

MINUTES
HOPE TOWNSHIP PLANNING BOARD MEETING
NOVEMBER 6, 2023

Chairman Larena called the meeting to order at 7:00 p.m.

Roll Call:

Members present: Brad Bartow, Matt Koski, Chris Maier, Steve Larena, Donna Marie, Robert May, Betsy Peterson, Terry Urfer.

Members absent: John Koonz, Timothy McDonough

Also present Michael Ligorano, Esq. – Applicant’s attorney for BWC Trout, LLC, Stefanie Williams, PE of French & Parrello, Planning Board engineer; Roger Thomas, Planning Board attorney and his Associate Matt Lynch.

Mr. Larena then led the Board in the pledge to the flag. The Chairman announced that notice of the meeting was given in compliance with the “Open Public Meetings Act – This meeting has been advertised in accordance with the provisions of the Open Public Meetings Act, Chapter 231, P.L. 1975.”

Correspondence:

Memo from Zoning Officer: The Chairman made note that correspondence was received from the Hope Township Zoning Official in reference to accessory building height structures and where he obtained the 55’ height from. This information was requested of him by the Planning Board members at the October 2, 2023 meeting.

Approval of Minutes:

The minutes from the October 2, 2023 meeting were adopted on a motion from Mr. May and seconded by Mr. Urfer, all in favor by a voice vote with the exception of Mr. Bartow and Ms. Marie, who abstained.

New Business:

Application No. 2023-01 – BWC Trout, LLC – Block 3400, Lots 1900 & 2200

Before anything was discussed, it was noted that several Board members procedurally must abstain from taking part in this application. Mr. Bartow, Mr. Maier and Ms. Marie all left the table and took seats in the audience for the duration of the discussion on this application.

Mr. Thomas asked Ms. Williams to review her November 1, 2023 completeness report with the Board members as it pertains to this application. This report was distributed to all of the Planning Board members and professionals ahead of the meeting and is now considered part of this application. Mr. Ligorano responded to the email sent out by the Board secretary containing Ms. Williams’ completeness report with his comments pertaining to any checklist items where a comment was noted on November 2, 2023. That email and a subsequent email sent out today (November 6, 2023 – response to soil class) are now also a part of this application.

Ms. Williams reviewed the project being proposed on this 56.74 acre parcel of land (used for agricultural purposes). The project proposed will consist of installing 9.38 megawatt DC ground-mounted solar panels, installation of an 8' high fence, a gated driveway connection from Ridgeway Avenue then directs toward the center of the solar field, landscaping and a shallow grass swale stormwater management system. She reviewed each item she noted on her completeness report and the action that was taken for each. For example, for Checklist Item No. 5 (Affidavit of Publication from official newspaper, certified list of people within 200', affidavit of service with a copy of notice attached, certified mail receipts or affidavit indicating that all individuals were personally served), there was a notation made by Ms. Williams that this information is deferred to the Board secretary to verify that these documents were received – to be provided prior to the hearing once a hearing date is ascertained; Checklist Item No. 21 (Name, address, phone number and signature of owner, subdivider and person preparing plat), Ms. Williams noted that the signature of the owner was not provided, however, the applicant provided the owner's information. Mr. Ligorano noted that there was a separate submittal (Consent of Owner) showing the owner's signature and his consent to the making of this application provided in the application packet. Therefore, that item was now considered complete.

After Ms. Williams reviewed the completeness report item by item and, in her opinion, considered the application complete, Mr. Thomas asked Mr. Ligorano if he had anything further to add to the discussion, to which Mr. Ligorano responded he did not. Mr. Rogers then stated that an appropriate motion would be to deem the application complete, granting the waivers as suggested by Ms. Williams and asked if anyone wanted to make that motion. Mr. May made that motion, seconded by Mr. Urfer and roll called as follows: Mr. May – yes; Mr. Urfer – yes; Mr. Koski – yes; Mrs. Peterson – yes; Mr. Larena – yes. Mr. Maier, Mr. Bartow and Ms. Marie all abstained from voting due to conflict of interests.

Mr. Urfer noted that the Hope Township Committee is discussing the possible merging of the Zoning Board of Adjustment and Planning Board into a Land Use Board in the very near future. Mr. Thomas noted that he had already left a message for Mr. Ligorano stating same, and Mr. Ligorano stated that he understood and felt that the applicant would not want to start testimony while the Boards are in the process of merging into the Land Use Board. Mr. Urfer stated it is the Township Committee's hope to have a final decision made on this by the end of November, at which time Mr. Ligorano will be made aware of their intention for purposes of a hearing date and noticing for the hearing.

Mr. Thomas introduced his Associate, Matt Lynch, who may from time-to-time stand in for him, to the Planning Board members. Mr. Thomas, Mr. Lynch, Ms. Williams and Mr. Ligorano all left the meeting at approximately 7:14 after the completeness hearing had concluded.

Unfinished Business:

POP Zone Subcommittee Update:

Ms. Peterson took the lead on the discussion pertaining to the ordinance changes that the subcommittee has been working on. These changes were broken down into separate items as follows:

1. The “Tramontin” Building will be taken out of the LDAR and placed in the POP Zone where it belongs.
2. Outdoor dining will be permitted in Hope Township and will be site specific. Examples of where outdoor dining may be permitted are Dunkin’ and the Moravian Market. As the Hope Township ordinance reads now, if the establishment did not come before the Board with outdoor dining on a site plan, it is not permitted.
3. Incorporate the NC (Neighborhood Commercial) into the POP Zone, which is basically Dogwood Road. The NC Zone would no longer exist. A discussion took place in reference to protecting the people who already have residential houses in the NC Zone. Any existing homes would be essentially “dual zoned” LDAR/POP and they will maintain all the rights of LDAR. It was noted that it would still be considered a commercial zone, which the residents living in that zone are already aware of.
4. Maximum height of barns on a preserved farm or farmland assessed/assessable property will be 35’ (to the ridgeline, and a cupola will not be factored into the 35’ height) with silos being allowed to reach a maximum of 45’. The 35’ foot number was obtained through the Hope Volunteer Fire Department as that is the maximum height their fire equipment can handle. Mr. Maier was interested in learning the criteria by which this determination was made and it was noted that he would like the reasoning in writing from the Hope Volunteer Fire Department.
5. On a farmland assessed parcel/preserved farm, a barn would be permitted to be put on the property first as an accessory structure. The property owner would also be allowed to build a home on the property (even if the barn/accessory structure is built first) without the necessity of having to go before the Zoning Board of Adjustment for a variance. The house would be permitted with the re-writing of this ordinance.
6. Allowing the installation of septic systems outside of the building envelope (with County approval) in extenuating circumstances. The setbacks for this would be 50’ front, 25’ both sides and rear. This would be permitted for new septic installations only.
7. Warehouses/stand-alone warehouses would become a prohibited use in all zones in Hope Township. Industrial buildings would be permitted (with limited building sizes) and a limited number of docks – they will also be a conditional use. Further work will be done regarding what will be a permitted use in the POP Zone (i.e, car washes, childcare, etc.). The subcommittee will be working on the definition of what a “warehouse” is as well as what an industrial use would be. This is the most critical of the ordinances that need to be reworked and adopted as soon as possible. Mrs. Peterson made a motion to prohibit all warehouses (as currently defined in the Hope Township ordinance) and stand-alone warehouses (as defined in the White Township ordinance) in

Hope Township. For information purposes and ease of reference while reading these minutes, the White Township definition of a warehouse is “a warehouse or storage within a completely enclosed building. Warehouse/storage is only permitted as an accessory use which is customarily incidental and subordinate to a principal permitted use.” Mr. Maier seconded that motion and a roll call vote of the members in attendance was taken, unanimously approving this motion.

Mr. Urfer made a motion to incorporate the NC Zone into the POP Zone; Move the “Tramontin” building out of the LDAR Zone and into the POP Zone; permit outdoor dining at site-specific locations in Hope Township; Allow maximum barn height of 35’ and maximum silo height of 45’ on farmland assessed/preserved farm properties; allow the building of a barn (accessory building) on a farmland assessed or assessable property/preserved farm first while not disqualifying the landowner from being able to build a home on the property as well and being able to build that home without the necessity of obtaining a variance from the Zoning Board of Adjustment; Allowing the installation of septic systems outside of the building envelope (with County approval) due to extenuating circumstances (new septic installations only) with setbacks of 50’ front and 25’ each side and rear being necessary. This motion was seconded by Mr. May and a roll call vote of all of the members in attendance was taken, unanimously approving this motion. These changes will be presented to the Township Committee for their consideration.

The POP Subcommittee will continue to work on the permitted uses that would be allowed in the POP Zone and define more accurately what a “warehouse” is. They will also consider a new name for the POP Zone (perhaps Business Opportunity Zone).

Bills:

None received.

Public Comment:

Ms. Sobon confirmed that prohibiting warehouses as a permitted use would also prohibit them conditionally. The Board members confirmed that it would.

Adjournment:

With there being no further business, a motion was made by Mr. Bartow and seconded by Mr. Maier to adjourn the meeting at 8:31 p.m. All in favor by voice vote.

Respectfully Submitted:

Robin L. Keggan
Interim Board Secretary