

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 27, 2019**

Meeting called to Order by Chairman Novellino at 7:31 p.m.

Reading of Adequate Notice by Mr. Morelli.

Chairman Novellino read the additional Noticing required by the Township.

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

Roll Call: Present - Conoscenti, Frost, Lambros, Morelli, Mostyn, Novellino and Ferrara
Absent - Barthelmes

RESOLUTION:

Z18-09 MAZZITELLI - Block 36.01, Lot 3 located at 6 Quail Hill Road consisting of 2.66 acres in the R-80 Zoning District. Applicant seeks to construct single family home on the existing vacant lot. Variances are required for: Sec. 4-4.7 (Lot Area requirements) because a 200' diameter circle cannot be inscribed within the usable building area; Sec. 11-24.3 existing steep slopes (15%+) are proposed to be disturbed and a conservation easement is not proposed around the remaining steep slopes. Also requested is a waiver from checklist submission of Environmental Impact and Assessment. (Sec. 9-3). Waiver granted. Application approved with conditions.

The Board having reviewed the Resolution, Mr. Morelli made a Motion to Memorialize and Mr. Ferrara offered a Second. Roll Call Vote: Morelli, Ferrara, Conoscenti, Frost, Lambros and Mostyn voted yes to memorialize.

Z18-10 NOREIKA, CHARLES - Block 50, Lots. 1.01, 1.02, 1.03 & 2 located at Route 524 Scooter Corner consisting of 28+ acres located in the R-80 zoning district. Applicant seeks Preliminary and Final Major Subdivision Approval, Preliminary and Final Site Plan Approval and Use Variance Approval for the property commonly known as Rte 524 Scooter Corner, also known as Block 50, Lots 1.01, 1.02, 1.03 and 2 on the tax map of Millstone Township. The applicant proposes to create 11 lots. 8 of the lots will contain new residential lots, 1 of the lots will be designated for stormwater management, 1 lot will contain the existing single family home and 1 lot will be for the commercial use.

The applicant proposes to continue the retail and sales commercial use and buildings on the commercial lot and to construct a new 3,600 square foot commercial building with a 2 bedroom apartment on the second floor and a four car garage in the basement on the commercial lot. The applicant also proposes to construct a 1,900 square foot addition to the existing 4,900 square foot barn, The applicant requires a Use Variance for the commercial use, as it is not permitted in the R-80 Zone. The applicant also requires a lot coverage variance of 26.3%, where the maximum of 20% is permitted on the proposed commercial lot.

The applicant also requires a front yard setback variance of 45.6 feet, where a minimum of 50 ft. is required for the existing home and a side yard setback of 8.2 feet, where 15 feet is required for the existing shed. These variances relate the proposed lot that will contain the existing single family home. Application approved with conditions.

The Board having reviewed the Resolution, Mr. Mostyn made a Motion to Memorialize and Mr. Frost offered a Second. Roll Call Vote: Mostyn, Frost, Morelli, Conoscenti and Ferrara voted yes to memorialize.

Z18-11 SOLAR ME - Block 12.05, Lot 1 located at 1 Perrine Circle consisting of 2.75 acres in the R-130 Zoning District. Applicant's seeks variance relief to construct ground mounted solar collectors in the front yard (applicant's property fronts three streets) variance relief sought for collector size where 900 s.f. is permitted, applicant seeks to install 1,560 s.f. of collectors. Noticing Required.

Attorney Vella advised that he had reviewed the jurisdictional packet and finds same in order to accept jurisdiction over the application.

Attorney Vella read the following evidence into the record:

- A-1 Jurisdictional packet
- A-2 Application dated 11-6-18
- A-3 Aerial of Property
- A-4 Survey prepared by Main Street Surveying dated 10-22-18 reflecting the ground mounted solar area
- A-5 Tree location of trees proposed to be removed to install solar arrays using Survey prepared by Main Street Surveying dated 10-22-18
- A-6 Solar Me Module Information consisting of 5 pages dated 1-26-19
- A-7 JCP&L Electric Bill dated 7-10-18
- BOA-1 Engineering Report dated 12-27-19

Attorney Vella swore in Andrew Decarlo representing Solar Me. He advised that he is the lead designer and operation manager of Solar Me.

Mr. Decarlo explained that the ground mounted solar panel installation request is for 1,560 sq. feet which exceeds the maximum allowable of 900s.f. He explained that the property fronts three streets. Mr. Decarlo explained that to place the solar on the house would not be beneficial since the panels must face south by installing them on the ground, they can face them in that direction.

Mr. Decarlo advised that the home is approximately 5,200 s.f. The homeowner consumes 35,000 kilowatts annually. Mr. Decarlo did not know if the applicant had enough roof space to support the arrays. He explained that they do not get enough sun on the north side of the home that is why the

ground mounted was a better option.

Mr. Decarlo offered that the homeowner's goal is to offset the entire utility bill. He explained that the homeowner would own the system, receiving all of the inherent benefits of the purchase. Mr. Decarlo explained that the proposed panels generate 36,000 annual KWH to cover the usage. The big advantage is that this size system will completely off-set the residents' usage.

The Board discussed Exhibit 7, the JCP&L Bill. Mr. Decarlo explained that the electric company will not allow a party to produce what you will not use. They limit you to the last 12 months usage.

Chairman Novellino explained that economics are not reason enough to grant the variance. One reason would be that the property has three front yards and the other is the size. The back yard does not have sufficient room and the location of the septic field is in the area where the solar should be located.

Mr. Decarlo explained the difficulties involved in locating the solar panels which benefit the most by facing south, which is in a front yard setback.

Chairman Novellino stated that the shape of property hardship in trying to place the ground mounted solar since the property has a limited back yard and three front yards.

Mr. Decarlo advised that they will need to remove 45 trees along Disbrow Hill Road.

Chairman Novellino advised that he drove by the property. He noted that there are a substantial amount of hills on Disbrow Hill Road. The trees too be removed are deciduous. The southside has no screening to the road. Chairman Novellino stated that any screening on Perrine Circle will block the view of the panels. Mr. Decarlo stated that evergreens can be planted.

The proposed plan was discussed. Chairman Novellino felt that evergreens located along the driveway may screen the panels. Mr. Decarlo felt that they would not be located far enough back to block the sight of the arrays.

The Board was concerned about the glare from the panels to the other neighbors. Orienting the panels toward the property owners' home was discussed. Mr. Mostyn asked if there is a plan showing the direction of the glare.

Chairman Novellino opened the application to the public at 8:05 p.m. Seeing no public comment, Chairman Novellino closed the public portion at 8:05 p.m.

Board Engineer Shafai advised that there are two variances needed. He asked what the square footage would be to remove the trees. That would be 5,000 s.f.

Planner Mertz stated that she is okay with the proposed location of the panels since they have three front yards and the panels would not fit in the backyard. She feels the size of the panels is large. Planner Mertz asked the applicant if the panels could be roof mounted. Mr. DeCarlo advised that the roof is not in a condition to handle the roof mounted solar and those panels would face east which would drop the efficiency of the system. Mr. DeCarlo advised that ground mounted would be the better financial way for the homeowner to go.

Mr. Ferrara stated that he is pro solar but added that not all homes are able to have solar. He is concerned with the removal of so many established trees to put the solar in.

Mr. Lambros stated that this home is one of two homes that are entryways into the development. He voiced his concerns that no matter what vegetation is planted, the arrays will be highly visible. They are not inconspicuous. He said that a smaller system would be a compromise.

Mr. DeCarlo offered that going smaller will not stop the ability to see the panels. The height of the panels is 10'2.

Mr. Morelli does not want to go beyond what the ordinance allows a limit of 900 s.f.

Attorney Vella stated that the applicant is seeking a variance. The ordinance allows up to 900 s.f. The applicant has to prove that one, this request is so unique to justify the Board granting the variance and two, the proposal and the variance will not substantially have a negative impact on the neighbors and the neighborhood. He stated there is a negative impact of 1,560s.f. of array needed as opposed to 900 s.f. which is permitted because the property owner utilizes a lot of energy. Mr. Vella advised the Board that they have to look at what is unique about the property. They have three front yards. What is so unique to go from the permitted 900 s.f. to 1,560s.f. What is a better planning alternative. The reason has to be a land use reason. Attorney Vella advised that the requirement is 900 s.f. the Township could have put an Ordinance in place to wipe out the carbon footprint.

Planner Mertz advised the Board that a financial hardship is not a reason to grant a variance. The Board must consider the hardship. A self created hardship is not a land use hardship.

Mr. Conoscenti is concerned about the impact to the neighbors. Removing 45 trees is a concern.

Chairman Novellino offered that the board needs to consider the negative and the positive criteria. The reduction in carbon foot print is positive as well as the reduction of load on electricity infrastructure to the Township and reducing the load on the grid in the Township during the summer is a public benefit. He sees there is significant benefit to the homeowner.

Chairman Novellino stated that the negative would be the glare on the neighbors. That is the reason that the Township limits the glare. Substantial screening is always required. Screening would be needed on all sides.

Attorney Vella advised that unless the applicant amends his application, then what is before us is the application. We do not negotiate. We consider what the applicant wants.

Board Engineer Shafai stated that no matter what the applicant will be seeking to remove the 45 trees.

Mr. Frost stated that the Board does not stand in the way of a homeowner trying to improve their home. He feels that there is no advantage to this project. Other homeowners will be impacted negatively by this project.

Chairman Novellino asked for a Motion and a Second. Mr. Mostyn made a Motion to deny the application and Mr. Morelli offered a Second. Roll Call Vote: Mostyn, Morelli, Conoscenti, Frost, Lambros, Ferrara and Novellino voted yes to deny the application.

NEW BUSINESS: 5 G Wireless facilities

The Board discussed the new regulation and how to facilitate the frequency of those locations being installed.

Attorney Vella advised that the Township can adopt an ordinance as long as it does not conflict with the Federal rules.

Planner Mertz offered that it was her understanding that the cells are smaller nodes. She advised that one of the towns that they service passed an Ordinance before the new rules came out just to get ahead of the game.

Chairman Novellino asked if the local authorities can have control over the aesthetics. This was discussed. Planner Mertz advised that you cannot restrict the cell carriers from installing the cells in the public zones.

Mr. Lambros asked if a property owner would benefit from having a small cell installed on their property.

Seeing no further business, Chairman Novellino asked for a Motion and a Second to adjourn. Mr. Mostyn made a Motion to adjourn, Mr. Frost offered a Second and by unanimous vote, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Pamela D'Andrea