

**MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD
MARCH 12, 2020**

Open public meeting statement: The meeting was called to Order by the Chairwoman, Jody Case Kennedy, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public Meetings Act. Those present were: Richard Innella, Fred Merusi, Bryan Leeper, Glenn Barbagallo, Glenn Plotsky, Lauren Zitone, Joseph Cooper, Katherine Snyder, John Sorrao, Nina Fradl, Jody Case Kennedy, William Haggerty, the Board Attorney, Thomas Knutelsky, the Board Engineer, and Sharon M. Yarosz, the board secretary.

Those absent were: None.

FLAG SALUTE

MINUTES:

There were no minutes prepared to approve.

CONCEPT APPLICATIONS

Tamerlaine Sanctuary & Preserve – Concept Application – LUB 20-01 – Block 4, Lot 48 – 141 Clove Road and Block 8, Lots 7 & 7.06 – 132 Clove Road:

Appearing before the board was Chrissy Romeo, Development Manager of the applicant, who is a non-profit organization. She indicated that they have a 336 acre lot that has lots of wild land, wild habitat, and nature conservation. It took a while to envision the farm that they want to be. She presented to the board a proposed site plan which included things they can do as a working farm, such as educational tours, farm store, etc. She indicated that there are items they want to do that they will need to get a variance for, such as having an event space. They originally thought of doing a bed and breakfast, but this has changed. The historic home has a good number of bedrooms, after reviewing the numbers, it will not yield enough revenue for the amount of work that needs to go into it. Instead they would like to be open for events for weddings, for corporate outings, for team building events, birthday parties, retreats. They are hoping that people from the conservation community will want to come and do retreats, summits, etc. Instead of having people all the time for a bed and breakfast, they may just do 10 to 12 events a year. They feel this would bring in the most revenue and will have the least impact on the property and their time to take care of the animals on the farm and expand their conservation project.

Ms. Romeo further stated that they are working with farmland preservation to see if they can do the above mentioned programs because it is a preserved farm. They would like to have nature hikes, trails and birding. They are dedicating an acre of their property to a monarch butterfly and native pollinator sanctuary and conservancy. In that area they would be producing native plants, harvesting the seed and selling them in their farm store. They would like to do educational tours teaching children about the importance of our pollinators. Their project is basically educational based and they want to be a place in the community where people can come and have fun and come for the weekend. They would like to have music on the weekend during their tours, box lunches, etc. They are working with a local caterer so all of the food that comes onto the property is through a catering facility, therefore, there will not be a commercial kitchen on the property. The main thing they would need a variance for is the event space on the 5 acres that is not preserved farmland. Some of the long term goals would be camping on some of the areas of the property which they need approval from farmland preservation also.

Mr. Haggerty questioned Ms. Romeo if they were having a wedding on the property, will the house be available for people to stay. Ms. Romeo indicated that the rooms would be available. It would be part of the event space so the bride could get ready or stay the night before.

It was noted by the board attorney and board engineer that a formal site plan and use variance application must be filed for the commercial use on the residential property. The site plan will have to show the parking for these events. Mr. Haggerty indicated that the signage should be part of the site plan application.

NEW APPLICATIONS

PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance:

Appearing before the board was the applicant, Nick Antonaccio, the owner of PPG Lessons, LLC, and his attorney, David Wallace. Mr. Antonaccio was sworn in by the board attorney.

Mr. Haggerty indicated that the applicant is before the board either for a Use Variance approval or an Interpretation that the proposed use is consistent with the uses that are authorized in the zone and, therefore, is permitted.

Mr. Wallace indicated that Mr. Antonaccio is the sole owner, manager and member of PPG Lessons, LLC, who purchased the subject property in the fall. Mr. Wallace further stated that the applicant would like to operate PPG Lessons. This is a 28 acre site near Mashipacong Island in an area that is farmed extensively between River Road and the river. There are several farm parcels in that area which is flat making it an ideal area for the activity the applicant proposes. Mr. Antonaccio looked far and wide for a piece of property that is big enough to have his lessons and have his students keep within the confines of his property and without obstructions and with minimal surrounding development.

Appearing before the board was the applicant, Mr. Antonaccio. Mr. Antonaccio indicated that he has been flying power paragliding for 15 years and teaches professionally Power Paragliding and has certificates for an instructor. He has been doing this for over a decade. He is certified by the ASC (Air Sports Connection) and the USPPA (United States Power Paragliding Association). Both of these organizations work with FAA to provide exemptions so they can fly legally and teach students. The organizations also work to help educate the pilots and make sure they are flying responsibly and teach students. There are 3 levels of certifications. The PPG 1 includes (Beginner Pilot ratings) typically involve 4 to 8 days of instructions to cover laws and the first couple of flights. PPG 2 typically involves anywhere from a couple of months to a couple of years, more ongoing instructions to make sure pilots have good skills so they can fly on their own. PPG 3 is advanced instructional certifications. Mr. Haggerty questioned if this property will still be farmed. Mr. Antonaccio indicated that the majority of it will be farmed.

Mr. Antonaccio submitted to the board Exhibit “A-1” which is a google map of the lot. It shows the size of the lot and the gas line that runs through the property. He indicated that one side of the property is 2,672.5’. There are a number of pieces to the property that added together show how wide the property is, which averages 623.38’. The side nearest River Road, the average width is 570’. The edge of the property is 676’. Mr. Knutelsky indicated that some of the 28 acres is wooded area and some are plowed fields. He questioned Mr. Antonaccio the length of the plowed fields. Mr. Antonaccio indicated that he did not know exactly, but he would estimate 2,000’. He is suggesting to use 500’ to 600’ in the middle of the property for this proposal. Everything else outside of the 500’ to 600’ square feet will be farmland.

Mr. Antonaccio submitted to the board Exhibit “A-2” which is a google map of the lot showing the area that they intend to use for this proposal. The area they intend to use is 600’ x 600’. He needs an area this big with a flat area. This exhibit also shows the area proposed for parking and the existing dwellings in the area. Mr. Innella questioned the area needed for takeoff and landing. Mr. Antonaccio indicated that the takeoff run is usually 25’ +/- . He indicated that the actual takes off run 50’ on the outside. With students you may have them run a little bit farther because you want to make sure the wing is completely straight and even. If they are not completely straight or even at that point, they just abort the launch. Mr. Innella questioned the pattern for flying and then landing. Mr. Antonaccio indicated that once in the air they go 300’ with a right or left hand pattern either way. They will instruct students to stay over the property.

Mr. Antonaccio submitted to the board Exhibit “A-3” which is a video of how the paragliding works and how it looks like. He indicated that it is nothing like an aircraft. These are small

NEW APPLICATIONS CONT.

PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:

engines that are carried on their back and you run with them. They are very slow moving. The launch and landing are at walking speed or running speed. The students will be instructed to stay over the field area and they will keep them away from the wooded areas.

Mr. Wallace questioned Mr. Antonaccio if there are dwellings adjacent to his property. Mr. Antonaccio indicated that there is a vacation home on the far northwest corner, there is a hunting cabin in the woods. The next nearest homes are out on the road past the woods at the very far end of the field.

Mr. Antonaccio referred to the video which shows how loud the motor is. The motor is much quieter than a chainsaw. He compares the sound to a lawnmower. When you are approximately 100' away from the device, you do not really hear it. He has on the video that you can hear talking in relation to him flying around a group of people.

Mr. Innella questioned Mr. Antonaccio as to how many days a week he plans to have these lessons and the hours of operation. Mr. Antonaccio indicated that he has not had any students since November. He is requesting 2 to 3 weekends per month averaging 2 to 3 days based on the weather. There will be 2 full weeks during the year where things get really busy. You cannot fly at night. The flying is typically done the last 2 to 3 hours of the day or the first 2 or 3 hours in the morning. He prefers to do it in the evening before sunset, which he feels is the best. He indicated that 90% of the training is working with wings, teaching the students to control the wing in the wind which is silent, they just run with a big kite on the field. They do simulator training, which students hang from a cross bar so students learn to control the engine, which is the noisy moments. They learn to control the power, the throttle so they can handle it well and used to the thrust before they get in the air. Then they do ground school 2, which is typically done over dinner at restaurant or they can also do that on line. The season is typically from April to October. Mr. Innella questioned after the training will the students stay within this 600' x 600' area? Mr. Antonaccio indicated that they will go away. He may want to fly there recreationally himself. He would rather keep this as preteen shape as possible and with little traffic as possible. He is not proposing this to be a place where people come to fly regularly, it is just for a training area. Mr. Haggerty questioned as to how many students he will have there at a time. Mr. Antonaccio indicated that he does not feel that it will ever be more than 10 students at a time. Mr. Wallace indicated that is not for recreational use. This is for lessons for compensation only. He is not renting it out for recreation use. Mr. Wallace questioned if there is parking available for these students. Mr. Antonaccio indicated that there is an area designated for parking for the students on Exhibit “A-2”. However, this area could change depending on the weather conditions. After these lessons, the students will have the certification themselves. Mr. Haggerty questioned if there is permitting for this type of flying. Mr. Antonaccio indicated that there is no legal requirement for permitting.

Mr. Innella questioned if there will be any structures on the property. Mr. Antonaccio indicated that possibly a windsock. He thought that maybe a shed would be helpful to store the equipment, however, he really does not need one because he operates out of his van. He would like to leave the tripod on the ground, but he can put that in his van also. Mr. Wallace indicated that the tripod is for the ground school for the simulator work mentioned earlier in the meeting. He would like to leave it on the property. The tripod basically looks like a swing set.

At this time, the applicant presented the video (Exhibit “A-3”) to the board as to the sound of this equipment.

NEW APPLICATIONS CONT.

PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:

Mr. Antonaccio submitted to the board Exhibit “A-4” which is a picture of a location behind a Church in Morgantown, PA where he currently has lessons 4 days a week. This was a small site. They held Church services during the time of the lessons and never had a problem with the sound. He estimates the size of the field to be 150’ in length.

Mr. Antonaccio referred to a portion of Mr. Knutelsky’s report which stated “That the United States Powered Paragliding Association recommends a 300’ wide by 900’ long launch/land area for inexperienced pilots. How will this area be situated on the property in question and will farming activities still be present in this area during non-usage times.” Mr. Antonaccio indicated that he contacted the owner of this website and had him change the information because it was misleading. It now states that half that area could be crops as tall as corn. He stated when they come in at tree level, they can over fly that corn and all they need is 500 feet to get down to come in. Mr. Antonaccio submitted Exhibit “A-5” which is a copy of the website information from USPPA a 7 page document. Mr. Antonaccio indicated that the general consensus of this property is that it could not be any better, it is perfectly flat and perfect for this use.

Mr. Antonaccio referred to his video Exhibit “A-3” showing the board the launch and landing of this equipment.

Mr. Wallace questioned Mr. Antonaccio as to how much air time and ground time goes into training the students. Mr. Antonaccio indicated that before you actually get into the training in the air, there is approximately 8 hours of ground school training, which also can be done on line. He further indicated that the majority of the skills are learned in kiting the wing. This is the wing that makes you fly and the wing you control in the air. There is a lot of training for this is on the ground. He further indicated that the speed of the wind is a very important part of the training, because it is very different from a day with 0 mile an hour winds or a day with 6 mile hour winds. He likes to have the first weekend to learn how to use their wing and do the simulator work during that weekend and the ground school. He asks the students to then go home and practice. When they have control of the wing, then most of the danger is gone. After this process, they go through the process of putting the engine and the wing together. When they can taxi 10 out of 10 with a wing over their head on the ground, then one of those taxi’s turns into their first flight. In terms of grading they have to complete a test for the ground school and have 2 flights. He indicated that PP2 Training requires 25 flights, which a lot of the park areas are requiring. He indicated that the engine can run 2 to 3 hours on each run depending on the wind.

Mr. Innella was concerned for the noise factor with regard to the surrounding neighbors. Mr. Antonaccio indicated that the noise has not been a problem in the areas that he has been flying in the past. He indicated that the video that he showed you could hear the voices louder than the equipment flying and he was approximately 150’ in the air. When you go higher, typically you will not even hear the equipment.

Mr. Haggerty questioned as to how many students would you have in the air at one time. Mr. Antonaccio indicated that he would prefer not have more than one student at a time in the air. He stated that the flights are short. He may have a few students coming back to get their PPG2 test, they might be up and flying over an area.

Mr. Knutelsky questioned as to where they would actually be flying when in the air. Mr. Antonaccio indicated that they would be flying the boundary of the property, but not the wooded areas. The 550’ x 550’ area marked on his map is the landing area.

NEW APPLICATIONS CONT.

PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:

Mr. Knutelsky indicated that as a sports enthusiast, he can put on his gear and fly his paragliding equipment as much as he wants as long as he meets the Federal Air Regulations part 103. Mr. Antonaccio submitted to the board Exhibit “A-6” which is the “Federal Aviation Regulation Part 103-Ultralight Vehicles” Rules and regulations.

Mr. Knutelsky questioned where would the equipment come from for these lessons. Mr. Antonaccio indicated that he would prefer the students purchase their own equipment, but he would include the rental fee in his price. He keeps a good number of wings and a few machines. Mr. Knutelsky questioned if he inspects the equipment if the student brings their own. Mr. Antonaccio indicated that FAR 103 does not require any inspections or any particular maintenance on the machines. But he does always fly the equipment first to make sure it is working properly. The wing will be inspected by a special agency.

Mr. Knutelsky indicated that FAR 103 states that each individual is responsible for his/her own equipment. He questioned Mr. Antonaccio if he has people sign waivers before entering his property. Mr. Antonaccio obtains his students through word of mouth, referrals and shows. He is a dealer for Blackhawk equipment. He has a waiver that must be signed by each person taking the course. It is posted on his website. If they have not done this before they come, he has a box full of the waivers on site.

Mr. Knutelsky questioned as to the signage proposed. Mr. Antonaccio indicated that it is marked very clearly on google maps. He does not intend to have a sign along River Road. He indicated that if the board requires him to, he will.

Mr. Innella questioned the liability issue. Mr. Antonaccio indicated that students sign a waiver during the lessons. It is possible to get insurance once you have a PPG2 rating, but the training, they must sign a waiver.

Mr. Merusi questioned if he has ever had any student injured during the training. He indicated that he had a 70 year old man fall and break his equipment, but did not injure himself. There have been a few students fall during the ground training and injure themselves, but never has he had anyone fall out of the sky and injure themselves. Mr. Barbagallo questioned if the students come down on someone else’s property and cause damage, what will he do in a case like this. Mr. Antonaccio indicated that the waiver indicates that the student will have to take responsibility for the damage themselves.

Mr. Knutelsky questioned if there would be any toeing of the equipment. Mr. Antonaccio indicated that he will not be doing ground toeing on this property because the area is not big enough, but he will be toeing for the air lifts to get the students used to pulling the wing up just across the field just to get them used to having to position the wing over their head.

Mr. Innella indicated that his only concern is the noise issue with the neighbors. He questioned as to how many days a week will he be operating. Mr. Antonaccio indicated that during the summer it is rare that they get more than 4 days that are flyable. Typically, throughout the year, they probably average 2 to 3 days a week. Unfortunately, with this the weather plays a big part in the flying and he cannot limit himself to actual days of the week.

A Motion was made by Mr. Barbagallo and seconded by Mr. Plotsky to open this matter to the public. All were in favor. The Motion was carried.

Appearing before the board was Greg Branski. Mr. Branski was sworn in by the board attorney. Mr. Branski was in opposition of this project. He owns property 10’ from the corn field on his property, which is not his primary property. He is concerned if they land on his property. He has 7 grandchildren coming to the property. He is concerned about the noise. He was also

NEW APPLICATIONS CONT.

PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:

concerned about the maintenance of the entrance road if he plans on having commercial traffic. Mr. Antonaccio offered to run the equipment outside the township building at this time, but Mr. Branski indicated that it is not the same environment and did not want to hear the noise. He was concerned that there would be 10 of these motors running at one time and it would be too loud. Mr. Haggerty indicated that the testimony was not all 10 students would be in the air at one time.

Appearing before the board was Raj Sinha. Mr. Sinha was sworn in by the board attorney. Mr. Sinha was in opposition of this project. He owns a few hundred acres on Machipacong Island and does not reside there. He indicated that this is changing the use from farmland to commercial use. He was concerned about the height and the people flying over the applicant's property. He owns property that he grows pumpkins and sunflowers and is concerned someone will fly over his property to enjoy the scenery. He is concerned about the liability insurance and if his crops get damaged. The applicant is running a business and has no insurance. Mr. Antonaccio indicated that the insurance does not exist for this. He further indicated that the last thing people who are training are looking to fly to enjoy the scenery because it is a very intense feeling to fly for the first time and the concern is just to get up glide a little and land safely. Mr. Sinha was concerned if he put a shed up on the property, it would impede the hunting camp next to his property and they would not be able to hunt because it is within 400' of the hunting cabin. He was concerned that no signage is being required or proposed. He questioned if he was going to have restrooms. Mr. Antonaccio indicated that he said that he would probably get a port a john for the property. Generally, when he does this it is not provided.

Appearing before the board was Chris Ayers. Mr. Ayers was sworn in by the board attorney. Mr. Ayers was in opposition of this project. He was concerned about the access to the property and maintenance of the roads. He indicated that he did hear Mr. Antonaccio when he was flying and he described it as an intrusion. Mr. Antonaccio questioned Mr. Ayers as to how far his property is from his. Mr. Ayers indicated it is approximately 1000 feet. Mr. Antonaccio indicated that he feels it is impossible to hear an engine that far away.

There being no further public participation, a Motion was made by Mr. Plotsky and seconded by Mr. Barbagallo to close this matter to the public. All were in favor. The Motion was carried.

Mr. Haggerty indicated that this application is twofold. One is for an Interpretation as to whether this type of use is consistent with the agriculture type use and the analogy that the applicant's attorney tried to draw to a hunting club. Mr. Knutelsky and himself commented on that issue. He indicated that hunting on farmland goes back probably far as we go back in this country and he feels it is of a different nature. He does not feel this is the same as a hunting or fishing lease. If the board agrees, and does not feel it is an allowed use, then the applicant is applying for a Use Variance. There was a fair amount of discussion as to noise. The applicant testified that it is similar to a lawn mower, others have compared it to a much noisier machine. The board has the right to have the applicant come back next month to display the equipment outside. The tax implication to the applicant is not determined by the board, that issue is for the tax assessor to decide.

Mr. Merusi referred that the proposed 500' x 500' block the applicant is proposing, he feels if that was moved closer to River Road, it would be affecting less houses and the hunting cabin. Mr. Antonaccio indicated that the area is not runnable, however, he could move it over as far as possible.

A Motion was made by Mr. Plotsky and seconded by Mr. Sorrao to deem that a “D” Variance is required and the applicant shall move to apply for a variance and site plan. Roll Call: Mr.

NEW APPLICATIONS CONT.

PPG Lessons, LLC – LUB 19-03 – Block 1, Lot 65 – 150A River Road – “D” Variance cont.:

Barbagallo, yes; Mr. Plotsky, yes; Mrs. Zitone, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; Ms. Fradl, yes; and Ms. Kennedy, yes. The Motion was carried.

A Motion was made by Mrs. Snyder and seconded by Mr. Plotsky to carry this application to the next regular meeting of the board without further notice in order for the applicant to demonstrate in the back yard of the township building the operation he is proposing. Roll Call: Mr. Barbagallo, yes; Mr. Plotsky, yes; Mrs. Zitone, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; Ms. Fradl, yes; and Ms. Kennedy, yes. The Motion was carried.

OLD BUSINESS

There was no Old Business to discuss

NEW BUSINESS

Backyard Horse Ownership – Ordinance request from homeowner:

Mr. Haggerty stated that the request was from a Lisa Haggerty and he indicated that she is not a relative of his. The reason for the request is that Montague has a 5 acre agricultural definition in the ordinance. It appears that she has a 3 ½ acre parcel. The question is does the board want to consider changing this to permit horses on smaller lots. A lengthy discussion was held with regard to this. It was discussed to have an acre for the house, and an acre for each horse. A maximum of 2 horses as long as the 3 acre zoning is met. Any horses above that, it would be a requirement of an additional acre per horse.

This matter was opened to the public.

Appearing before the board was Lisa Haggerty, the property owner who has requested this change to the ordinance. She feels it comes down to an acre per horse.

There being no further public participation, this matter was closed to the public.

A Motion was made by Mr. Plotsky and seconded by Mr. Sorraco to approve to change the requirements for horses to allow 2 horses in the R3 Zone with a minimum lot size of 3 acres, 1 Acre for the house and a maximum of 2 horses and an additional acre for each additional horse. Roll Call: Mr. Innella, yes; Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Plotsky, yes; Mrs. Zitone, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; Ms. Fradl, yes; and Ms. Kennedy, yes. The Motion was carried.

VOUCHERS

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Mr. Plotsky to approve the vouchers on the bills list attached hereto and made a part hereof. Roll Call: Mr. Innella, yes; Mr. Merusi, yes; Mr. Leeper, yes; Mr. Barbagallo, yes; Mr. Plotsky, yes; Mrs. Zitone, yes; Mr. Cooper, yes; Mrs. Snyder, yes; Mr. Sorraco, yes; Ms. Fradl, yes; and Ms. Kennedy, yes. The Motion was carried.

CORRESPONDENCE

The correspondence was reviewed. No formal action was taken.

PUBLIC PARTICIPATION:

The meeting was opened to the public. There being no public participation, this meeting was closed to the public.

AJOURN

Having no further business, a Motion was made by Mr. Barbagallo and seconded by Mrs. Snyder to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ
Land Use Administrator