

PLUMSTED TOWNSHIP LAND USE BOARD  
January 4, 2011

The reorganization meeting of the Plumsted Township Land Use Board was held on Tuesday, January 4, 2011 at 7:30 p.m. in the Municipal Building with the following members present:

<u>  X  </u> Chester Broccoli, Chairman	<u>  X  </u> Robert Hardy
<u>  X  </u> Walter Bronson	<u>  X  </u> Glenn Ricciardi
<u>  X  </u> Ronald Dancer, Mayor	<u>  X  </u> Eric Sorchik
<u>  X  </u> James Dowd	<u>  X  </u> Wendy Galloway
<u>  X  </u> Miguel Garces	<u>  X  </u> John Mallon, Engineer
<u>  X  </u> Douglas Hallock, Vice-chairman	<u>  X  </u> Gregory McGuckin, Attorney
<u>  </u> Mark Reme	

Attorney McGuckin read the Open Public Meetings Act. Those members whose terms had expired were sworn in. Chester Broccoli was nominated for chairman on motion by Mr. Dowd and seconded by Mr. Sorchik. Nominations were closed. Carried by roll call vote with Mr. Broccoli abstaining. Douglas Hallock was nominated for vice-chairman on motion by Mr. Hardy and seconded by Mr. Sorchik. Nominations were closed. Carried by roll call vote with Mr. Hallock abstaining. Kelly Creighton was nominated for secretary to the Board on motion by Mr. Ricciardi and seconded by Chairman Broccoli. Nominations were closed. Carried by roll call vote.

Mr. Broccoli asked for a nomination for Board attorney. Attorney Gregory McGuckin of Dasti, Murphy, McGuckin, Ulaky, Cherkos and Connors was nominated by Mr. Dowd and seconded by Mr. Hardy. Nominations were closed. Carried by roll call vote. Walter Bronson nominated John Mallon of Ernst, Ernst and Lissenden for Board engineer, seconded by Mr. Hallock. Nominations were closed. Carried by roll call vote. A motion designating the Asbury Park Press, Messenger Press, Trenton Times, Tri Town News and the Burlington County Times as the official newspapers of the Land Use Board was made by Ms. Galloway and seconded by Mr. Hallock. Carried by roll call vote. A nomination to adopt the notice of annual scheduled meetings was made by Mr. Hallock and seconded by Mr. Bronson. Carried by roll call vote.

A motion to amend the minutes of the regular meeting of 12/7/10 was made by Wendy Galloway and seconded by Mr. Hallock. Carried by roll call vote with Mr. Sorchik abstaining.

**RESOLUTIONS:**

None.

**AGENDA:**

**Mining License Renewal for 2011, EME INC, Block 80, Lot 4**

The Attorney for the Board, Greg McGuckin, stated that his office mistakenly sent the notifications regarding the hearing to the residents with an incorrect date of December 2009. However, the notice that was placed in the Asbury Park Press was correct. Although there is no legal requirement for the notices, Mr. McGuckin suggested the Board postpone the hearing until the February meeting. He will re-notice the property owners within 200 feet, giving them an opportunity to be present and voice any comments they wish to make. Mr. McGuckin said he can prepare a resolution to bring with him that night. Since the Board had given EME a 45 day

extension at the last meeting, there is no issue with time. A motion to table the hearing until the February meeting was made by Mr. Bronson and seconded by Ms. Galloway. Carried by roll call vote with all ayes.

**Application for a Variance to construct a residential dwelling on an existing lot having no street frontage. Bilotti, Block 55, Lot 135**

Engineer Mallon read his letter of 12/16/10. David Bilotti was sworn in. Mr. Bilotti stated that is his understanding that the lot meets all the current zoning requirements. He said there was previous litigation regarding this property and part of the settlement was to grant a 20 foot easement, whereas Plumsted Township requires a 30 foot easement. He is requesting the Board grant him a Variance because he has no ability to get more footage since it was a court order. Mayor Dancer asked that the litigation be part of this file to avoid any future misunderstandings. Engineer Mallon is concerned that two cars will not be able to pass at the same time. Mr. Bilotti stated that he is only planning to build one house on the property (for himself) so there will not be much traffic going to and from the property; only he and his wife and occasional guests. He said he would be willing to notch out spots along the drive.

Discussion followed regarding whether or not a Woodland Protection Plan is required. Mr. Garces asked if an environmental impact statement was required. Engineer Mallon could not find an ordinance stating this requirement. Mr. Garces explained to Mr. Bilotti that since this property is located in a designated preservation area, but the property is not preserved, the Township would like to keep the area preserved in its natural state. Mr. Bilotti agreed that his intentions are to keep it wooded. Discussion ensued regarding creating a conservation easement. Attorney McGuckin stated that a condition of a conservation easement could be made and recorded with the deed and asked for clarification of what is going to be preserved.

Open to the public. Russell Mergogey was sworn in. Mr. Mergogey owns Block 55, Lots 96.01, 96.02 and 199, which are next to lot 135. He stated that he went to court in 1997 and agreed on a 20 foot right of way and a 12 foot driveway; not a road. He asked that the Board please allow the applicant to build only a 12 foot driveway in order to maintain the look of his property.

Barbara Buniak of 75 Tower Road, Block 55, Lot 136 was sworn in. She asked if the Board could designate a specific conservation area if Mr. Bilotti is not in the Woodland Management Plan.

Closed to the public.

Mr. Bronson and Mr. Garces proposed a conservation easement based on the limited information provided. Mr. Bronson explained where the easement would be, showing it on Mr. Bilotti's map. Discussion followed regarding proposed conservation easement lines specific to the property which will be delineated by Attorney McGuckin and Engineer Mallon. Mr. Sorchik asked Mr. Bilotti if he understood that what he agrees to will be included in the deed and will not be able to be changed. Mr. Bilotti stated that he did understand and was aware. The Board agreed that Mr. Bilotti will put markers at 300 feet or a change in direction.

The public portion was re-opened. The owner of the property, Bill McNeill, was sworn in. He stated that he feels that one day the federal government will be looking for the materials in the

land on this property. He said he is 81 years old and is having a lot of financial troubles and he needs the sale of this property (to Mr. Bilotti). He thinks that the Board members mean well, but that they over-step their boundaries and get carried away. He asked members to please listen to the Township engineer. He feels that since the laws are already in place, they should approve the application.

Closed to the public.

Attorney McGuckin summarized the conditions that will be included in the resolution. Engineer Mallon also gave his summary of the conservation easement. A motion to approve was made by Mr. Garces and seconded by Ms. Galloway. Carried by roll call vote with all ayes.

DISCUSSION:

**Open to the general public**

The meeting was opened to the general public; no response; closed to the public.

**Ground Array Solar Panels**

Glenn Riccardi brought ground array (free standing ground mounted) solar panels to the attention of the Board. Mr. Riccardi has seen a problem developing regarding the panels on smaller residential lots. He said they meet every description of an accessory structure in regards to setbacks and height limitations. Neighbors are complaining about them for their unsightly appearance as well as claiming that they are a business since they can sell the power back. Mayor Dancer stated that the Legislature recently passed a law that the solar panels are an inherently beneficial use. Engineer Mallon commented that his research on solar panels has found that not a lot of energy gets sold back. He said a lot of farms are looking into these now. Mayor Dancer asked for some more research and recommendations before the Board advises the Township Committee on any ordinances pertaining to these.

There being no further business to discuss, a motion to adjourn was made and seconded. Carried by roll call vote.

Respectfully submitted,

Kelly Creighton  
Secretary