he gave ample consideration to be fair on all sides.

Beth Fox of Hiles Ave. has respect for everyone on the planning board and all the responsibilities and says thank you.

Paul Rivell asked for clarification on the number of board members and what makes majority.

Tom Boker of Hiles Ave. asked about master plan review and can it move forward now.

Margaret Allen stated her gratitude to the board and farmland is very precious. She plans to continue attending meetings as she does not agree with everything that has happened.

Mark Schultz of Cross Rd. states he does not agree with the application and not knowing what will be in the building.



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Rebecca Miller of East Ave. has an issue with the detours onto Lake Ave. and the number of trucks going over the bridge being over the weight limit.

Megan Ayala of Main St. is concerned with the number of accidents on the sharp bend in town and the safety of the school children and her own family.

Elizabeth Schultz of Cross Rd. expressed the beauty of the community.

Anthony Mott of Main St. is concerned with the amount of trash along Main Street and the accidents. The trucks are too loud and shake the houses.

A motion to close the public portion was made by Larry Winkels and seconded by Cody Banks. All were in favor.

A motion was made by Larry Winkels to adjourn the meeting and was seconded by Kiel Winkels. All those were in favor and the meeting was adjourned at 9:21pm.

Respectfully submitted by:

  
Melissa N. Thom

Approved: Nov. 12th 2024