

**TOWNSHIP OF BORDENTOWN
PLANNING BOARD MEETING**

January 7, 2016

The Bordentown Township Planning Board meeting was called to order at approximately 7:37 PM in the main meeting room of the Municipal Building on Municipal Drive.

PRESENT: Stephan Benowitz, Deputy Mayor, Class I
 Roger Plew, Class II
 James Cann, Committeeman, Class III
 George Chidley, Chairman, Class IV
 Kevin Hirschfeld, Vice-Chairman, Class IV
 Patricia Concannon, Class IV
 Eugene Grybowski, Class IV
 William Popko, Class IV
 Joseph Nyzio, Alt #1

ABSENT: Tim Fairlie, Class IV
 Nicholas D'Angelo, Alt. #2
 (both excused)

PRESENT: Lou Garty, Attorney
 Frederick J. Turek, II PE, PP, CME, CPWM, Engineer
 Jack Carman, RLA, FASLA, PP, Planner / Landscape Arch.
 Brian K. Johnson, Secretary, Dir. Of Community Development
 Pamela Keintz, Recording Secretary

The meeting was opened by Community Development Director Brian Johnson. The Board participated in the salute to the flag. The open public meetings announcement was read by Mr. Johnson.

REORGANIZATION:

Deputy Mayor Stephen Benowitz , Committeeman James Cann, Roger Plew, were simultaneously sworn-in by Planning Board Attorney, Lou Garty.

Planning Board Planner/Landscape Arch. Jack Carman and Engineer Frederick Turek were also sworn in by Attorney Lou Garty.

Nominations for Chairperson, Vice Chairperson, and Secretary were entertained by the Board.

Deputy Mayor Stephan Benowitz nominated George Chidley for Chairman, seconded by Committeeman Cann. There were no other nominations.

Deputy Mayor Benowitz made a motion to close the nominations; seconded by Committeeman Cann.

A vote was called for Mr. Chidley as Chairman of the Board for 2016.

Roll call AYE: Concannon, Grybowski, Hirschfeld, Plew, Popko, Nyzio, Cann, Benowitz, Chidley
 NAY: None
 ABSENT: D'Angelo, Fairlie

Mr. Chidley then chaired the meeting from this point forward.

Committeeman Cann nominated Kevin Hirschfeld for Vice-Chairman; seconded by Deputy Mayor Benowitz. There were no other nominations.

Committeeman Cann made a motion to close the nominations; seconded by Deputy Mayor Benowitz.

Roll call AYE: Nyzio, Concannon, Grybowski, Hirschfeld, Plew, Popko, Cann, Benowitz, Chidley
 NAY: None
 ABSENT: D'Angelo, Fairlie

Deputy Mayor Benowitz nominated Brian Johnson as Board Secretary; seconded by Chairman Chidley.

Motion to close nomination was made by Deputy Mayor Benowitz; seconded by Committeeman Cann.

Roll call AYE: Nyzio, Concannon, Grybowski, , Plew, Popko, Cann, Benowitz, Hirschfeld, Chidley
 NAY: None
 ABSENT: D'Angelo, Fairlie

MINUTES:

The minutes from the December 3, 2015 Planning Board meeting were presented.

Changes were made to the December 3, 2015 Meeting minutes. Vice-Chairman Hirschfeld brought to the Boards attention that he did not vote on the motion to approve David Schiavone extension for one year. Mr. Hirschfeld abstained from the minutes because he was did not attend the meeting. Mr. Hirschfeld did listen to the CD from that meeting and signed a certificate stating that he did so.

Motion to approve changes to the minutes from December 3, 2015 was made by Committeeman Benowitz; seconded by Committeeman Cann.

Roll call AYE: Nyzio, Concannon, Grybowski, Popko, Cann, Hirschfeld, Chidley,
 NAY: None
 ABSENT: Fairlie, D'Angelo,
 NOT VOTING:
 ABSTAIN: Plew, Benowitz

OLD BUSINESS:

Continuation of November 12, 2015 Planning Board Meeting

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| <p>PB-2015-0092</p> <p>Received 7/30/15</p> <p>Escrow fees: PAID</p> | <p align="center"><u>K.JOHNSON URBAN RENEWAL, LLC</u></p> <p>Applicant proposes 2nd Amended Major Preliminary & Final Site Plan Approval</p> <p><u>REPORTS BY BOARD PROFESSIONALS:</u> Jack Carman, Planner/Landscape Architect: November 30, 2015. Fred Turek, Engineer: November 30, 2015</p> <p><u>CORRESPONDENCE:</u> Department of Agriculture – July 27, 2015</p> <p>APPLICANT SUBMISSION: Application packet</p> | <p>Block 57 Lot 6</p> <p>122 Rte. 130</p> <p>Redevelopment Area</p> |
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Mr. Hirschfeld announced he was absent at the November 12th Planning Board meeting, however has since listened to the recording and a signed document is in the Community Development office.

Mark Roselli, Attorney for the applicant, provided an overview of the application, and the outstanding questions from the last meeting of November 12, 2015. They submitted revised plans prior to this meeting.

The representative from Purdue, Brian Palmer – Regional Manager, was sworn in by Planning Board Attorney Lou Garty.

Mr. Palmer gave the following testimony:

He is in charge of the Bordentown Township operation. They buy and sell grain from farmers who bring it to the granary, and then they distribute the products as needed to feed mills and soy processing plants. Their operations cover NJ and the Northern Shore of Maryland.

He gave a general overview of his duties and the operation of the granary. Corn, soy beans, wheat and barley are delivered to this facility. Ninety percent of the farmers who deliver to the Bordentown facility are from Burlington County and the surrounding area. The number of trucks over the course of one year is on average 14 trucks per day, in and out. They are open all year around, sometimes open seven days a week, during the height of the season, which is September, October and November, when there will be heavier volumes both in and out of the property. On an annual basis, the number of bushels through the facility is approximately 1.75 million. They receive delivery by tractor trailers, dump trailers or hopper bottoms and a typical truck load is 8 or 9 hundred bushels which is 50,000 pounds. The unloading process is: the farmer pulls truck on the scale, and the truck is weighed. Purdue has a grain probe, and the grain is sampled and tested. The truck then pulls around and dumps the grain in a pit with grates on it, and the conveyor moves the grain up the conveyor and then goes into a grain leg, which is a vertical conveyor belt with grain buckets. That takes the grain to the top of the grain elevator. That is where the grain is stored and it's distributed out from there.

The grain goes back out with the tractor trailers or rail cars. Conrail delivers Purdue the rail cars, Purdue loads the cars and Conrail moves them for deliveries. Purdue is responsible for track maintenance of the siding and the tracks are inspected by Purdue and Conrail. If there is an issue with the tracks, Purdue must fix them before Conrail will deliver any cars to them. When repairs are required, they contact a track repair company, and they are required to meet Conrail specifications for the track repairs.

The granary has 8 hourly employees and a manager; the hours are generally 7 am to 4 pm. They are open Monday through Friday, sometimes on Saturday and Sunday during harvest season. Trucks are spread out over the entire day resulting in a total of 25- 30 trucks per day maximum during the busy season. The staff and the farmers communicate with each other so they do not all show up at the facility at the same time or on the same day. Employees that are on site have various duties. Some run the scale and the truck dump, while some employees are in the silos, moving things around so the grain goes into the proper bins. They also load trucks or rail cars for outbound deliveries.

There is one permanent scale and one portable scale on site. Trucks are not permitted to leave the facility over the legal DOT weight limit. A truck can legally weigh eighty-thousand pounds. The trucks are loaded right on the scale so they are not interfering with their customers dumping. The portable scale is located on the tracks. Purdue needs the tracks to be there even if not used all the time. They need both siding tracks to move the product effectively. They can fit 10-12 cars in one day. They are able to fill them and move the product out in a course of a day or two.

Safety concerns were discussed by the applicant's attorney, Mark Roselli. Mr. Palmer further testified:

Perdue, as a grain operator, is required to comply with OSHA general industry standards and OSHA has specific standards for operating a grain facility, which they comply with. His duties include management of the entire safety program. Perdue has weekly inspections such as housekeeping, greasing, and making sure the equipment is running properly. It is the manager's responsibility to make sure the program is being followed. Perdue is required to maintain written safety reports. They are not required to submit any such report to OSHA. As part of the OSHA standards, fire and grain standards address the control of dust. Perdue is required to clean the facility so the dust does not accumulate. Perdue has a person that sweeps up in the silos daily to keep the dust to a minimum. The grain, under OSHA standards, is not considered hazardous materials. OSHA recently came out with a grain dust safety data sheet, showing it can be an eye irritant, respiratory sensitizer and it is a combustible dust. Cleanliness and eliminating any heat sources minimize combustibility of the dust. The granary has not had any accidents with respect to the dust.

Mr. Johnson asked questions in relation to fire safety and the field house. Mr. Johnson indicated that the granary and its proximity to the field house were being addressed by the Township's Construction Official, who has requested a specific report from the granary operator, Perdue. The report is to address the safety concerns that were heard at this Board hearing. A request was made that this be a condition for approval. Mr. Palmer indicated that you need the perfect amount of grain dust, oxygen and ignition force to make the grain explode. Take any of these three away and there will be no explosion.

Mr. Fred Turek discussed his review letter on the application. He indicated that a question regarding the fence and distance around the building were answered by Mr. Palmer. Mr. Palmer stated that the trailer on site is being used as part of Perdue's office. Currently, they have a manager's office in the trailer and they hold safety meetings for employees there. The trailer will be removed when the maintenance building is built, as there will be office space inside of that building. This is noted as a condition for approval of the application.

Mr. Turek asked about other granary facilities and their proximity to buildings. Mr. Palmer answered that there are small grain elevators in towns of Maryland and in the mid-west, where most towns were built around the grain elevators. It is not uncommon that they are in close proximity to other buildings. He also indicated that the silos are built out of concrete. The silo operation follows a protocol in case of an emergency. They attend an annual training session on it.

The applicant indicated that with the public being on the property from Team 85 and the other buildings, the facility will be secured, with all entrances being locked up, all the ladders are put up and away. The Perdue building will be secure.

Questions were asked about the safety of the grain hopper and the operation of the rail line. The applicant indicated that the grate openings for the pit are less than two inches wide, as required by OSHA. Rail cars are moved anytime of the day, the railroad operates 24 hours a day. The rail line does have restrictions. Conrail moves during the night.

Mr. Palmer indicated that if the silos were shut down, the area farmers would have to pay someone to haul their grain to Pennsylvania or South Jersey and the farmers would get less money for their crops. This would affect the farmers in such a way that they would only be able to dump one truck per day as opposed to being close to this silo and being able to go back and forth and dump numerous trucks per day.

The Board asked about the lease for the granary. Mr. Roselli indicated he believes the lease for Perdue is for ten years. Since this is a successful operation, they could see themselves here for another 10 – 20 years.

Mr. Timothy Laurie, Applicant's Engineer, having been previously sworn, testified for the project as follows:

Mr. Laurie went over the last submission of the plans. He showed 2 different fence sizes – one 8-ft. fence high, running from the silos to the dumpster area. It then transitions to a 6-ft. fence which runs along building C. He discussed the rows of trees which will be planted along the fences. There will be low level plantings along the parking area of building F. Trees will be added for the buffering of the Silo area.

Twenty-five additional “banked” parking spaces were added to the north of bldg. C, which are now shown on the site plans. They supplemented the entrance way to the granary with additional low level plantings, enhancing the look of the entrance on Route 130.

The whole area of the granary will be paved, with a 30-ft. wide main driveway, including 6-ft. shoulders. They will have 200 linear feet of curb to designate the entrance coming in off of Rte. 130.

Ornamental lights will be provided on the driveway beginning at the Route 130 entrance and they will change to “shoe box”-type lights as you get into the granary building area. All lighting will be in accordance with the Township ordinance.

The maintenance building is 3,400-sq. ft. and it will provide 200-sq. ft. of office and will provide two bathrooms.

For the silo area, the applicant is proposing a new dumpster area, which will be enclosed and have landscaping around it to shield the fence of the dumpster area.

There is a fire lane which wraps around building D which is shown striped, with signs and pavement markings along the fire lane for “No Parking”.

Handicap parking spaces were relocated to the south side of the field house, known as building D.

A temporary fire lane will also be provided until the permanent fire lane is constructed. The applicant agreed to complete the permanent fire lane they agreed on 6 months after the completion of the building.

Committeeman Cann questioned parking spaces not being used or needed; he wants it noted that the landscaping from the original plans should be put in place. Mr. Roselli would like it modified and a time limit on the planting of landscaping.

Letters from Fred Turek, Engineer and Jack Carman, Planner, were reviewed. The applicant agreed to comply with the items listed in the letters. If applicant does not comply with the requirements, the applicant will be called back before the Planning Board due to the Planning Board retaining jurisdiction for enforcement purposes.

Other issues discussed by the Board and Applicant were:

If the applicant does not elect to plant excess trees on property, a donation will be made to the tree fund by June, 2016.

The back of granary building will be painted within 9 months.

A temporary safety fence will be placed between the granary and the field house and health club buildings prior to occupancy and it will be replaced with a permanent fence by April, 2016.

The Planning board and applicant agreed that December 31, 2016 all improvements will be complete.

There was discussion regarding the lease for the granary. A decision was made that if the granary is vacated for two years; the applicant would come back to the Planning Board with a site plan for additional uses. This was agreed upon by both the applicant and the Planning Board.

There was discussion regarding the Team Campus signs. If this business is sold, the new owner would come back to the Planning Board to discuss the signage. Chairman Chidley insisted if Team Campus 85 fitness center did go out of business, the Team Campus signs must be removed. This was agreed upon by applicant.

The field house building in previous approvals went from 26,000 to 45,000-sq. ft., the old signs were never updated to the new signage. The new signage still stays in conformance with the ordinance, staying with Team 85 field house located on the south side of building D. The football player, with the 'TLP' logo, is proposed to be located on the eastern side of building D. The two signs are 218.5-sq ft. and 235-sq. ft. which totals 453.5-sq ft. which is below the permitted total, being 1275-sq. ft., which is less than the 15% of the building facade in its entirety. The board members questioned the football player sign, 'TLP sign'. The applicant is proposing this as a new sign. It will be back lit. Mr. Boyle indicated that the purpose of the sign on the building is to identify the field house. TLP "Train Like the Pros" is a branding method. This will be used internally and incorporated into the Team 85 logo. The applicant placed on the record their reasons for requesting the proposed sign and a variance for the same.

A motion was made by Committeeman Benowitz, seconded by Mr. Grybowski, to open the meeting to the public on the application. All members voted in favor. Seeing no public present, Chairman Chidley closed the public portion of the application.

A motion was made by Deputy Mayor Benowitz; seconded by Committeeman Cann to approve application with conditions and variances cited by Attorney Lou Garty.

Roll Call AYE: Nyzio, Concannon, Grybowski, Plew, Popko, Cann, Benowitz, Hirschfeld, Chidley,
NAY: None
ABSENT: Fairlie, D'Angelo
NOT VOTING:
ABSTAIN:

Motion approved.

ADMINISTRATIVE ITEMS:

Discussion of meeting dates and times for 2016.

A motion to approve Resolution P-2016-01, which lists the meeting dates, was made by Committeeman Cann; seconded by Deputy Mayor Benowitz.

Roll Call AYE: Nyzio, Concannon, Grybowski, Plew, Popko, Cann, Benowitz, Hirschfeld, Chidley,
NAY: None
ABSENT: Fairlie, D'Angelo
NOT VOTING:
ABSTAIN:

Motion to meet in Closed Session will be carried to the February 11, 2016 Planning Board Meeting.

Application for CCBP II, LLC (Netflix Warehouse, building II), was deemed incomplete. The information received in the application should be considered a Major Subdivision, not a Minor Subdivision as submitted.

A motion to deem the application incomplete was made by Deputy Mayor Benowitz; seconded by Committee Cann.

Roll Call AYE: Nyzio, Concannon, Grybowski, Plew, Popko, Cann, Benowitz, Hirschfeld, Chidley,
NAY: None
ABSENT: Fairlie, D'Angelo
NOT VOTING:
ABSTAIN:

A formal Resolution will be sent to CCBP II, LLC.

Mr. Johnson discussed potential building renovations to the former Princeton Tec Building, (now) Tile Master, 231 Route 130. They are considering making interior changes, cleaning up the outside, no changes to the facade etc., in advance of a possible Planning Board application. It was discussed and understood that they will be working at their own risk.

New members of the Planning Board were notified of the mandatory Land Use Law Course being held on Saturday, February 13, 2016. Members have to take this course within 18 months of being appointed to the Board.

Committeeman Cann and Mr. Johnson discussed a proposed ordinance that will restrict the use of diesel powered truck refrigerated units. This will be enforced with all new land use applications, new tenants needing a building permit or zoning permit. If a site provides parking for tractor trailers and needs parking for refrigerated trucks, it will be made to comply with the proposed Ordinance.

Chairman Chidley made a motion to open the meeting to the public; seconded by Deputy Mayor Benowitz. All Board members were in favor. Seeing no public, Chairman Chidley closed the meeting to the public.

Chairman Chidley made a motion to adjourn; seconded by Committeeman Cann. All Board members were in favor.

The meeting was adjourned at approximately 10:30 pm.