

LAWRENCE TOWNSHIP PLANNING/ZONING BOARD
WEDNESDAY, NOV. 14, 2018
CEDARVILLE, NJ 08311

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| THOSE PRESENT: Al Humeny, Chairman | Veronica Sergiacomi |
| Elmer Bowman | John Tisa |
| John Knoop | John Roesly, Jr. |
| Tony Lamanteer, Zoning Officer | George Ripper |
| G. Erwin Sheppard | Delbert Peterson |
| Fran Hancock | Stephen Nardelli, Eng. |
| Bill Reilly, Solicitor | Kathy Rodman, Sec. |

THOSE ABSENT: Greg Yacabell

The Lawrence Township Planning/Zoning Board held their monthly meeting on Wednesday, Nov. 14, 2018. The meeting was held in accordance with the Open Public Meeting Act and was opened by Chairman Al Humeny.

A motion was made to open to old business by Steve Miletta and seconded by Skip Bowman. Under old business we had to approve the minutes of the Oct. 10, 2018 meeting and approve the Resolution #01-2018 prepared by Mr. Reilly for the denying of William Henderson's application for a variance to move a house onto a flag lot. A motion to approve the minutes by Tony Lamanteer and seconded by Steve Miletta, all in attendance were in favor. A motion was made to approve the Resolution by Tony Lamanteer and seconded by Steve Miletta, all in attendance were in favor. Both motions passed.

A motion was then made by Skip Bowman and seconded by Steve Miletta to close to old business, all in attendance were in favor. A motion was then made to open to new business by John Tisa and seconded by Delbert Peterson. Under new business we have a Conditional Use Variance for Ag-Mart Produce/Procacci Brothers at 15 Cedarbrook Lane, Block 193 Lot 10 to convert an existing warehouse into Farm Labor housing under the H-2A Temporary Agricultural Program.

The first item taken care of was that Erwin Sheppard and Skip Bowman had to recuse themselves, since they are Township Committee Members and may not vote on a Conditional Use Variance. Also recused was Fran Hancock & John Roesly, Jr. who do business with Ag-Mart. They all took seats in the audience with the exception of John Roesly, who left.

First up was Howard Melnicove, attorney for the applicant. Mr. Melnicove was sworn in and gave an overview of what they were coming for, which is a Conditional Use Variance, a D Variance.

Mr. Reilly, the Board Solicitor, also explained that the applicant's were here requesting a Conditional Use Variance, a D-3 Variance, which is not a normal variance. The applicants wish to repurpose an existing warehouse into a farm labor housing. They are short 75 ft. frontage. Mr. Reilly explained that farm labor housing is an allowed use in the Agricultural zone. If they had the required frontage, they

would only have had to come to the board for Site Plan Review. At this time, Mr. Reilly asked me to make sure that we had enough members to vote, and we did.

At this time, Mr. Reilly asked Mr. Melnicove to have his witnesses come up to identify himself and be sworn in. The following were their witnesses & professional people:

James Kyle – Professional Planner

George Binck – COO Ag-Mart

David Good – Professional Engineer

Joe Procacci Jr. – CEO Ag-Mart

Robert Goodwin – Chief Engineer

Joe Procacci 3rd – Director, Ag-Mart

Joe Procacci Jr. explained a bit about the H2A Federal Program – the workers that they would be bringing in are vetted, they have to go through the Mexican Consulate and the American Consulate, have no criminal history, single males, no families, no cars, they must work only on the property, have curfews and there are prohibitions and strict rules. They will be brought in to work at harvest time, which is typically 11 weeks. They are hand picked people that have worked for Ag-Mart for quite a while at their other facilities in Mexico and Arizona and Florida. It will be 128 individuals.

Next up was George Binck – CEO he explained that under the H2A Program, they have to offer housing to the laborers. He explained about some of the requirements of the H2A Program. Mr. Melnicove then admitted into record A1-the Federal Guidelines for the H2A program. A-2 an attachment E2A790 the physical contract for the employees, which specifies that it is all men that are employees. A-3 the House Ruled.

Joseph Procacci 3rd who is the Director for Ag-Mart explained that over the last 4 years there has become a labor shortage and Ag-Mart is experiencing that labor shortage and they feel that this program will offer a solution to this problem.

At this time David Good , who was the engineer that prepared the site plan and prepared the variance & the floor plan came up and entered into record A-4 the variance plan, A-5 the aerial shot of the property and A-6 the floor plan.

James Kyle – Professional planner, has had dealings with us as he was the one of the Planners for the Dollar General Store application. He went over a few things on the exhibits that were on display. Mr. Good came back to present A-7 into the record, which was an elevation of the buildings.

At this time, Stephen Nardelli, our Engineer, deemed the application was complete. It was allowed at this time for the Board Members to ask questions. Steve Miletta asked how many workers they had and Joseph Procacci 3rd answered and said they previously had 1,000 workers and this year it dropped down to 240 and they need 350. He advised that the workers would be staying put, they would be working on the farm and not in the packing house. Steve then asked how everything would be policed. Mr. Procacci said they have members of management that would be overseeing them. The building would

be air conditioned and heated. The workers would be here for approximately 11 weeks, depending on when harvest season comes in, basically from July 1- Oct. 15. John Tisa asked about if there was a fire suppression system and yes, he was told there was. Veronica Sergiacomi stated that she had a few questions, first one was can they apply for and receive an extension for another purpose. Mr. Procacci said that under the H2A Program they can be here for up to 9 months, so basically the answer was a yes. Then Veronica asked about policing and enforcement, she was advised that there would be oversight by a staff labor supervisor 24/7 and that they would provide phone numbers of their staff and management and that if need be, the State Police should be called. Veronica's next question was as to whether or not there was a rec area for the workers. She was advised that there was an inside rec area provided on the plan, but Veronica was concerned that maybe the workers may want to go outside and play soccer or get fresh air. She was advised that yes they would provide an area for outside activities. She was also advised that this could be addressed if and when they come for site plan approval. Veronica's last question was that if the board votes no to the variance request and that is a deal breaker could they or do they have an alternate plan. Mr. Procacci advised that they do not wish to use any of their other land due to it being used to plant & grow. Veronica stated that she did in fact believe that there would be a negative impact to the community and neighbors, especially those on Cedarbrook Lane. Someone asked if they had an alternate plan? The answer was that they wanted to repurpose this warehouse in lieu of constructing a new building so that they could keep their other land in production. A motion was made by Steve Miletta and seconded by Veronica Sergiacomi to deem the application complete. All in attendance were in favor. A roll call vote was taken:

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| Al – yes | John K. – yes |
| Tony – yes | Steve – yes |
| Veronica – yes | John T. – yes |
| George – yes | |

The application was deemed complete. A motion was then made by Steve Miletta and seconded by John Tisa to open to the public. All in attendance were in favor. Before anyone from the public was called forward, the Chairman Al Humeny, stressed to everyone that the Board would allow anyone who was there to speak, but if their comments became redundant, they would be asked to keep their comments short.

First up was John Wilson of 5654 W. Buck Road. He asked about where would emergency vehicles go should an incident arise and wouldn't Cedarbrook Lane be blocked off for the people that live there. It was said that all emergencies would be addressed and consideration would be given to surrounding residents. Richard Catlin of 14 Edgewood Avenue was next and he asked what would happen to the building the rest of the time after the workers would leave? It was stated that the building would then be vacant and would be monitored.

Next was James Eisinger of 130 Factory Road, he brought up the fact that previously Ag-Mart had allowed their workers to eat their lunch outside under a sort of lien-to and that they would throw their trash on the ground and it would be blowing onto his property and all over Cedarville Road. He was assured that Ag-Mart would not allow that to happen and that the workers would have a dining area in the building. Ag-Mart also apologized for the previous incidents. Next was Joe Sorantino Jr. of 46 Cedarbrook Lane, his concern is that his grandkids, especially his 9 year old granddaughter, sometimes

has to walk to the bus stop and he has concerns about 100 plus men being outside waiting for their transportation to pick them up and that she would have to walk past them. Next was Vanessa Sorantino of the same address as Joe, her concerns were that they have a swimming pool & sometimes her granddaughter has friends over and they are out in their yard, has concerns about the loss of their privacy. There was discussion among the board members that maybe, if the variance is approved, when it comes back for Site Plan approval, the board could impose some redirecting of the pick-up zone and maybe some buffers imposed. Ag-Mart was agreeable to that to be discussed at a later time.

Next was Rudolph Badger of 126 New Road, who stated that he thought it sounded a lot like a prison. Then George Truxton of 3007 Foley Avenue he stated that the board would be giving Ag-Mart a gift of 75 feet and what would the township be getting in return? He wanted to know how does it help the community? Next up was Michelle Costello of 393 Main Street, she has a copy of the Township Ordinance and said that it does not go to a variance and you have to look at the negative impact on the community, especially services, like police, hospital, ambulance, fire etc. Some of these services the township does not have. The board should consider the health & welfare of the community. She wanted to know if these employees are actual Ag-Mart employees or are they just contracted employees. Joe Procacci 3rd answered that they are actual Ag-Mart employees, and that they provide health benefits, pensions and that their paychecks are signed by Ag-Mart officials. She asked about supervision and it was addressed that there would be a labor supervisor on site.

Stefanie McGarrity of 920 Lummistown Road was next and she had pulled up some information on the H2A Program on her phone and questioned as to whether the laborers would be bringing their families over, as she thought it said once the laborers were here they could bring over family members. Mr. Procacci emphasized that was not true and that was a different program. They cannot bring family members into the facility, he explained that these are workers who are willing to leave their family to come here to work or have no family ties. She wanted to know what kind of disciplinary actions would be taken if there were any incidents at the facility, and it was explained that if it was something that a supervisor could not handle, then the State Police would be called. There were concerns from the public about the response time for the police to get there. It was also stated that if there are any violations of the rules set for in the H2A Program, the worker(s) can be deported back to their country of origin.

Tara Gonzalez of 97 Main Street was next and she wanted exact start & end dates as to when they would be coming & leaving, and would that be guaranteed, Mr. Procacci explained that it all depends on the harvest time and that Mother Nature plays a big part in when harvest time is. It could be a different time span. Next was Dominic Caldwell of 531 Lummistown Road, he questioned as to whether they brought any pictures of their other facilities to show how clean they are, and the answer was no that they did not. Next was Verna Herman of 561 Newport Road, she just wanted to remind the board that they have a choice to either grant or not grant the 75 ft variance. She believes that it is indeed, a gift and that they should vote with their heart and that there is a reason why the frontage is 100 ft.

Next up was Jessica Caez of 203 Co-Op Drive, she has concerns about housing that many men in one facility. She has been in the prison guard system for 10 years and says she is sure that problems will arise and she has many concerns. Some people such as George Truxton, Rudolph Badger and John Wilson just wanted to reiterate the impact of housing 128 men in one facility would have. Also he pointed out

that it would be a good idea and asked if Ag-Mart would consider hiring a private ambulance company to transport any people out if an incident occurs. At this point, there was a motion to close to the public by Tony Lamanteer and seconded by Delbert Peterson. All were in favor.

John Tisa said that we have heard all of the public's concerns and asked about an alternate location. Mr. Procacci explained that this was the best site for sewer & water. He also stated that he had heard a rumor that maybe this site would be on Duffield Avenue and Ag-Mart reps said that must have been a rumor and that they never stated that.

A motion to approve the Condition Use Variance with the condition that it is only for the H2A Program and if Ag-Mart does not continue with that program, then the Use Variance is null and void was made by Tony Lamanteer and seconded by Steve Miletta. Al Humeny, Chairman reiterated that if Ag-Mart stops using the H2A Program they must come back to the board and that the building cannot be used for general housing. The applicants agreed to that stipulation. A roll call vote was then taken:

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| Al – yes | John Knoop – yes | Tony – yes |
| Steve – yes | Veronica – no | John Tisa – no |
| George – yes | | |

With 5 affirmative votes, the Conditional Use Variance was passed. There was much displeasure from the audience in attendance. The enforcement will be carried out by the Township Zoning Officer and a comment was made by James Eisinger that he has been dealing with the Code Enforcement/Zoning Officer and cannot get any compliance.

A motion to adjourn was made by John Knoop and seconded by Delbert Peterson, the meeting was adjourned at 10:10 p.m.

I hope that you all understand that there was a lot of talking going on all at once a lot of the time, and I tried to do the best I could with these minutes. I had to listen to the tape multiple times to try and get everyone's name and address correct and who made motions. With everyone's back to me I try to rely on the voices and hope I got everything correct. I welcome any corrections at the next meeting, which will be Dec. 12, 2018 at which time there will be a Resolution to approve and Matthew Pisarski, from the Cumberland County Planning Board will be there to discuss Farmland Preservation. Thank you to all of the Board members for coming out and taking everything into consideration before voting and I am proud to be the Secretary of this Board, which takes their volunteer position very seriously.

Respectfully submitted,

Kathy Rodman, Planning/Zoning Board Secretary