

MINUTES OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN

A public meeting of the Zoning Board of Adjustment of the Township of Pennsauken, in the County of Camden, in the State of New Jersey was held on the above date at the Pennsauken Municipal Building, 5605 N. Crescent Boulevard, Pennsauken, New Jersey.

Vice Chairman Silver called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Carl Bierbach, Paul Hoyle, Jaye Silver, Darlene Hannah, Dianne Piccari, Lou Morales and Duke Martz. Acting Solicitor Richard Wells, Esq., Planning & Zoning Coordinator John Adams, and Secretary Nancy Ellis were also present.

The Vice Chairman announced that the meeting was being held in accordance with the Open Public Meetings Act, notice has been sent to two local newspapers, and also posted on the Bulletin Board in the Municipal Building.

Lou Morales assumed the seat of absent member Shirley Butler and Paul Hoyle assumed the seat of absent member Lysa Longo.

HEARINGS:

JOHN DIPIETROPOLO-Seeking an Interpretation of Township Ordinance # 141-82 A. (2) which states Agriculture is a permitted use in the zone and the applicants propose use is Shrimp Farming and is licensed under the Department of Agriculture as Aquatic Farmer, and any other variance required by Pennsauken Township Zoning Board. Premises located at 9214 Collins Avenue, Block 3605, Lot 20 in Zoning District LI.

Mr. John DiPietropolo, 9214 Collins Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. DiPietropolo presented a copy of his license from the Department of Agriculture and pictures of the inside of his facility.

The Solicitor marked the copy of the license and the pictures of the inside of the facility as A-1 into evidence.

Mr. DiPietropolo testified that he and his father have run a water purification business for 26 years and they have been at the property located at 9230 Collins Avenue for the past 25 years. They have since acquired the properties located at 9214 and 9220 Collins Avenue as well. Mr. DiPietropolo further testified that he saw something about fish and shrimp farming and thought it was an interesting business to get into, so he did. He stated that he raises the shrimp in tanks. He feeds them, they “poop” and he filters the water they live in. There is no noise and no activity on the outside of the building. The shrimp are raised inside the building in (29) 2,500 gallon water storage tanks. He uses sea water and a closed loop recirculation system and the water is filtered 24 hours a day, 7 days a week. Mr. DiPietropolo stated that he is very “green”. The top of the building has panels installed for solar energy. Mr. DiPietropolo stated that he obtained the license to run his business through the New Jersey Department of Agriculture for Aquatic Farming. He stated that they are the only shrimp farm in the state and indoor farming is the way to the future.

Upon query, Mr. Bierbach was informed by the Solicitor that the business is located in the LI zone. However, any of the permitted uses in the C-2 zone are included in the LI zone. The C-2 zone permits the raising and harvesting of crops, all forms of gardening and horticultural practices but not including the keeping of farm animals or poultry. This is why the applicant is asking for an interpretation of the ordinance or if necessary, a use variance. The ordinance does not list this specific use.

Upon query, the Solicitor was informed by the applicant that there are other indoor farming facilities for tilapia and clams. However, they are the only indoor shrimp farm in the state.

Mr. DiPietropolo stated that when he first got into the shrimp farming business, he didn’t realize he needed approval from the town, since he was approved with the state. He put a press release out. Channel 6 News came out and did a story and someone from the township saw the news and that is how he ended up at the board this evening.

Upon query, Mr. Bierbach was informed by the Solicitor that he would recommend the applicant seek a use variance rather than an interpretation of the ordinance.

Upon query, the applicant informed Mr. Hoyle that there is minimal waste at the facility.

Upon query, Mrs. Hannah was informed by the applicant that he has been in the business of installing water purification systems to improve water quality in residential, commercial and industrial facilities for years. He further informed Miss Hannah that with the shrimp farming, he continuously reuses the (29) 2,500 gallon tanks. The water is constantly filtered and purified. There are automatic feeders installed and it only takes 1 full time person to run the operation at the facility.

Upon query, Miss Picarri was informed by the applicant that there is 75,000 gallons of water at the facility and the shrimp live in the tanks. When it's time to harvest the shrimp, they scoop them out of the tanks, put them whole on ice in Styrofoam coolers and the shrimp are sold at farmers' markets.

Upon query, the applicant informed the Solicitor that they harvest and deliver the shrimp on Fridays. They harvest and pack 100lbs of shrimp in each cooler and there are usually two coolers. They order baby shrimp from Florida and they are delivered once a month by Federal Express trucks. There are no customers that come to the facility, there is only 1 full time employee and there is no concern for parking at the facility.

The meeting was open to the public.

Mr. Michael Hagan, 2740 Colonial Avenue came forward to testify and was duly sworn by the Solicitor.

Upon query, Mr. DiPietropolo informed Mr. Hagan that there is no smell from the facility and there is a minimal amount of salt water allowed in our sewer system. He further informed Mr. Hagan that if he ever had to totally empty the tanks, he would call a professional company to pump the tanks and remove the water from the facility.

Mr. Daniel Hagan, 2740 Colonial Avenue came forward to testify and was duly sworn by the Solicitor.

Upon query, the applicant informed Mr. Hagan that if there were a prolonged power outage, it is easy enough to hook up a generator to the tanks. He further stated that the tanks will not overflow if the power goes out.

There being no one else who wished to speak, the meeting was closed to the public.

Upon query, the applicant informed Mrs. Hannah that the shrimp are certified for safety before they are delivered to him. He stated that the facilities are overseen and regulated by the Department of Homeland Security. When the deliveries are made to him, he has to fill out a report with a check list of items and send the report to the Department of Agriculture when the shrimp are delivered to his facility.

The Solicitor made the following factual findings: This is an application to determine whether aquatic farming is included within section 141-82 A2. The applicant's business is in the LI zone which is governed by section 141-83 of the township code. All uses permitted in the C-2 zone are included and permitted in the LI zone which permits agriculture uses which include the raising and harvesting of crops, all forms of gardening and other forms of horticultural practices but it does not include raising farm animals or poultry. The applicant provided testimony to describe the aquatic farming, indicating that it is the first shrimp farming business licensed by the Department of Agriculture at the state level. The board determined that based upon the testimony provided by the applicant and the nature of the business that it is not specifically included in the definition of agriculture under the C-2 zone or any other reference under agriculture in the township ordinance. Therefore, a use variance would be required. The applicant testified that he has been operating a water purification business for the past 26 years and through that operation has discovered the shrimp farming business and he has expanded his business and started the aquatic shrimp farming operation. The applicant also summarized all the licensing requirements, the operational structure and regulatory requirements indicating that the township water and sewerage departments as well as the CCMUA have also inspected the property. Any approvals granted by the zoning board will be based upon the continuing satisfaction of any state approvals associated with the operation of the business.

Mrs. Hannah motioned to accept the fact finding. Miss Piccari seconded.

Mr. Martz motioned to grant the application. He stated he believes the applicant is serving the public good by producing "clean" food. He further stated that he believes the site is suitable for shrimp farming. Mr. Hoyle seconded. Roll call: Carl Bierbach, Paul Hoyle, Jaye Silver, Darlene Hannah, Dianne Piccari, Lou Morales and Duke Martz-Aye. None opposed.

MINUTES:

It was moved, seconded and unanimously agreed to approve the meeting minutes from August 16th, September 20th, October 4th and October 18th 2017.

CORRESPONDENCE:

None

RESOLUTIONS:

Resolution #Z-2017-24 granting **FITHIAN PROPERTIES LLC, (DOLLAR TREE)** - site plan approval to amend an existing application that was approved by the zoning board of adjustment on December 21, 2016 for retail and office commercial use. Premises located at 6820 N. Crescent Blvd, Block 2217, Lot 4 in Zoning District C-2, R-3 & Redevelopment.

BILLS:

It was moved, seconded and unanimously agreed to approve payment for the following bills:

11/1/2017-T&M Associates- Engineering Services for Fithian Properties (Dollar Tree)-\$93.00.

11/1/2017-T&M Associates- Engineering Services for Bayada Home Healthcare-\$1,096.50.

COORDINATOR'S REPORT:

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 7:50 P.M.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Nancy L. Ellis".

Nancy L. Ellis, Board Secretary