

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
OCTOBER 12, 2011**

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

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Blanco, Beck, Grbelja, Kurzman, Pinney, Ziner and Newman.

Absent: Pepe, Masci and Kocur. Late: Pado (7:35 p.m.)

Approval of Minutes August 10, 2011

Ms. Pinney made a Motion to approve the minutes and Mr. Beck offered a Second. Roll Call Vote: Pinney, Beck, Grbelja, Ziner and Newman voted yes to approve.

Mr. Pado arrived at 7:35 p.m.

Public Comment Portion:

Ryan Ramsey of Millstone Township explained that he is a student at Allentown High School and he is part of an action committee for political awareness. He explained that his group attends various Township Board and Committee meetings to learn more.

Board Attorney Michael Steib explained what the purpose of the Planning Board. He explained that the Board is governed by the Municipal Land Use Law and he provided a brief overview of some of the types applications that the Board reviews such as subdivisions and site plans. He explained to Mr. Ramsey and his group that the Board has other duties as well, such as reviewing and recommending ordinances. Attorney Steib explained a function of the Board is to construct and adopt the Town's vision in the form of a Master Plan.

Seeing no other public comment that portion closed at 7:40 p.m.

RESOLUTIONS:

P11-08 BENTON FIBRE AND DRUM – Block 16, Lot 9.12 – Located on Rike Drive in the Moto Industrial Park in the BP Zone. The Lot consists of 10.04 Acres of property. The applicant received Preliminary and Final Major Site Plan approval to construct an additional one-story 8,435 s.f. building for office space on 6-11-08. Applicant sought and received a one-year extension of time which ran on 7-8-11. Applicant sought and received a second one-year extension of time to perfect the site plan. No zone change. Extension granted 8-10-11.

Members having read the Resolution and having no questions, a Motion to Memorialize was made by Ms. Pinney and a Second was offered by Ms. Grbelja. Roll Call Vote: Pinney, Grbelja, Beck, Ziner and Newman voted yes to memorialize the Resolution.

P11-07 LAONE/WELLS – Block 23, Lots 13.01 and 13.27 - Property known as Lot 13.01 is located at 27 Conover Road and consists of 22 Acres in the RU-P Zone District. Lot 13.27 is located as 25 Conover Road and consists of 3 acres in the R-130 Zone District. Applicants sought and received Minor Subdivision approval (lot line adjustment) that would not create any new lots. The lot line adjustment is for purposes of creating access to Lot 13.01 without the necessity of an access easement which presently exists. Variances were needed for this subdivision for frontage on Lot 13.01 where 260 ft is required and 240.75 ft is provided and on Lot 13.27 where 130,000 s.f. minimum lot area is required, 122,994 s.f. is provided in the R-130 Zone and 7,617 s.f. in the RU-P Zone. Approval granted. 8-10-11.

Mr. Ziner made a Motion to Memorialize the Resolution and Mr. Beck offered a Second. Roll Call Vote: Ziner, Beck, Pinney, Grbelja and Newman votes yes to Memorialize the Resolution.

Review and Recommend:

Ordinance No. 11-18

An Ordinance Amending and Supplementing Chapter XXXV

"Land Use and Development Regulations of the Revised General Ordinances of the Township of Millstone County of Monmouth, State of New Jersey by Amending Section 4-9.3, "Height Restrictions", by adding a new section 4-9.11, "Building Restrictions", and by amending Section 4-9.8, "Solar Collectors:", in Article 4, "Regulations Applicable to all zoning Districts", and Sections 5-13.1, "Permitted Principal Uses" In the "BP" Business Park Zone, in Article 5, "Zoning District Regulations", In Order to Provide Regulations For Wind, Solar & Photovoltaic Energy Facilities" within Millstone Township

Board Planner Richard Coppola offered a brief background of the creation of the Ordinance. He explained that he had worked with the comments that were offered by Engineer Shafai and staff to put together a rather comprehensive ordinance dealing with wind and solar energy facilities.

Mr. Coppola explained that he had put together provisions that deal with a number of different legislative elements. He explained that there is another law required that municipalities address for the allowance for small wind turbine systems and small solar

systems as accessory uses throughout the town. He explained it was a large task of putting the provisions together because it was rather a large body of potential law.

Mr. Coppola explained that the law is permissive as it goes against farmland preservation and allows solar facilities on preserved farms. There is a proposed 2011 State Energy Master Plan that has been prepared. He discussed large renewable energy facilities on Brownsfield sites. Mr. Coppola discussed the impact of such facilities on prime farmlands.

He advised that we will see applications that will want to do something that is not allowed. Mr. Coppola shared that when writing the Ordinance, he tried to be somewhat conservative, consulting with the zoning office and Matt Shafai's office. Mr. Coppola advised that this is a new Ordinance on the block. As we use this Ordinance it may need to be refined. It has gone through a comprehensive review prior to going to the governing body. He explained the import of the Ordinance is that although the applications must still be reviewed, we now have ground rules that are in a more legible, useable and organized format.

Chairman Newman Opened the Ordinance to the public.

Pat Butch, 40 Prodelin Way, had a question as the Ordinance relates to commercial farms that are in the Monmouth County Agricultural Development areas. Mr. Coppola advised that there is a limitation and a party would have to abide by SADC rules but there are also provisions in the Ordinance that they would have to adhere to. Applicants are limited to the amount of energy they can produce.

There was a question that if a farm gives up its farmland assessment, is there a stop gap to allow us to prevent a total coverage of 160 acres of solar panels. Mr. Coppola advised that we cannot add anything that goes against the law. He stated that he finds a real difficulty in allowing preserved farmland to become a field of solar panels.

Ms. Butch addressed losing our farmland to big commercial areas. She offered that Millstone has some of the best farmland in the state because of the rich soil.

Mr. Coppola addressed the question how this Ordinance pertains to residential properties. He stated that the Ordinance deals with small solar collectors and small wind turbines as accessory uses. It does not mean that every property will be able to meet the criteria.

Mayor Grbelja feels that it is unfortunate that some individuals in power mandate things that need a lot more work. It was discussed that the same rules should not apply to all

communities. It is not right to make a blanket statement that it is inherently beneficial without taking into consideration the individuality of the communities

The Ordinance prevents panels being indiscriminately put up all over the Township. The preferred area is a roof top panel instead of ground mounted.

Mr. Pado Made a Motion finding that the Ordinance is consistent with the Master Plan. Mr. Blanco offered a Second. Roll Call Vote: Pado, Blanco, Grbelja, Kurzman, Pinney, Beck, Ziner and Newman voted Recommending to the Township Committee that they find the Ordinance to be consistent with the Master Plan.

New Business:

Attorney Michael Steib had provided to the Board case law addressing e-mail communications between Board members and how it impacts the Open Public Meetings Act.

The case law discussed Board members having a substantive discussion over an application without having an open public meeting.

The Bergen County Prosecutor had a case and the principals apply to both the Board of Adjustment and the Planning Board. Attorney Steib explained that the 1980's Open Public Meetings Act was in place when e-mail was not available. The law can grow in interpretation to include technology today. The Prosecutor concluded that in his case, the 20 hour stream of e-mails in real time constituted a meeting. There is language in the OPMA about electronic communications.

COAH Update – Mr. Coppola stated that Counsel on Affordable Housing was dissolved this past summer. Fifty percent (50%) of the staff is still there but they answer to the Commissioner of DCA.

Mr. Coppola met with the DCA two months ago regarding Millstone Township's Spending Plan. They are not reviewing any housing plans because a component the gross share was declared unconstitutional by the Appellate Division.

We are covered in Millstone and the Township has protection from any builder's remedy lawsuit. The town has protection until new rules and regulations come into play because we have met our prior obligations.

The Affordable Housing staff is presently exploring the possibility of new rules. Mr. Coppola was invited to a meeting by the DCA Commissioner who is gathering all court appointed masters. He offered that it is his hope that the affordable housing staff has a chance to come up with some resolve and contribution numbers that should be lower so

there is a difference between an urban town and a rural town. Currently, there is an indefinite freeze until new rules are established.

Seeing no further business, Mr. Blanco made a Motion to Adjourn and Ms. Pinney offered a Second and by unanimous vote, the meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Pamela D'Andrea