

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 24, 2019**

Meeting called to Order by Vice-Chairman Barthelmes at 7:31 p.m.

Reading of Adequate Notice by Mr. Morelli.

Vice-Chairman Barthelmes 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 - Barthelmes, Frost, Morelli, Mostyn and Ferrara

Absent - Conoscenti and Novellino

Late - Lambros (7:50 p.m.)

MEETING MINUTES: The Board having reviewed and commented on the Meeting Minutes, Mr. Mostyn made a Motion to Approve and Mr. Frost offered a Second. Roll Call Vote: Mostyn, Frost, Lambros, Morelli and Novellino voted yes to approve.

RESOLUTION:

Z18-05 McCaffery, James - Block 42, Lot 11.03 located at 72 Stillhouse Road consisting of 3.70 acres located in two zones; R80 and RU-P Zone. Applicant sought and received approval to construct a 1,500 s.f. single-family dwelling on a vacant lot. Applicant sought and received relief from Article 11-24.3 of the Land Use Development Ordinances, Steep Slope Buffer Requirements. Deemed complete 12-18-18. Date of Action: 4-17-19, Extensions of time granted through 6-30-19. Noticing required.

The Board having reviewed the Resolution, Vice-Chairman Barthelmes asked for a Motion and a Second to memorialize the Resolution. Mr. Morelli made a Motion to memorialize the Resolution and Mr. Frost offered a Second. Roll call Vote: Morelli, Frost, Barthelmes, Mostyn and Ferrara voted yes to memorialize the Resolution.

NEW APPLICATION:

Z19-02 Sundial Solar Innovations /Trivedi - Block 35, Lot 3.08 located at 2 Cheryl Lane consisting of 2.71 acres located in the R-130 Zoning district. Applicant seeks variance relief to install ground mounted solar arrays consisting of 1,603 s.f. where 900 s.f. is permitted. Applicant seeks side yard setback variance relief where 40 feet is required, 20 feet is requested. Deemed Complete 6-24-19. Date of Action: 10-22-19. Noticing Required.

Attorney Vella marked into evidence the following Exhibits:

A-1	Jurisdictional packet
A-2	Application dated 5-24-19
A-3	Web Site Notice
A-4	Survey prepared by Thomas M. Ernest & Associates dated 4-17-19 reflecting the ground mounted solar area
A-5	SunDial Solar Innovations 3 page of Solar Array Plans dated 5-7-19
A-6	JCP&L Electric Bill of 7-1-19
BOA-1	Engineering Report dated 6-24-19
BOA-2	Planning Report dated 7-25-19

Attorney Vella swore in Hilton Soares, owner of SunDial Innovations. Mr. Soares explained that location of the array is adjacent to the owners' of Lot 3.07.

Mr. Soares stated that the proposed array would cover the homeowner's electric 100%. The homeowner received approval from JCP&L and the State of New Jersey for the size of the approvals. The Ordinance permits 900 s.f. and the applicant is proposing 1,603 s.f. Where the side and rear setbacks are 40 feet, the applicant is proposing 20 feet. Mr. Soares explained at 40 feet would take the array closer to the existing pond.

Attorney Vella swore in Yogendra Trivedi, the Property owner of 2 Cheryl Lane. He would like to situate the array so that it is not visible from Cheryl Lane. The production value of 41,460 KW hours.

Board Engineer Shafai felt that this was high for a single-family home.

Mr. Soares stated that the applicant has dehumidifiers and ventilation systems in the basement, along with two sump pumps and a radon fan.

Mr. Trivedi stated that two years ago, he switched from geothermal to natural gas.

Discussing the chosen location of the arrays, Attorney Vella stated that the homeowner's testimony is that they want to get closer to Lot 3.07, where 40 feet is permitted they are seeking to install the array 20 feet from the property line. The other side of the property has 40-50 foot trees, not allowing the arrays to function properly. The applicant will only grade a few inches.

Engineer Shafai asked Mr. Trivedi about the stone area. Mr. Trivedi stated that the area

contained brush which he had cleaned several times and finally, he removed the brush and put stone down in its place. The applicants advised that they could extend the PVC fence to shield the project from Cheryl Lane.

Attorney Vella marked into evidence A-7, 6 photographs of the property. Mr. Trivedi explained the photos that the Board was viewing.

Engineer Shafai asked applicant to clarify that no site grading or tree removal would be taking place on the premises. The applicant confirmed this. If approved recommend land surveyor stake out the area.

Planner Gable asked for clarification that the electrical wiring would be installed underground. Mr. Soares advised it would be installed underground.

Planner Gable asked for clarification that there are no environmental constraints on the property. Mr. Trivedi advised that there are no environmental constraints on the property. Planner Gable advised the Board that the rest of Planning comments were addressed.

Vice-Chairman Barthelmes asked the professionals how the Township arrived at the ground mounted solar size as 900 s.f. Engineer Shafai advised that former Township Planner Rich Coppola placed this size on the ground mounted solar.

Attorney Vella stated that we have a size limit rather than a usage limit. He stated that the size limit may be based on the usage of the house.

It was discussed that JCP&L approves the amount so that it meets the demands of the house. Mr. Soares stated that JCP&L would not allow that a homeowner to go any higher because of the SRECS.

Mr. Trivedi is going to purchase the array.

Attorney Vella explained what Solar Renewable Energy Credits known as SRECS are

Mr. Soares explained the positive aspect of this application is reducing the carbon footprint. Attorney Vella stated that advancement of municipal land use law is the encouragement of solar and sustainability.

The applicant will buffer the street trees.

Mr. Frost asked if the solar units have the appropriate signage to alert fireman to shut off the unit. Mr. Soares advised that everything is labeled. He explained the safety factors that go into the design of the product.

Mr. Trivedi built a privacy fence.

At 8:33 p.m., Vice-Chairman Barthelmes opened the application to the public.

Attorney Vella Swore in Steven Johnson, 4 Cheryl Lane. He lives next to the property. He advised that they have established white pines where the lower portion has the branches missing so no privacy screen is there any longer. Mr. Johnson wanted to know how the proposed angle of the solar panels would affect them.

Attorney Vella swore in Kathleen Johnson of 4 Cheryl Lane. Her concern is the lack of buffering and ability to see through the white pine plantings.

Attorney Vella swore in Kevin Keenan of 539 Stage Coach Road. He explained where his property is located. He advised that Mr. Trivedi has installed a 6 foot fence to buffer the properties. Mr. Keenan explained that there is a 3 foot slope toward his backyard and locating the panels closer to the fence would eliminate his ability to see the panels.

Regarding the position of the arrays, they will be fixed so that the reflection would be toward the front of the array and the arrays have an anti-reflection coating to minimize the glare. Mr. Kennan asked if a greenscape could be planted between the solar array and the fence.

Mr. Soares advised that 4 feet is needed in order to service the grid so moving the panels closer to the fence must take this into consideration.

Seeing no further public questions, Vice-Chairman Barthelmes closed the public portion at 8:45 p.m.

The applicant has no more witnesses to present. The Board discussed the application.

Mr. Frost would like to see natural fence or natural plantings as a screening device.

Attorney Vella would defer that to the Engineer. Mr. Trivedi offered to work with the neighbors as to plant selection.

Mr. Mostyn asked Mr. Trivedi why he installed stone and did not just plant grass when he removed the brush.

When asked why such a high electric usage, Mr. Trivedi advised that he has a hybrid vehicle that consumes 45kw every 100 miles.

The Board asked if he considered going with the 12 foot high, 900 s.f. allowable by ordinance ground mounted arrays. Mr. Soares explained the calculation behind the proposal before the Board.

Mr. Morelli felt that this is more like a solar farm and he would rather see the 900 s.f. that is allowed and allow the 20 foot setback.

Mr. Ferrara stated that he is trying to understand the consumption amount that the homeowner is using. He feels that he is doing this the correct way by connecting with his neighbors. Mr. Ferrara stated that his concern is also if a neighbor wants to sell their property, this could become an issue.

Engineer Shafai stated that this is considered an accessory structure to match what size is permitted as an accessory structure.

It was discussed that the angle of the arrays would be 13 degrees when normally it would be 25 degrees.

The Board could change the angle as a condition of approval.

Mr. Mostyn asked is Mr. Trivedi had JCP&L evaluate his home concerning his large utility bill.

Mr. Trivedi stated that he replaced the electric meter.

There was a Board discussion about a condition of approval to have screening on all four sides of the arrays.

Vice-Chairman Barthelmes stated that if the Ordinance was put in place around 2005, was it thought out for solar panels or for accessory structures. He offered that the homeowner has gone out of his way to meet with the neighbors.

There was discussion that the white pines do not offer ample screening and should be replaced.

Vic-Chairman Barthelmes said that JCP&L approved the consumption amount.

Attorney Vella read the conditions of approval should the Board vote positive on the application, including but not limited to: the maximum height of the panels is 6 foot, an as-built survey is required, the wiring is to be underground, landscaping buffer of Leyland Cypress along Lots 3.07 and 3.09 and Cheryl Lane for the length of the array subject to the approval of the Board Engineer, etc.

Mr. Morelli asked Attorney Vella if the Board could ask for the applicant to reduce the square footage to 900. Attorney Vella advised that the application that is before the Board is the application that they are voting on.

Mr. Morelli made a Motion to deny the application and Mr. Ferrara offered a Second. Roll Call Vote: Morelli, Mostyn and Ferrara voted yes to deny. Barthelmes and Frost voted no. Lambros was not eligible due to his late arrival to the meeting.

NEW BUSINESS: The Board discussed the idea of reducing the amount of paper that is

provided to the Boards and their professionals in their review of an application.

Seeing no further new or old business, Vice-Chairman Barthelmes made a Motion to adjourn the meeting and Mr. Morelli offered a Second and by unanimous vote, the meeting adjourned at 9:39 p.m.

Respectfully submitted,

Pamela D'Andrea