MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 23, 2011

Meeting called to Order by Mr. Novellino at 7:35 p.m.

Reading of Adequate Notice by Mr. Barthelmes.

Salute to the Flag and observance of a moment of silence for the troops.

Member Frank Curcio sworn in by Attorney Greg Vella.

Roll Call: Present: Barthelmes, Curcio, Novellino, Bailey, Conoscenti and Mostyn. Absent: Lambros and Morelli. Late: Frost (8:20 p.m.)

APPROVAL OF MINUTES: February 23, 2011

Mr. Mostyn made a Motion to approve the meeting minutes and Mr. Bailey offered a Second. Roll Call Vote: Vote: Mostyn, Bailey, Conoscenti and Novellino voted yes.

RESOLUTION:
Z10-06 MUIR/TEREFENKO – Block 48, Lot 11.04 – Located at 97 Brookside Road consisting of 3.44 acres in the R-80 Zone. Applicant granted approval to build an addition on to their existing single family dwelling. Variances were needed for yard setbacks where 30 ft. is required and 21.56 ft. and 26.80 ft. can be provided. Deemed Complete 1-7-11. Date of Action: 5-7-11. Noticing required.

The Members having reviewed the Resolution, Mr. Mostyn made a Motion to memorialize and Mr. Conoscenti offered a Second. Roll Call Vote: Mostyn, Conoscenti, Bailey and Novellino voted yes to the memorialization.

NEW APPLICATION:
Z-10-04 IDA, ROBERT AND BRENDA – Block 50.01, Lot 13 located at 7 Doe Court consisting of 2.3 acres in the R-80 Zone. Applicant seeks variance relief to construct a one story 2,400 square foot barn and storage building where 900 s.f. is permitted. Variances needed. Noticing required.

Attorney Kenneth Pape representing the applicant. Mr. Pape requested that the Board carry the application to the next available meeting. The next available meeting date

would be Thursday, April 14, 2011. The applicant granted an extension of time to April, 30, 2011. The applicant will re-notice for this meeting per board policy.

Z10-08 HAINES/CORBIN SOLAR SOLUTIONS, LLC – Block 46, Lot 62.02 – Located at 3 Lucas Lane consisting of 82,155 s.f. in the R-130 Zone. Applicant seeks to install two (2) ground mounted solar panel systems. Where Ordinance Section 4-9.3 requires no more than 900 s.f. for an accessory structure, applicant proposes 2,342 s.f. Variances requested. Noticing required.

Mr. Bailey stepped down due to a conflict on the application.

Mr. Vella swore in both John Haines the applicant and homeowner and Richard Sehein of Corbin Solar Solutions.

In order to address emails sent by Mr. Haines with regard to escrow requirements and questions on the experience of the board professionals, Chairman Novellino explained why deficient escrow accounts must be brought current and the process of Fair and Open bidding in the selection of the Board professionals.

Mr. Haines questioned the meaning of the Ordinance 4-9.8 that Mr. Hynes, the Township Zoning Officer, cited when his application for a zoning permit was denied. The Board provided their interpretation that this application required a “C” Variance and was correctly before the Board of Adjustment for its consideration.

Board Planner Coppola referred to his memorandum that a “C Variance is needed under the Ordinance. The Ordinance was discussed and Chairman Novellino felt the intent of the Ordinance is clear.

The Board asked Mr. Haines why the panels were not being installed on the roof of his home, citing that it would then not be an accessory structure, avoiding the need for the “C Variance.

The applicant advised that he would be limited to the size of the panel array he could place on his roof. The smaller array would not meet his needs. He wants to eliminate 100% of his dependency on electric by the installation of the solar panels. He explained to accomplish this; they would have to be ground mounted.

Mr. Sehein explained that the panels must face southeast or southwest in order to collect the sun’s rays. He stated that solar need is determined by the lifestyle of the people living in the home not only the size of the home.

The Board asked how much power a 900 sq. total would provide. Mr. Sehein stated that it would provide 30 to 40% of the power needed to service the home.

The applicant advised they were following the guidelines set forth by the Office of Clean Energy and is not being hogs by installing more than needed.

Mr. Sehein explained that the applicant is trying to become energy independent but they will still be tied to the grid. The applicant is proposing to plant trees around back so that the panels are not visible to the public.

Mr. Coppola offered that the Township has instructed his office to draft an Ordinance addressing wind and solar. That should be completed soon but has not be reviewed the Township and would have to take the necessary steps in order to be adopted.

Mr. Coppola advised the Board that they should be aware that the Municipal Land Use Law (MLUL) promotes utilization of renewable energy resources with special reasons. The applicant did not have a professional planner to argue the special reasons and criteria. Mr. Coppola read from the MLUL as it defines a renewable energy facility. He explained that a “C 2” variance is not a hardship variance but rather a planning variance in that it promotes the purposes of the land use law.

He stated that the Board must balance the positive criteria against the negative criteria which would be a detriment to public good, such as to the neighbors, or a detriment to the zone plan and zone ordinance. He explained that there is limited coverage to impact stormwater concerns and that no stormwater issues exist in this case. Mr. Coppola deferred to the Board Engineer Matt Shafai to address. The State made decision for us regarding stormwater management considering the panels themselves to be pervious.

Mr. Coppola advised that the present Ordinance now does not address these renewable energy resources. Mr. Coppola offered that the use is permitted in the zone but the size of the proposed structure is causing the C-2 variance.

Mr. Frost arrived at 8:20 p.m.

Mr. Sehein explained that the inverters inside of grid are only working toward the house. The applicant is seeking 100% use for house. The energy use of household fluctuates up and down. He explained how energy could be sold back at a whole sale rate to the grid and could possibly generate income.

Mr. Coppola finds it unusual in that an applicant is seeking 100% use and feels that this is not the norm. Mr. Haines explained that he has a 9,000 s.f. home

The REC (Renewable Energy Credits) was discussed. This array would produces over 38 REC’s per year.

The Board discussed the applicant providing buffering from the neighboring properties. Mr. Coppola advised that the Board has a right to ask the applicant to provide buffering. Mr. Coppola asked if the plans that the applicant had submitted to the Board are accurate. The Board discussed the plans are inaccurate and do not reflect the missing landscaping and the Board professionals would require accurate plans. The trees cannot interfere with the solar arrays.

Engineer Shafai advised that the plans they have before them do not match the survey. The survey is from 1991 and a new survey must be submitted to reflect the correct dimension s of the property. The plan submitted reflecting the solar panel set up is not the one that the applicant will be installing. The applicant must provide the accurate information to the Board professionals.

The grass to be planted underneath the arrays was discussed. Freehold Soil suggests a meadow mix that does not grow more than 18 inches is eco friendly and does not require high maintenance.

The Board inquired as to how the panels would be ground mounted. Mr. Sehein advised the only installation that they use is cementing the poles into the ground due to a concern of wind damage. Mr. Coppola advised that using cement is the least environmentally friendly way to install the panels. He explained that the other means that are better for the environment and cause less impact when removed and are not impacted by the wind.

Mr. Frost addressed his concerns that this may be an attractive nuisance as it pertains to children. Mr. Sehein advised that the National Electric Code requires that the back of array not be accessible to the public. Corbin Solar proposes a barrier be put in place such as chicken wire or fencing. Mr. Coppola has not seen any panels with fencing around the panels. Mr. Curcio feels that fencing is going overboard. The board agreed that adhering to the NEC should be sufficient for safety purposes.

Mr. Sehein advised that the voltage produced from each panel, which is grounded, is 44 volts.

The Board discussed the application, citing the importance of constructing a renewable energy resource that helps reduce the need to rely on energy companies; reducing the carbon footprint; and that power this house would have consumed would now be available to other residents during peak summer demand times.. Some members had a concern as to the size of the project. The buffering and screening from the neighbors and the roadway is important. The Board discussed that the positive and negative criteria for granting a C-2 variance.

Attorney Vella read the Condition of approval should the Board vote positively on the application as follows including but not limited to:

The applicant shall provide revised landscape plans with the rows of evergreens on the house side of the first array nearest to home, low level landscaping under nine feet to be located and planted to the west side of subject property, arrays to be installed 80 to 90 feet from the addition, applicant is prohibited from placing any impervious coverage such as gravel or stone underneath the panels, mix for grass underneath panels are to be approved by Freehold Soil, details of fencing to be provided to the Board engineer and planner and building department, etc.

Mr. Barthelmes made a Motion to approve the application as conditioned and Mr. Mostyn offered a Second. Roll Call Vote: Barthelmes, Mostyn, Conoscenti and Novellino voted yes to approve the application. Mr. Curcio voted no.

NEW BUSINESS:

Mr. Coppola provided an update to the Board as to the status of COAH. He advised that nothing evident has been issued from the legislature. The COAH staff is going to be cut in half in June. COAH may act on the question of gross share. COAH may be re-writing the rules. The Rules may be rewritten with a lower number. He advised the good news is that the Township had received a Stay on the record and we are now totally protected under new legislature and new rules that may come out.

Seeing no further business, at 9:45 p.m., Chairman Novellino asked for a Motion to adjourn. Mr. Curcio made the Motion, Mr. Barthelmes offered a Second and by unanimous vote the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea