

**WHITE TOWNSHIP PLANNING BOARD
555 CR 519, BELVIDERE, NEW JERSEY**

**MINUTES
OCTOBER 11, 2022**

The regular meeting of the White Township Planning Board was held on Tuesday, October 11, 2022 at the Township Municipal Building and also via Zoom. Present were: Timothy Matthews, Robert Mackey, Anne Skoog via Zoom, David Pritchard via Zoom (arriving at 7:05 p.m.), Joan Schnieber, Chanda Collom via Zoom, Michael Grossmann (arriving at 7:27 p.m.) and Drew Kiszonak. Board Members Absent: Richard Nieuwenhuis, Nevitt Duveneck, and Joseph Phillips. Also Present: Board Attorney Tara St. Angelo, Conflict Engineer Andrew Holt, and IT Consultant Chris Opalenik, who then provided the Zoom instructions/procedures for this evening's meeting.

CALL TO ORDER:

Chairman Matthews called the meeting to order at 7:02 p.m. He stated that the meeting is being held in accordance with the "Open Public Meetings Act", with adequate notice to the appropriate newspapers and posting on the Township bulletin board and website.

OPEN TO THE PUBLIC-for non-agenda items

Mr. Matthews opened the meeting to the public for non-agenda items.

Caroline Witke questioned the statement made by Mr. Grossmann at last month's meeting, regarding the cost of the application process, to the White Township Taxpayers. Ms. St. Angelo stated that escrow accounts are established, by the Applicant, to cover the cost of the review of their application. She stated that she is not sure what Mr. Grossmann was referring to. Mr. Pritchard arrived.

Suzanne Ellis stated that there are residents from White Township and surrounding Townships attending these meetings and they should not be criticized for attending and she thanked them for coming. Mr. Matthews stated that he has always encouraged public participation.

With there being no further public comment, the meeting was closed to the public.

MINUTES:

The minutes of the Regular Meeting of September 13, 2022 were distributed to all the Board Members prior to the meeting. A correction was recommended in regards to Mr. Sposaro's extension "until the end of the year" and Mr. Mackey noted a spelling error.

Ms. Skoog made the motion to approve the minutes, as amended. Motion seconded by Ms. Schnieber. In a voice vote, all were in favor, except for Ms. Collom, who abstained.

VOTE: 6 AYES

The motion carried

OLD BUSINESS:

#790 Jaindl Land Company, Block 7, Lot 16 (Phase 1 Site Plan)

#792 Jaindl Land Company, Block 7, Lots 3, 4, 5, 11 & 14 (Phase 2 Site Plan)

#791 Jaindl Land Company, Block 7, Lots 3, 4, 5, 11 & 14 (Phase 2 Subdivision)

Anthony Sposaro, Esq. was present on behalf of the Applicant and he stated that they are presenting testimony tonight in regards to threatened and endangered species.

MINUTES - WHITE TOWNSHIP PLANNING BOARD OCTOBER 11, 2022

Edward Kuc was sworn in and he provided his qualifications/education as a principal Ecologist and he prepares ecological inventories. He then went on to describe his involvement in this project, his observations, and his conclusions. He stated that he was retained to look at the property and the project and to make his recommendations as to what should/could be done to minimize any ecological impacts. He stated that began his review back in 2018 and looked at natural habitats. He stated that there has been an annual cultivation of agricultural fields rotated with the planting of corn and soybeans and there are some isolated patches of wooded areas. He commented on the Buckhorn Creek that flows through the agriculture field, the Delaware River, and the hedgerows. He stated that the Buckhorn Creek is classified as a Class I waterway and he reviewed the buffers. He stated that there are no other regulated waters on the property and he reviewed the letter of interpretations. He stated that there is not a diversity of wild life species due to the cultivated fields. He stated that based on the ITAC there is no area of the property that is under the jurisdiction of the US Fish and Wildlife Service and it does not have any threatened and endangered species jurisdiction assigned to it. (Mr. Grossmann arrived and sat in the audience as he is recused from hearing the application.) He reviewed the ranking on the state level and the bald eagle nesting on the Pennsylvania side of the Delaware River. He has recommended that the Applicant stay as far away from the stream as they possibly can and to expand/increase the buffer zone. He has also recommended that the proposed project be kept to the agricultural field to minimize the disturbance to the wooded areas and to abide by all regulations. Mr. Sposaro questioned the public comment on the WQMP application pertaining to snow geese/migratory birds and freshwater mussels, which was addressed by Mr. Kuc. Mr. Sposaro also questioned if there is a vernal pond. Mr. Kuc stated that there may be a wet depression, but there is no regulated vernal pond. Mr. Sposaro asked if all of the comments, from Mr. Holt, have been addressed. Mr. Kuc stated that he is not aware of any other additional required governmental/environmental approvals. The Board had questions regarding the evaluation site, cultivation/grass/planting, and the grandfathering of farming. Mr. Holt had questions regarding: conducting another survey addressing the possible nesting of bald eagles, the disturbance for improvements, nesting and tree removal restrictions, bat habitat, and stormwater management/discharge, which were addressed by Mr. Kuc and Mr. Sposaro. Ms. Schneiber questioned the location of the detention basin. Mr. Matthews clarified the cultivation around the "duck pond".

The hearing was then opened to the public, for questions of Mr. Kuc.

Butch Van Seters commented on the peepers and frogs in the spring as he stated that the area is a prime breeding habitat for all kinds of amphibian creatures. He questioned the freshwater clams and mussels and streams on Jaindl property that feed the freshwater clams and mussels. He stated the DEP does not document everything. He stated that there are several streams/springs that discharge into the river. Mr. Kuc stated that he has recommended, that there are areas, to be left undisturbed. Mr. Van Seters commented on the vernal pond, the breeding habitat, and the destruction of the environment. Mr. Sposaro stated that there were many statements/comments just made, that were not made under oath, and he asked that they not be considered by the Board.

Carol Staten stated that she has a comment and a letter to present. Mr. Sposaro and Ms. St. Angelo stated that there will be a time for public comment in the future.

MINUTES - WHITE TOWNSHIP PLANNING BOARD OCTOBER 11, 2022

Theresa Chapman asked how many times Mr. Kuc has visited the site. Mr. Kuc reviewed the dates that he visited the site and his observations and field inspections/notes.

Mike Grossmann questioned the search radius for a bald eagle nests.

Tom Bodolsky questioned whether a vernal pond has to be recognized and regulated in order for it to be a vernal pond. Mr. Kuc addressed the evaluation/definition of a vernal habitat and what he observed. Mr. Sposaro addressed the DEP determination/findings of on the vernal pond and that this questioning is not relevant. Mr. Bodolsky questioned the recommended buffer and plantings, bald eagle habitat, mussel habitat, and threatened and endangered species.

Theresa Chapman questioned the distance of the newly proposed Foul Rift Road to the Buckhorn Creek, which Mr. Finelli, who acknowledged that he was still under oath, addressed stating that the distance is over 600 feet.

Michael Sinkevich Esq. representing the Delaware River Keepers, had several questions pertaining to the submitted reports, the effect of noise on bald eagles, and the distance from the bald eagle nest to the proposed project. He also commented on snow geese foraging, wood turtle habitat, analysis of amphibians, the regulation/evaluation process of a vernal pond, discharge into water bodies, and the DEP process if a bald eagle nest were to be found near the project.

Chris Amato asked if there can be a guarantee that this proposal will not negatively impact the Buckhorn Creek. The Applicants stated that they will comply with the necessary regulations. Mr. Amato compared the impacts of impervious coverage vs. a farmed field and he stated that he has not heard any testimony on air quality.

Michael Grossmann questioned the regulations for bald eagle nesting.

Tom Bodolsky questioned the bald eagle nest and the difference between the hum of a power plant and disturbance based on intermittent blasting.

Lori Christine questioned the impact of noise on bald eagle nesting.

Stuart Ridley asked if there is any question, in anyone's mind, that bald eagle habitats absolutely need to be protected.

Julia Somers, Executive Director of the NJ Highlands Coalition, questioned the position of the US Fish and Wild Life Service on the rules pertaining to the nesting bald eagle habitat.

With there being no further questions, the hearing was closed to the public.

Ms. St. Angelo asked which expert will be attending the November meeting. After a brief discussion, it was agreed to bring back the traffic expert/consultant for the November meeting and to pencil in storm water for the December meeting. It was also agreed to get Board feedback as to the other experts, that should be scheduled in the future, to come back to answer questions/present testimony.

MINUTES - WHITE TOWNSHIP PLANNING BOARD OCTOBER 11, 2022

Mr. Grossmann resumed his seat on the Board and he stated his concern with the possible lack of parking due to the November meeting being held on Election Day.

NEW BUSINESS:

#804 Timothy Matthews, Block 16, Lot 44

Timothy Matthews stepped down to present his application. Mr. Mackey will chair this portion of the meeting. Mr. Matthews went on to describe the title search that was done in purchasing the property and the restrictions (in the resolution and in the deed) that need to be cleared up. He was sworn in and described the subdivision that was done due to the sale of a tax certificate for Block 16, Lot 44A. Ms. St. Angelo reviewed the lifting of the deed restrictions. It was noted that Mr. Duveneck will need to recuse himself as he is a land owner within 200 feet. The following was submitted and marked as an Exhibit:

A-1 White Township Committee Resolution

The Board continued to discuss the present situation, what transpired in the past, and whether the Board can modify the condition of the approved 1994 Resolution.

The hearing was opened to the public.

Henry Moskal questioned possible/potential future development as he received notice of this hearing. Ms. St. Angelo stated that notice was provided.

Linda Stettler questioned which house does the restriction pertain to, which Mr. Matthews addressed.

With there being no further questions of the public, the hearing was closed to the public.

The Board continued to discuss the present situation and the restriction that was imposed back in 1994.

Mr. Matthews provided a copy of the new tax map and the old tax map, which were marked as Exhibits:

A-2 New Tax Map

A-3 Old Tax Map

Mr. Matthews reviewed the properties that were designated as Lot 44, Lot 44A, and Lot 44 Q and the sale of the tax certificate for Lot 44 A (the golf course, restaurant, and the smaller house). The Board continued to question the present situation and the restriction on Lot 44. Ms. St. Angelo reviewed the language that is to be stricken/modified.

Ms. Skoog made the motion to strike the language from the Resolution. Motion seconded by Ms. Collom. In a roll call vote, all were in favor, except for Mr. Grossman who abstained and Mr. Kiszona who is ineligible to vote on the matter.

VOTE: 5 AYES

The motion carried

OTHER BUSINESS:

#22-007 Solar Farm Ordinance

Mr. Matthews resumed his position on the Board. Ms. St. Angelo stated this is the same ordinance that was forwarded to the Governing Body.

MINUTES - WHITE TOWNSHIP PLANNING BOARD OCTOBER 11, 2022

Mr. Kiszonak made the motion to inform the Township Committee that the Board finds that the Ordinance, to not be inconsistent, with the Township Master Plan. Motion seconded by Ms. Skoog. In a voice vote, all were in favor.

VOTE: 8 AYES

The motion carried.

CORRESPONDENCE:

Jaindl

- .9-27-22 WCPB, Re: Disapproval
- .9-27-22 WCPB, Re: Disapproval
- .9-27-22 WCPB, Re: Disapproval
- .9-19-22 Anthony Sposaro, Re: WC

White town Realty

- .9-26-22 WCPB, Re: Approval

Becrett

- .10-5-22 Dkystra, Permit

Misc

- . 9-02-22 EcolSciences, Inc.,

The correspondence was noted by the Board.

BILLS:

Gebhardt & Kiefer, P.C.-General	1205.00	PBOE
Gebhardt & Kiefer, P.C.-Jaindl	33.00	Escrow
Gebhardt & Kiefer, P.C.-Litigation	297.00	PBOE

In a motion made by Mr. Kiszonak and seconded by Ms. Schnieber, the bills were approved. In a voice vote, all were in favor.

VOTE: 8 AYES

The motion carried. Mr. Pritchard left for the evening.

OTHER:

Ms. Schemm stated that she has submitted her letter to the Chairman stating that she will be retiring at the end of the year.

ADJOURNMENT:

With no further business to discuss, a motion was made and seconded to adjourn the meeting at 10:07 p.m. In a voice vote, all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary

11/4/22-2