

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.

LOWER TOWNSHIP PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on April 19, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Chairman Jay Dilworth. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Chairman Jay Dilworth
Charles Hewitt, Jr.
Johnnie Walker (Mayor's Designee)
Daniel J. Senico
Paul St. John
Brian Sullivan
John McNulty
Chris McDuell
Frank Zeigler

MEMBERS EXCUSED: Michael Beck
Kevin Lare

STAFF PRESENT: Michael Fusco, Acting Board Solicitor
Thomas Thornton, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: Avery S. Teitler, Board Solicitor

CORRESPONDENCE:

Memorandums:

TO: Mike Voll, Twp. Manager

FROM: Bill Galestok, PP, AICP, Director of Planning

DATE: March 20, 2012

RE: Outdoor Wood Boilers

TO: Chairman Dilworth, Members of Lower Twp. Planning Board

FROM: Mike Voll, Twp. Manager

DATE: March 21, 2012

RE: Outdoor Wood Boilers

Handouts:

List of Board Solicitor vouchers dated April 16, 2012.

List of Board Engineer vouchers dated April 19, 2012.

The New Jersey Planner: March/April 2012 - Vol. 73, No. 2.

Chairman Dilworth read the agenda for the benefit of the public.

Mr. Galestok explained to the Board that there is an additional item for the agenda tonight. He explained it is regarding an Eagle Scout project.

4. Minor subdivision application for the creation of two (2) newly described lots, submitted by Lee Ann Shaw for the location known as Block 505, Lot 24, 813 Seashore Road.

Mr. Peter Tourison, Esq., represented the applicant.

Chairman Dilworth explained that application was reviewed by the subdivision committee and found in compliance with the zoning requirements.

Chairman Dilworth asked Mr. Tourison if there was a problem complying with the Engineers comments? Mr. Tourison explained there was no problem.

Mr. Hewitt made a motion to conditionally approve this application. The motion was seconded by Mr. Sullivan. Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Galestok explained to the Board there is a proposed Eagle Scout project at that Forgotten Warriors Museum at the airport. He handed the Board a proposed site plan showing where the three-foot chainlink fence is proposed. He explained that according to the application, the proposed fence is to help control parking.

Mr. Galestok explained Mr. Bader had comment to Miss Schubert there was a fire hydrant on the property. The Board explained that Mr. Bader approach Bureau of Fire Safety and complies with their recommendations with regards to the fire hydrant.

Mr. Hewitt made a motion to approve the Eagle Scout project. The motion was seconded by Mr. St. John. Motion carried.

1. Discussion of outdoor wood furnace installations, permitted zones, setbacks, minimum lot area, etc. Request being made by Township Council for Planning Board review.

There was a discussion that Township Council repealed the Ordinance and have requested the Planning Board review and made recommendations.

Mr. Galestok read a memorandum from the Township Manager dated March 21, 2012.

The Board explained that they had heard a lot of testimony the last time they discussed this matter. They explained there was discussion regarding a one acre minimum. They explained that they also thought they recommended a total ban of outdoor wood furnaces.

Mr. Mike Mahon explained that he had not attended the Planning Board meeting regarding the outdoor wood boilers. He explained that he has had an outdoor wood boiler for the past four or five years. He explained that he uses his to heat his home. He explained that his property is a little less than four acres. He explained that he doesn't feel small lots should have them. He explained that outdoor wood boilers are like wood burning stoves. He suggested that the lot area requirement should be one acre. He explained that he feels a 50' setback from property lines and neighboring properties would be sufficient.

The Board explained that there is one currently on an acre of land and the issue is the smoke lays in the trees. Mr. Mahon explained if it is humid, it would be smokey until it dissipates. He explained wood has been as a heat source since the beginning of time. He explained that outdoor wood furnaces should not be banned. He explained that he does not burn his in the summer. The Board explained that there is one that is being used in the summer to heat their swimming pool. Mr. Mahon explained he does not recommend burning them in summer. The Board asked Mr. Mahon what time frame he feels would be appropriate? Mr. Mahon explained he feels mid October to mid April would be sufficient.

There was a discussion that smoke travels and there are different size and shape lots.

Mr. Emerson Eislie explained he lives in Salem County on 45 acres of land. He explained that his next door neighbor has 65 acres and an outdoor wood furnace. He explained that the smoke travels onto his property. He explained that when this happens, he has to leave his property. He explained that outdoor wood furnaces are a health hazard and should be banned. He explained that the manufacturer says to eliminate some of the problems, the stack should be at least two feet above the peak and don't burn wet wood. He explained that smoke just hangs in the woods.

Mr. Bob Osborn explained when fireplaces or wood stoves are burning, there is a smell of smoke. He explained in the summer, campgrounds have campfires and if outdoor wood furnaces are banned because they smell and they're smokey, will campfires be banned? He explained that if this is banned, where does it stop. What if you don't like the color of your neighbor's bushes, then they can come here to ban that color. Where does it end? He explained that he is against telling someone how they can heat their home.

Mr. Tom Squires explained his neighbor burns a fireplace all the time. He said you can smell the smoke from it. He explained that if wood is burned properly, there is no smoke. He explained that he doesn't feel it is right to take rights away from people.

Mr. Maurice Hight explained he is a neighbor of the existing outdoor wood boiler. He explained he is also a member of the Environmental Commission. He explained that at recent meeting they discussed outdoor wood boilers. He explained their concern is with air quality of the Township. He explained that there has to be a distinction between fireplaces and wood boilers. He explained the State of Vermont has banned wood boilers.

Mr. Hight explained that he lives within a half mile of the existing boiler. He explained that he can smell the smoke from the unit and sometimes they have to close the windows.

Mr. Hight explained that the Environmental Commission suggests a five-acre property for a wood boiler with a setback of at least 1,000 feet from neighboring properties.

The Board asked Mr. Hight how he felt with just allowing the wood boilers to burn in the winter? Mr. Hight explained that may be better because there are no leaves on the trees and no humidity.

Ms. Diane Morton gave the Board members photographs of the existing wood boiler and other literature pertaining to wood boilers. She explained that she has contacted campgrounds and right now, there is a ban on campfires.

Ms. Morton explained that she obtained a copy of the petition and called some of the people. She explained that they didn't realize it was for wood boilers.

Ms. Morton explained she lives about 350' from the existing wood boiler and they can't even sleep with their windows open.

Mr. Tom Nuscis explained that wood is the cleanest source for burning. He explained that education is needed when burning wood. He explained that Mr. Banach has learned how the boiler works and there is no smoke or smell. He explained that if the issue is with smoke, then they are going to have to look into banning fireplaces, wood stoves, etc.

Mr. Galestok explained that if a new Ordinance is passed, it would make the existing boilers a non-conforming use. Also, it would not affect the existing units.

Mr. George Doherty explained that he is against allowing wood boilers. He explained there is a right to burn wood and people have the right to breathe fresh air. He asked if they are allowed, how would violations be enforced when not used properly? He feels that if they are allowed, it should be on five acres or more. Maybe even 10 acres. He explained that if they are allowed, then there should be a variance where the neighbors are notified and they have a chance to speak for or against.

Mr. Eislie explained a scrubber could be installed on the stack. He explained that he feels it doesn't matter how much land you have as long as you get the stack high enough that it wouldn't affect anyone.

Mr. Doug Shultz explained the wood boiler does produce smoke. He explained he doesn't think a 100' setback is enough. He asked if it doesn't smoke, why isn't next to the house?

Mr. Mahon explained his wood boiler is about 75 to 100 feet away from his house. He explained he chose that location because it was a convenient area where wood could be split and stacked. He explained that in the years he has had his wood boiler, none of his neighbors have complained about smoke or smell. He explained that his chimney is 10 or 11-foot high.

Mr. Mahon explained that he got the signatures for the petition. He explained that he did not struggle to get them.

Mr. Mahon explained there should be some regulation on wood boilers, but don't over regulate them.

Mr. Pawel Banach explained he is the owner of the one in Brynwood Estates. He

explained that if he attached it to his house, he wouldn't be here today. He explained he didn't attach it because of ash. He explained his chimney is 40' high. He explained that the EPA was in his area for one week and they had no issues.

Ms. Carol Elisee explained she did not understand why this issue was back before the Board. It was explained that Township Council repealed the Ordinance and a memorandum was received from the Township Manager to revisit the issue.

Ms. Cindy Kidd explained she lives in Cape Woods. She explained that one early morning in March, she woke up to the smell of smoke. She looked all over her house and went outside to realize the smoke smell was coming from the wood boiler on Andrielle Lane.

The Board explained issues to be discussed are burning times, height of the stack, the nature of the lot and whether a variance should be required so that neighbors are notified. If a variance is going to be required, the application would be before the Zoning Board. The only way it could come before the Planning Board is if there was a site plan or subdivision and a site plan cannot be required on a single family dwelling.

There was a discussion that air quality is an issue, but we don't have the tools to handle that. If areas are all open, there probably wouldn't be a problem, but if a property is more dense or wooded, there could be a problem. There was a discussion as to whether the Township even has jurisdiction to do an Ordinance with DEP regulations.

There was a discussion that may be there should be a recommendation to Township Council to reach out to the State.

Mr. Hight explained the State DEP has regulations.

Mr. Eislie explained regulations can be found on-line and can even find information on heights of the stacks.

Mr. Hight explained that the intent of the Environmental Commission was for future outdoor boilers. Not the ones in existence today.

The Board asked Mr. Hight if the Environmental Commission could obtain more information. Maybe even contact adjacent Environmental Commissions to see if they have had any discussion about outdoor boilers.

The Board explained that the next time this would be discussed by the Board would be at the June 21, 2012 meeting.

3. Discussion of proposed beekeeping Ordinance according to New Jersey State best practices as requested by the Board.

Mr. Galestok explained and reviewed the changes that were made due to the Boards concerns.

Mr. Hewitt made a motion to recommend the Ordinance to Township Council. The motion was seconded by Mr. Sullivan. Motion carried.

2. Discussion and approval, if appropriate, of the Draft Lower Township Municipal Public Access Plan.

Mr. Galestok handed the Board a copy of the plan. He explained that there isn't a deadline for approval. He explained that the Township has to go through the process. He explained that there are over 80 access points onto the beaches throughout the Township. He explained that they are also proposing a fishing pier and boat ramp. He explained that Township Council has also approved the plan.

Mr. Hewitt made a motion to approve the Draft Lower Township Municipal Public Access Plan. The motion was seconded by Mr. Walker. Motion carried.

Mr. Hewitt made a motion to approve the resolution from the March 15, 2012 meeting. The motion was seconded by Mr. St. John. Motion carried.

Mr. Hewitt made a motion to approve Board Engineer and Board Solicitor vouchers. The motion was seconded by Mr. St. John. Motion carried.

Mr. Hewitt made a motion to adjourn at 8:33 P.M. The motion was seconded by Mr. St. John. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

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