

PLUMSTED TOWNSHIP LAND USE BOARD
June 14, 2011

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, June 14, 2011 at 7:30 p.m. in the Municipal Building with the following members present:

<input checked="" type="checkbox"/> Chester Broccoli, Chairman	<input checked="" type="checkbox"/> Robert Hardy
<input checked="" type="checkbox"/> Walter Bronson	<input type="checkbox"/> Glenn Ricciardi
<input checked="" type="checkbox"/> Ronald Dancer, Mayor	<input checked="" type="checkbox"/> Eric Sorchik
<input checked="" type="checkbox"/> James Dowd	<input checked="" type="checkbox"/> Wendy Galloway
<input checked="" type="checkbox"/> Miguel Garces	<input checked="" type="checkbox"/> John Mallon, Engineer
<input checked="" type="checkbox"/> Douglas Hallock, Vice-chairman	<input checked="" type="checkbox"/> Robert Ulaky, Attorney
<input type="checkbox"/> Mark Reme	

Attorney Ulaky read the Open Public Meetings Act. A motion to approve the minutes of the regular meeting of April 5, 2011 as mailed/e-mailed was made by Mr. Hallock and seconded by Ms. Galloway. Carried by roll call vote with Mr. Hardy, Mr. Sorchik and Mayor Dancer abstaining.

AGENDA:

Application for Major Subdivision with Use & Bulk Variances. Earl Smith and Henry Jackson, Block 63, Lot 44.01

The applicant faxed a letter to the Board requesting their application be carried to the July 5, 2011 meeting without requiring further notice or publication. The Board agreed to carry it to July with no further notice.

Application for Minor Subdivision with Bulk Variances. Edward J. Comisky, Block 89, Lot 11, and Ronald Voorhees, Block 89, Lot 12

Mr. Mallon read his letter of 5-17-11. The applicants' attorney, Richard Fornaro, was sworn in. He showed the Board members the property line on the drawing. Because the existing property line goes through the house, they would like to move it. Currently, the house is not able to be sold. Attorney Fornaro assured the Board that they will correct each of the points made by Engineer Mallon.

Open to the public; no response; closed to the public. A motion to approve was made by Mr. Sorchik and seconded by Mr. Hardy. Carried by roll call vote with no response from Mayor Dancer as he was not in the room.

YES: Bronson, Dowd, Galloway, Garces, Hallock, Hardy, Sorchik, Broccoli.

Application for Preliminary/Final Site Plan with Waivers. H. Thomas Widmeier Family 2000, LP, Block 44, Lot 36.

Engineer Mallon advised the Board that they needed to decide whether or not a Use Variance would be required for the ground mounted solar panels that the applicant wants to install for his business complex. The applicant's engineer, Bruce Jacobs, was sworn in, along with the solar installer, Chris Serik. Discussion followed by the Board to determine whether or not a Use

Variance was necessary. Members were concerned that power would be sold back to the grid, essentially making them a solar utility plant. Mr. Jacobs testified that the applicant would only be able to produce 80% of the power they need. Mr. Serik explained how solar works with selling power back to the grid and earning credits. Engineer Mallon asked the Board, since it is not a principal use, and if there are no accessory uses, would they [the Board] consider it an accessory use or call it a structure as part of the site plan? Chairman Broccoli summarized the Board members' comments to say as long as the power being generated from the array on that site is being used internally to the rest of those buildings, the Board is thinking that it should not be a Use Variance, but a site plan. But, if there is power with the intent to export and sell it back to the grid, acting as a solar utility plant, then it would be necessary for a Use Variance. Attorney Ulaky said that each application in the future will rest on its own merits so there is no precedent being set tonight. Chairman Broccoli stated that he was inclined to proceed with this as a site plan. No vote was taken because no opposition was voiced.

Engineer Mallon read his letter of 6-6-11. The property is located on the southwest corner of Monmouth and Hornerstown Roads. It lies within the C-2 Commercial Zone and comprises an area of 5.13 acres. The site is a small office/warehouse park consisting of 4 buildings, with driveways/parking and loading facilities and a shared stormwater collection basin that is connected to a stormwater piping system on Monmouth Road. The applicant wishes to construct six ground mounted solar panels measuring 71'1" in length and 7'3" in width and supported on 12 - 3 inch diameter pipe columns. All the solar panels are to be installed within the existing shared detention basin.

Bruce Jacobs explained the plans including the maintenance of the panels. The ground panels are for building #2. All other buildings will have roof mounted panels. Mr. Serik and Mr. Jacobs answered questions from the Board regarding noise, glare and vegetation growth.

Open to the public; no response; closed to the public.

Attorney Ulaky read his notes on the agreements to be included in the resolution. A motion to approve was made by Mr. Garces and seconded by Mr. Sorchik. Carried by roll call vote.
YES: Bronson, Dowd, Galloway, Garces, Hallock, Hardy, Sorchik, Dancer, Broccoli.

INFORMALS:

None.

DISCUSSION:

W. Bryce Thompson and Pinelands

Engineer Mallon informed the Board that Pinelands has agreed to a meeting with the applicant and some of the Board members to discuss the lot sizes and clustering. Pinelands would like to meet on a Monday or a Wednesday during the day at Plumsted Township Town Hall. Chairman Broccoli said he would like to attend the meeting. The Board secretary was asked to help Engineer Mallon to communicate with the interested Board members to set up the meeting.

Open to the General Public

Joanne Zarriello of 127 Bobbi's Terrace asked the Board what is going on back at the Russo farm on Hopkins Lane. She said there are trucks going back to the farm 24 hours a day, 7 days a week. She wanted to know what is being farmed there. The Tax Assessor said only 10 acres is in qualified farmland while the rest of the property (78.67 acres) is residential. Ms. Zarriello also stated that she has been in contact with DEP and has reports from them. She is very concerned about what is going in the ground because she has well water. She said no one has been able to give her a straight answer on this. Mayor Dancer defended Plumsted Township by stating that several State and County agencies have been informed and involved in this, and there is pending litigation. Ms. Zarriello asked if there was a site plan for the property. Chairman Broccoli suggested looking into whether or not there were any deed restrictions on the property. Mr. Hallock stated that the Ocean County Agriculture Development Board has received a Right to Farm protection from Mr. Russo and is investigating it. Ms. Zarriello is frustrated because the County and State tell her it is the responsibility of the Township to enforce it, and the Township tells her it's the responsibility of the state and county to enforce it. Mr. Garces told Ms. Zarriello that the Land Use Board has no police power. He recommended writing directly to the Commissioner of DEP.

There being no further business to discuss, a motion to adjourn was made and seconded. Carried by all ayes. The meeting adjourned at 9:10 pm.

Respectfully submitted,

Kelly Creighton
Secretary