

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
FEBRUARY 9, 2011**

At 7:30p.m., Chairman Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Attorney Steib swore in New Members Jeff Ziner, Alt I and Ed Kocur, Alt II. Re-Appointed Members were sworn in as follows: Committeeman Masci Class II, Mary Pinney Class III, Bob Beck Class IV, and Bob Bailey as the Mayor's Designee.

Roll Call: Present: Beck, Pinney, Kocur, Ziner, Pepe, Masci, Bailey and Newman.  
Absent: Blanco, Grbelja, Kurzman and Pado,

Election of Officers: Nominations for the Chairman were open. Mr. Pepe made a Motion to nominate Mr. Newman as the Chairman and Ms. Pinney offered a Second. Seeing no other nominations for Chairman, by unanimous vote, the nominations for Chairman were closed. Roll Call Vote: Pepe, Pinney, Masci, Beck, Bailey, Ziner and Kocur voted yes to nominate Mr. Newman.

Mr. Newman thanked the Board.

Nominations for Vice-Chairman were open. Chairman Newman made a Motion to nominate Mr. Pepe as the Vice-Chairman and Ms. Pinney offered a Second. Seeing no other nominations for Vice-Chairman, by unanimous vote, the nominations for Vice-Chairman were closed. Roll Call Vote: Newman, Pinney, Masci, Beck, Bailey, Ziner and Kocur voted yes to the nomination of Mr. Pepe.

Mr. Pepe thanked the Board.

Nominations for Secretary were open. Mr. Pepe made a Motion to nominate Pam D'Andrea as Secretary and Mr. Masci offered a Second. Seeing no other nominations for Secretary, by unanimous vote, the nominations for Secretary were closed. Roll Call Vote: Pepe, Masci, Beck, Bailey, Pinney, Ziner, Kocur and Newman voted yes to the nomination.

Ms. D'Andrea thanked the Board.

The Board next considered nominations for its professionals. The Board has a fair and open bidding process.

Chairman Newman explained that the Board had received one proposal for the Board Attorney position and that was that of Mr. Steib. Chairman Newman advised that he

had reviewed the proposal that highlighted Mr. Steib's background and knowledge of land use.

Ms. Pinney made a Motion to nominate Michael B. Steib as Board Attorney and Mr. Pepe offered a Second. Roll Call Vote: Pinney, Pepe, Masci, Beck, Bailey, Ziner, Kocur and Newman voted yes to the nomination.

Mr. Steib thanked the Board.

Chairman Newman explained that three proposals were received for the position of Board Engineer. Chairman Newman discussed the consideration of the qualifications of the applicants as well as the dollar amounts.

Mr. Pepe made a Motion to Nominate the Engineering firm of Leon S. Avakian, Inc. with Matt Shafai as the principal engineer for the Board Engineer and Mr. Beck offered a Second. Seeing no other nominations for Board Engineer, by unanimous vote, the nominations for Board Engineer were closed. Roll Call Vote: Pepe, Beck, Masci, Pinney, Bailey, Ziner, Kocur and Newman voted yes to the nomination.

Mr. Shafai thanked the Board.

Chairman Newman announced that there was one additional bid proposal for the position of Board Planner. Chairman Newman offered that Mr. Coppola and the firm of Coppola and Coppola was more competitive than the other submission. Mr. Masci made a Motion to nominate the firm of Coppola and Coppola with Richard T. Coppola as the primary Planner to the Board and Mr. Pepe offered a Second. Seeing no other nominations for Board Planner, the nominations for Board Planner were closed. Roll Call Vote: Masci, Pepe, Pinney, Bailey, Beck, Ziner, Kocur and Newman voted yes to the nomination.

Mr. Coppola thanked the Board.

Landscape Architect. Chairman Newman advised that we do not use a landscape architect on every application. There are times when the Board does need the assistance of one. Mr. Newman made a Motion to nominate Daniel Dobromilsky & Associates with Daniel Dobromilsky as the primary Landscape Architect to provide Landscape Architectural Services to the Board and Ms. Pinney offered a Second. Roll Call Vote: Newman, Pinney, Masci, Bailey, Beck, Pepe, Ziner and Kocur voted yes to the nomination.

Court Reporter. Mr. Bailey Motion to nominate Angela Buonantuono as the Board Court Reporter and Mr. Beck offered a Second. There were no other nominations for Board Court Reporter. Roll Call Vote: Bailey, Beck, Pepe, Masci, Ziner, Kocur and Newman voted yes to the nomination.

Ms. Buonantuono thanked the Board.

Mr. Pepe made a Motion to nominate the Asbury Park Press and The Messenger Press as the official Board Newspapers and Ms. Pinney offered a Second. Seeing no other nominations for official newspaper designations, by unanimous vote, the nominations were closed. Roll Call Vote: Pepe, Pinney, Masci, Bailey, Beck, Ziner, Kocur and Newman voted yes to the nominations.

The Board having reviewed the proposed monthly meeting schedule, Mr. Pepe made a Motion to adopt the regular monthly meeting schedule and Ms. Pinney offered a second. The dates were read into the record. Roll Call Vote: Pepe, Pinney Bailey, Beck, Masci, Ziner, Kocur and Newman voted yes to adopt that Regular Monthly Meeting Schedule to be held on the following dates in 2011 and the first meeting date in 2012 beginning at 7:30 p.m. in the Municipal Meeting Room located at 215 Millstone Road, Millstone Township, New Jersey as follows:

February 9, 2011	August 10, 2011
March 9, 2011	September 14, 2011
April 13, 2011	October 12, 2011
May 11, 2011	November 9, 2011
June 8, 2011	December 14, 2011
July 13, 2011	January 11, 2012

**APPROVAL OF MINUTES:** The Board having reviewed the Minutes of December 8, 2010. One change was made on the record and the Secretary would make that change prior to finalizing the minutes. Ms. Pinney made the Motion to approve the minutes with the change and Mr. Masci offered a Second. Roll Call Vote: Pinney, Masci, Beck and Newman voted yes to adopt.

The December 22, 2010 minutes would be tabled to the March 9, 2011 meeting.

**PUBLIC COMMENT PORTION:** Chairman Newman opened the meeting to the public for any comments or question they may have, outside of the Application ate are on the Agenda this evening. Seeing non, he closed that portion of the meeting at 7:55 p.m.

Chairman Newman presented Board Member Beck with an award of recognition for his perfect attendance for 2010.

### **CARRIED APPLICATION**

**P10-09 MILLSTONE PROPERTY INVESTMENTS, LLC.** – Block 16, Lots 11.01, 11.02 and 11.03. Located at 1 Prodelin Way consisting of 9.87 acres located in the HC Zone. Applicant received approval to construct a one-story 9,900 square foot day care center along with a 6,000 square foot one-story office and storage building on 6-13-2007 and was granted a one-year extension of time through 6-13-2011. Applicant returned to the

Board for an Amendment of Preliminary Site Plan approval to include access through Monroe Township. Waivers requested. No variances requested. Application heard in part on 12/8/10 and carried to 1/12/11; 2/9/11 without further noticing. Applicant granted extension of time through and including 3/10/11.

The matter has been further carried to be heard on 3/9/11. The applicant has granted the Board an extension of time through 3/10/11 within which to hear this matter. No further noticing is required.

**CARRIED APPLICATIONS:**

**P10-12 NORTH PARK SOLAR ENERGY FARM** – Block 16, Lots 2.01 located at N. Disbrow Hill Road consisting of 126.29 acres in the BP zone and Lot 9.05 located at 700 Rike Drive consisting of 4.93 acres in the BP Zone. After receiving waivers on 12/8/10 from checklist items, applicant proceeded for Preliminary and Final Site Plan approval to construct a solar energy farm. Variances requested. Carried from 12/22/10. No further Noticing required.

Kenneth Pape, Esq. representing the applicant, North Park Solar appeared for the continuation of the matter first heard before the Board on 12/22/10.

The Board Secretary confirmed that the qualified members are Masci, Pinney, Kocur, Ziner and Blanco, who is absent this evening.

Mr. Pape provided a brief overview of the application. He advised that the Phase I portion of the application is free of environmental concerns.

Attorney Steib swore in John Martinez, P.E., P.P. His credentials were placed on the record at the last meeting and his oath was renewed.

Mr. Martinez referred to previously marked Exhibit A-20 and gave a brief overview of the property. The property consists of 132 acres considered wooded and farmed currently in Monroe and Millstone Township with the only access located on Rike Drive in Moto Industrial Park in Millstone Township. Lot 2.01 consists of 127 acres and Lot 9.05 fronts on Rike Drive with just fewer than 5 acres.

Exhibit A-21 previously marked into evidence is a color rendering of the submitted site plan. Mr. Martinez explained that the exhibit reflects fields A, B and C. Fields A&B are fully contained in Phase II, Field C is split between Phases I and II. The applicant is proposing a narrow driveway where the first 75 feet would be paved, then fenced and gated. Variance relief is need where 50 feet is provided, 75 feet is required. He advised that the area would be significantly landscaped.

Mr. Martinez explained that a gravel drive would extend to all three fields. The drive would be used for solar panel pick up. No sewer, or septic or lighting is needed. No signage is needed. He explained that the panels are low structures, located 9 feet above grade. The nearest resident is some 1,000 feet away. The conservation easement is subject to the review of the Board professionals. Grass/clover mix is located below each panel.

Chairman Newman asked if the panels can be seen by motorists on Route 33 or Prodelin Way. Mr. Martinez advised that there is substantial screening of trees. The property is not to be fenced in. The applicant was asked if they are concerned that kids would wonder in to check it out or do something disruptive. Mr. Martinez explained that the Rike Drive area would be gated. Mr. Martinez explained the difficulty in getting into the site. Mr. Pape explained the requirements from the insurance carrier.

Mrs. Butch of the Open Space and Farmland Preservation Council explained the nearest trail would be one mile or so away. Chairman Newman asked if the applicant would consider installing "No Trespassing" signage and asked if our professionals could make suggestions as to appropriate areas for such signs. The professionals advised a possible location would be nearest the residential area and along Rt. 33. The applicant will work with the Board professionals.

There was discussion as to the life expectancy of a solar panel. Mr. Pape advised that they have a warranted life of 20 years but an actual life of 50 years is expected. The applicant would enter into a Developers Agreement to address this and this would be a condition of approval.

Mr. Martinez described how panels are installed. Panels are installed using a big screw that gets screwed into ground and the rest of the ground around will be left in a vegetative state. Should the panels be removed, the screws can be unscrewed with no permanent damage to the soil. This area under the panel could be easily tilled again. This system was designed to get away from the stormwater management issues created by concrete pads.

The collection of sunlight was discussed. The collection ultimately goes to the grid.

Attorney Steib swore in Lloyd Hoffstatter of Mercury Solar Systems who was previously sworn in on 12/22/10 and had presented his credentials at that meeting. He summarized how the panel operates. The collect sunlight that produces DC electricity through wires and cables and ultimately turned into AC electricity that goes to transformers brings it to the grid. Mr. Hoffstatter explained how a fault is handled.

Mr. Pape explained that electricity is collected and sent to the grid. The grid is the same grid throughout the United States.

Surge protection was discussed.

The panel is tempered glass with a silicone-type material is encapsulated by the tempered glass.

Mr. Pape met with Matt Wagner and Lt. South of the Fire Department. Board Engineer, Matt Shafai spoke to Mr. Wagner as well. The Fire Department has no issues with the plan.

Attorney Steib swore in James W. Higgins, Ocean Twp. New Jersey. He is testifying this evening as a professional planner. Mr. Higgins presented his credentials. He has been a professional planner for 30 years. Has been a consultant for 15 municipalities. He is accepted as an expert in his field.

He explained that four variances are needed. This is a unique structure that covers a portion of the site. Mr. Higgins goes over the variances. The structures are 9 feet above grade. They are lower and don't have height and mass. He explained the C1 and C2 variances. There is a substantial amount of environmentally sensitive land. The applicant is trying to maximize the energy producing area. A minor buffer variance is needed where 67 can be provided and 75 are required. Mr. Higgins feels that there is no negative impact for the granting of this de minimus variance.

An 8 foot high black vinyl, chain link fence would be installed that would be screened by landscaping and buffering. He advised this was a requirement of the insurance carrier. If they had to pull back these variance requires that would lose ½ megawatt.

Board Planner, Richard Coppola, explained that the new legislation puts this in the middle. The Township is drafting a new ordinance for this new use. The ordinance that is in place presently was designed for buildings not structures of this type. Mr. Coppola makes reference to his Memorandum Report (marked into evidence).

The Board asked if the solar facility would become a member of the Moto Industrial Park association. Mr. Pape advised yes.

Mr. Pape advised this property has delineated wetland and that this project is not located in either the wetlands or in the stream corridor. The property contains flood plains and the project would be in those flood plains. The nature of these panels on erect sets screwed into the ground can be placed in the flood plains. They have been working with the D&R canal since this summer 2010 and will be meeting with them again on 2/15/11.

Mr. Martinez explained the two brooks that are on this property. Bentley Brook and Mine Run Brook. Mine Run Brook has the largest encroachment and separates Fields A&B. Based on FEMA mapping, the flood plain is currently a farmed area. Field crops are farmed there. The applicant feels that any flood waters would pass under these units. There are no invertors in those areas. Water will not have any effect on these screwed panels.

Engineer Shafai reports that in his report, paragraph 2D - prohibited unless technical evaluation shows otherwise. Mr. Shafai reported that he did not receive any technical report on that. DRCC and DEP must look at any approval conditioned on those two agency's approval.

Planner Coppola asked about the four foot clearance the where the vegetation would grow. Mr., Martinez advised that it is two feet. The grass/clover mixture tops at 18 inches and won't interfere with the panels. There is separation between the rows for a walking passage. The paths may be 8 to 10 feet wide walking paths, depending on angle of panel.

The application was open to the public 9:05 p.m. Pat Butch, Prodelin Way in Millstone Township advised that she resides 750 feet away from project. She offered that she likes that the project does not direct traffic to the area. If it was built out as an industrial area, that would impact traffic. She feels the project would enhance the area by reducing the traffic potential.

Mr. Butch is concerned with the flood plain and drainage (100 year flood plain) and she explained the issues when it rains. She would not want this project to further impact the drainage area

Mr. Martinez stated that they had looked at this issue and prepared a report. The biggest improvement is taking the present row crops and turning them into a meadow which would reduce runoff substantially. Panels and ground are pervious. Only the entrance at Rike Drive is impervious. The applicant has received Freehold Soil approval. There could not be any trails in area because it is so wet.

Mr. Butch asked if the ground cover fails, do they have to come back to the Board. Engineer Shafai advised that they would have to work with Freehold Soil.

Mr. Butch stressed the importance of the trees located in the Conservation Easement are kept because they absorb water.

Seeing no other public comment on this application, that portion was closed to the public.

The Board professionals had no open ended items.

Mr. Pape asked the Board to consider granting the applicant Preliminary and Final approval on Phase I and Preliminary approval for Phase II. In the spring, the applicant would perform a set of studies concerning the breeding of the endangered species. This is the only environment issue. Endangered species issue is part of the phasing

Attorney Steib read the conditions of approval to include but not limited to the following: Receiving D&R and NJDEP approvals, grass and clover planting would be a bonded item, applicant shall enter into a Developer's Agreement for the long term obligation for the panel arrays and removal, compliance with the report of the Shade Tree Commission, comply with Fire Department comments; address the Environmental Commission's comments, consult with the Board professionals regarding signage, wetland areas in the Conservation Easement to be approved by the Board professionals, treed areas 82.5 acres and environmentally sensitive area, plans to reflect what is to be built, etc.

Mr. Pepe made a Motion to approve as conditioned and Mr. Masci offered a Second. Roll Call Vote: Pepe, Masci, Bailey, Beck, Pinney, Ziner, Kocur and Newman voted yes to grant Preliminary and Final for Phase I and conditioned and Preliminary site plan approval to Phase II as conditioned.

**EXTENSION OF TIME:**

**P10-14 PERL ACRES NORTH** – Block 54, Lot 5.01. Located on Route 526. Previously Zoned R-130 consisting of 44.69 Acres. Applicant received Preliminary Major Subdivision approval to subdivide 11 residential lots received 4-23-03. Applicant Received Final Approval Resolution Memorialized 4-11-07. First Extension of Time commencing 4-11-09 granted through 4-11-10. Second One-Year Extension of Time to perfect the Subdivision granted through 4-10-11. Applicant seeks Third and Final One-Year Extension of Time to perfect the Subdivision. Zone presently RU-P. No Noticing Required.

**P06-07 PERL ACRES SOUTH** – Block 55, Lot 2, - Located on Route 526. Previously Zoned R-130 consisting of 158.2 acres. Applicant received Preliminary Major Subdivision approval for a 43-residential lot subdivision and 2 lots for Township dedication received 6/25/03. Final Approval granted Resolution Memorialized 4-11-07. First Extension of Time commencing granted through 4-11-10. Second One-Year Extension of Time to perfect the Subdivision granted through 4-10-11. Applicant seeks Third and Final One-Year Extension of Time to perfect the Subdivision. Zone presently RU-P. No Noticing Required.

Kenneth Pape, Esq. representing the applicants. He explained that this is the third and final request for an extension of time. The applicant was granted approval for residential development 7 or 8 years ago. He explained that Block 54, Lot 5.01, Perl Acres North, has been placed under contract through the Township funding. The other large property is located on the south side. Mr. Pape stated that the applicant has kept the DEP approvals alive and was required to build a culvert to keep stream encroachment approval alive. This was done to provide the township the time they needed to put the funding together.

Planner Rich Coppola acknowledged that the zoning has changed on these properties. He asked what the contingency on the south property is and he asked if the Perlmans have entered into an option agreement with the Town to purchase the property should funding become available.

Mr. Pat Butch of Open Space and Farmland Preservation offered a brief overview of the status. Perl Acres North has funding. The Township has been working for almost three years to get the property preserved. Because there is a new farmland program, the SADC had taken 7 months. Every step is long and drawn out. She advised that this property is on the agenda in February for SADC approval. She explained the SADC requirements and Mr. Butch has been meeting with everyone to try to resolve the issues. She explained that she hopes to have the survey and title work done this summer.

On Perl Acres South, Mr. Butch explained that the Township does not have an Option agreement because there is no funding available at this time. She offered that if they could get the funding, they would try to preserve south piece located on Block 55, Lot 2.

Chairman Newman opened the matter to the public at 10:00 p.m. Seeing no comment from the public, he closed it at the same time.

Chairman Newman is seeking one Motion on both applications. Mr. Pepe made a Motion to grant the third and final one year extension of time and Ms. Pinney offered a Second. Mr. Masci advised that he would have to abstain from voting on the Perl Acres North Extension but would vote yes to granting the extension on the Perl Acres South Application. The rest of the vote would be as follows: Pepe, Pinney, Beck, Bailey, Ziner, Kocur and Newman votes yes to the extensions of time.

**NEW APPLICATION:**

**P10-03 TRIPPIEDI, JOHN AND YOLANDA** – Block 37.03, Lots 29.06, 26.25 and 26.26. Property Located at 38 Clarksburg Road in the R-80 Zone. Lot 26.26 consisting of 60.049 s.f., Lot 29.06 consisting of 40,000.s.f. and Lot 26.25 consisting of 64.123 s.f.

Applicant seeks Preliminary and Final Major Subdivision approval for purposes of a lot line adjustment. Variances requested. Noticing Required.

Kenneth Pape, Esq. is representing the applicants who are before the Board for a lot line adjustment of three properties.

The applicant had noticed for the last meeting 1/12/11 which was cancelled due to inclement weather and the meeting was carried to this date and notice was appropriately published by the Board Secretary in the newspaper and posted on the bulletin board and on the premises and provided to the Clerk.

Attorney Steib advised that service was in order to accept jurisdiction.

Attorney Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 3-23-10
- A-3 Web Notice
- A-4 Survey of the Lot 26.26 Prepared by Crest Engineering dated 8/14/08; last revised 8/5/09
- A-5 Survey of the Lot 29.06 Prepared by Crest Engineering dated 9/8/08; last revised 8/5/09
- A-6 Survey of the Lot 29.25 Prepared by Crest Engineering dated 12/3/07
- A-7 Half Mile Radius of properties prepared by Crest Engineering dated 8/5/09
- A-8 Preliminary and Final Major Subdivision Map Prepared by Crest Engineering dated 8/5/09
- A-9 Existing conditions Map prepared by Crest Engineering
- PB-1 Report of Board Engineer dated 12-3-10
- PB-2 Report from Planner dated 12-15-10
- PB-3 MCPB Letter of Exemption dated 4/26/10

Mr. Pape offered a brief overview. Three lots with existing built homes are built on the properties. The applicant is before the Board to clean up the lot lines and create

rectangular lots. No new lots shall be created. This is a major subdivision by definition. The applicant is asking for preliminary and final major subdivision approval. They are asking for waivers of everything and he explained. All lots are non-conforming. Mr. Pape explained how the center lot was created.

Attorney Steib swore in Peter Strong, P.E., having testified before the Board in the past, his credentials are known to the Board and he is accepted as an expert witness.

Marked into evidence as Exhibit A-9, is a simplified sketch of the major subdivision plan.

Marked into evidence, Exhibit A-10, before and after sketch of the subdivision plan, prepared by Crest Engineering.

Mr. Strong stated that the properties are located in the R-80 zone located on Clarksburg Road. None of the lots conforms to the requirements of the zone. Each lot has a home and driveway which would not be affected by this lot line adjustment.

He advised that the wells and septic not impacted by this adjustment. All will remain the same.

Referring to Exhibit A-10, the "After" sketch, he explains the adjustment to create a roughly rectangular configuration. No new lots would be created by this lot line adjustment. He advised that the homes meet the circles and squares ordinance.

Mr. Coppola offered that all existing improvements will remain and no new variances are being created. There exists the variances needed for individual lot sizes. He offered that the lots are similar in size to other lots in the neighborhood. The reconfiguration creates rectangular lots. Mr. Coppola advised that the Board could conclude that granting the variances (C2 variances) promotes better planning. He feels that the benefit of the lot line adjustment outweighs any detriment. The waivers requested are more relevant to major subdivision of new lots being created.

Mr. Shafai stated that no new lots are being created and the adjustment meets the setback requirements.

Chairman Newman opened the application to the public for comment at 10:10 p.m. Seeing no public comment, that portion was closed at 10:10 p.m.

Attorney Steib read the conditions of approval. Attorney Steib advised that the major subdivision would require that a Plat be filed with the Monmouth County Clerk.

Mr. Pepe made a Motion to approve as conditioned and Mr. Beck offered a Second. Roll Call Vote: Pepe, Beck, Bailey, Masci, Pinney, Ziner, Kocur and Newman voted yes to the application.

See no other business, Chairman Newman called for a Motion to Adjourn. Mr. Pepe offered the Motion to Adjourn, Ms. Pinney offered a Second and by unanimous vote the meeting adjourned at 10:11 p.m.

Respectfully submitted,

Pamela D'Andrea