

**JOINTLAND USE BOARD
Regular MEETING
April 17, 2014**

“MINUTES”

Chairman Schwager called the meeting to order at 7:00 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll call of the Members Present:

John Casella – Present, Frank Costantini – Present, John Fein – Present, Blair Hannigan – Absent, John Juliano – Present, Mayor Maccarone – Absent, Chief Marino – Absent, Joe Maugeri – Present, Sue O’Donnell – Present, Alan Schwager – Present, Randy Rossi – Present, Bob Rushton – Present.

Next are the Minutes from the Regular meeting of March 20, 2014. J. Maugeri made a motion to approve the Minutes as written and was seconded by J. Casella. All were in favor except for B. Rushton who abstained.

Next on the Agenda was Resolution #2014-15 Granting Site Plan Approval to Aqua New Jersey, Inc. for property located at Block 3.19, Lot 1.

J. Juliano made the motion to approve the Resolution which was seconded by F. Costantini. Roll was as follows:

J. Juliano – yes, J. Casella – yes, J. Fein – yes, J. Maugeri – yes, F. Costantini – yes, Randy Rossi – yes.

Next on the Agenda is New Business, Jeffery and Marybeth Zieger, Block 36 ~ Lot 6.0, this is a Bulk Variance for a ground mount solar array in the 5 acre residential district.

J. Fein, as a member of the Governing Body recused himself from this portion of the meeting.

Mr. Jeffery Zieger was sworn in by Mike Aimino.

Before moving forward, Mike Aimino asked Mr. Zieger to confirm that he hand delivered the Notices to the property owners within 200 feet of the property. Mr. Zieger stated that is correct. He personally hand delivered the Notices.

Chairman Schwager stated that the application is for a 1200 square foot ground mount solar array at 38 Oliphants Mill Road. It's a 5.83 acre parcel and the zoning ordinance allows for 800 square feet.

Mr. Zieger continued giving the reasons why he would like to install this solar array. His property is entirely operated by electricity with no gas lines to the property which can be cost prohibited at times, so solar becomes an option to save money. After talking with the solar company they mapped out the size of the array he would need in order to meet 97% of his annual usage and that came to 1200 square feet of panels. He stated his property is like a rectangle and he stated that they would place the array at the center near the top of the rectangle.

J. Maugeri asked if the project is 260 feet from his house. Mr. Zieger stated it was from the property line. It is probably 350' to the nearest neighbor.

F. Costantini asked what the ground was like, flat or a hill. Mr. Zieger stated that where the array will be it is flat.

J. Maugeri asked about the height of the panels.

Mr. Jim McAleer was sworn in by Mike Aimino. Mr. McAleer is the company that will be installing the solar array.

Mr. McAleer explained the layout and height of the panels. They will not exceed 10'.

Pam Pellegrino continued with the Kernan review letter dated March 18, 2014. Ms. Pellegrino talked about the screening of the panels and any glare that may come from the panels.

Discussion over the easement owned by Atlantic City Electric and removal of trees in the easement was discussed.

Glare from the panels was discussed and how far away the neighbors were. Ms. Pellegrino stated that it is at least 1000 feet.

Mr. McAleer stated that the panels themselves are anti-glare but there are aluminum frames, but a 25 degree pitch the reflection won't be at the house 1000 feet away.

The stream encroachment was discussed.

F. Costantini made a motion to open to the public which was seconded by J. Casella. All were in favor.

With no public comment F. Costantini made a motion to close the public portion which was seconded by J. Maugeri. All were in favor.

J. Maugeri asked if all the trees were staying. Mr. Zieger stated that 4 trees will need to come down because of the shape.

J. Maugeri made a motion to approve and Grant the Variance to put the 1200 square foot array where 800 is permitted. He thinks that applicant proved that it will not be seen even though he is taking out a few trees. He does not think the glare is going to be an issue between the 25 degree angle and the distance to everything else. The parcel being almost 6 acres, it is unique in size and lends itself to this kind of a project being so far from all the neighbors and if any vegetation now or in the future needs to be replaced will be replaced. J. Casella seconded the motion. Roll was as follows:

B. Ruston – yes, J. Juliano – yes, J. Casella – yes, J. Maugeri – yes, F. Costantini – yes, Randy Rossi – yes, Chairman Schwager – yes.

Committeeman Fein rejoined the meeting.

Chairman Schwager continued with discussion items regarding “2” ordinances that were previously sent to Township Committee for their review. Ordinance 203-70 regarding Fences and 203-77 regarding signs. Township Committee has looked at these and made some changes and some revisions and have sent it back to us to talk about, change or adopt with their changes. There is also a third ordinance 203-84 which has to do with Zoning Permit Required.

First discussion was over Ordinance 203-70 regarding Fences. The reason this was sent to Committee was how this Ordinance dealt with corner lots. J. Fein continued on what was discussed at Committee level regarding this Ordinance, mainly regarding dealing with HOA’s. Chairman Schwager stated that Committeeman Armano and Committee Elefante sat down and looked at this Ordinance with the Zoning Officer to discuss corner lots. After looking through the zoning variance history there have only been 4 times in 10 years that someone has come in for a variance on corner lot property. Committee felt it was best to leave it alone.

Extensive discussion ensued regarding Township Permits and HOA rules and regulations.

With no further comments, F. Costantini made a motion to recommend to Township Committee to not make the recommended change, instead they make part of the application process an acknowledgement by the homeowner that there may be a HOA involved with this property and that our approval does not grant any approvals associated with the HOA and that they acknowledge this and hold the Township harmless with regard to the HOA. It is the homeowner’s responsibility to seek any third party approvals such as an HOA or any other body that may be necessary. J. Maugeri seconded the motion. Roll was as follows:

B. Rushton – yes, J. Juliano – yes, J. Casella – yes, J. Fein – abstain, J. Maugeri – yes, F. Costanti – yes, Chairman Schwager – yes, Randy Rossi – yes, S. O’Donnell – yes.

M. Aimino asked if the Board will authorize him to submit a report to the Committee.

J. Casella made a motion to authorize M. Aimino to submit a report back to Committee with the Boards decision. The motion was seconded by J. Maugeri. All were in favor.

Next on the Agenda is the Ordinance for signs – 203-77.

J. Fein continued with the proposed changes to the Ordinance by Township Committee.

Extensive conversation ensued over possible changes, additions and revisions to the sign Ordinance.

With no further comments, M. Aimino went through the proposed changes that the Board is recommending be sent back to the Township Committee.

F. Costantini made a motion to authorize Tim Kernan's office and Mike Aimino's office to make the changes discussed by the Board which was seconded by J. Casella. All were in favor.

Next is the Zoning Permit Required Ordinance, removing the sentence "at a cost of in excess of \$200" from the Ordinance.

J. Maugeri made a motion to make the change which was seconded by J. Juliano. All were in favor except for J. Fein who abstained.

J. Maugeri made a motion to allow M. Aimino to do a report on this Ordinance which was seconded by J. Juliano. All were in favor.

Last discussion item is the re-zoning of the Woolwich Adult property. J. Casella recused himself from this portion of the hearing.

Chairman Schwager stated that many years ago, the Township went into a settlement agreement with a developer known as Woolwich Adult. It encompassed a number of parcels in and around the Rt. 322/Kings Highway corridor. That developer is now gone, they lost control of a lot of the land and the Township Committee wants us to put that zoning back to what it was prior to the settlement agreement which was an R2 Zone which was a residential 1 ½ acre per lot.

J. Maugeri made a motion to authorize Tim Kernan's Office to do a report and bring the recommendations back to the Board. J. Juliano seconded the motion. Roll was as follows:

B. Rushton – yes, J. Juliano – yes, J. Fein – yes, J. Maugeri – yes, F. Costantini – yes, R. Rossi – yes, S. O'Donnell – yes, Chairman Schwager – yes.

With nothing further to discuss, J. Maugeri made a motion to adjourn which was seconded by J. Juliano. All were in favor.

The JLUB meeting adjourned at 8:45 pm.

Respectfully submitted,

Christina M. Marquis
Joint Land Use Secretary

Minutes not verbatim
Audio recording on file