

**TOWNSHIP OF QUINTON PLANNING BOARD**  
**MARCH 13<sup>TH</sup>, 2012**  
**REGULAR MEETING MINUTES**

The regular meeting of the Planning Board was called to order at 7:00 p.m. at the Township of Quinton Municipal Building by Chairwoman, Margaret Maxwell-Mood.

Flag salute was held and it was determined that the meeting was posted in a public place and advertised in the two official newspapers.

**ROLL CALL:** Amy Bradway, Joseph Donelson, Debra Emel, James Kates, Margaret Maxwell-Mood, Carl Schrier, Marjorie Sperry and William Wentzell

Absent: Edward Counsellor, Robin Harmon and Zachary Patterson

Also present: Gary M. Salber, Esq., Lawrence DiVietro, P.E. Andrew Hogg, P.E. and Bonita Bell.

**APPROVAL OF FEBRUARY 14<sup>TH</sup>, 2012 MEETING MINUTES:** Motion was made by Joseph Donelson to approve the Minutes and William Wentzell seconded the Motion. James Kates and Amy Bradway abstained. Remaining members were in favor, Minutes were approved.

**OLD BUSINESS**

The letter from Ross Levitsky, Esq. was read and approved for filing.

A short discussion was held on the Environmental Impact Statement. It was decided to table this form until more information was gathered. Motion to table the form was made by Joseph Donelson and seconded by Marjorie Sperry. All were in favor. The Environmental Impact Statement will be discussed at a later date.

The Letter of Interpretation regarding the footprint of disturbance determination for Douglas Hitchner on Block 61, Lots 8 and 8.05 was approved for the file.

**NEW BUSINESS**

The letter to the Third District Legislators by Margaret E. Maxwell-Mood, Ed.D. regarding Solar Energy was discussed.

A discussion was held regarding the Guidelines for Planning Board members.

Applications - Submissions of applications will not be heard at the upcoming meeting if they are less than 10 days prior to the upcoming meeting.

James Kates explained the difference with the Class I through Class IV members as well as the Alternate I and Alternate II members.

Class I – this member is usually the Mayor or designee

Class II – this member is an official of the municipality who is appointed by the Mayor

Class III– this is a member of the governing body

Class IV – these members are other citizens of the municipality appointed by the Mayor

Alternates – these members attend the meetings, ask questions and have the same rights as the regular members with the exception of voting. If enough members are in attendance, then the Alternates do not vote.

Solicitor Salber explained that the Alternates may participate in the discussion of the applications but cannot vote if there are enough regular members present and authorized to vote. The Alternate I member would vote first and then, if needed, the Alternate II member would vote.

Quorum – a quorum is five voting members including alternates.

Solicitor Salber explained that for a use variance the Board is considered a Zoning Board. Seven members - two thirds full, with 4 being a quorum and an applicant will need 5 affirmative votes. The Attorney for the Applicant may decide to postpone the vote because once an application is denied they cannot come before the Board for this matter again. They can appeal by going to the Mayor and Township Committee. This is why the Mayor and Committee Board members leave the meeting when there is a use variance on the Agenda. The Appeal would be taken to the Township Committee, then from there it would go to the Court system. The Board Attorney would steer the Board in the direction that the decision by the Board would be upheld.

Solicitor Salber explained that the Board Attorney guides the Board giving legal advice and answering legal questions as they arise. The Board Attorney prepares the Resolutions memorializing the Application, all of the testimony, the history of the Application and the conditions that are required for the Application. The Board Attorney also swears in the Applicants, witnesses, experts and members of the public. The Board Attorney use to have the most responsibility, but that has shifted over to the Engineer now. The Board Attorney listens and steers the Board in the direction of following the laws.

James Kates offered that when a Board member votes they need to state the reason for their decision.

Engineer Hogg explained that the Board Engineer provides a technical review for compliance with the section of the Ordinance and reviews and reports any discrepancies. The Board Engineer also provides direction and recommendations to the Planning Board on proposed developments and the impact on the surrounding area. The Board Engineer is involved in the technical aspect of a completeness review for site plans, subdivisions, and variances.

Planner DiVietro explained that the Board Planner reviews each Application to make sure that the Ordinances are followed regarding items such as front yard setbacks. The Board Planner makes sure everything is consistent with our Ordinances. If the site is on the PR Zone the design standards are checked to see if the minimum buffer, fence height is correct, etc. The D-Variances are more critical and the Board will need a favorable vote of 5 to approve the Application. The question of "is it inherently beneficial" to the Township needs to be proven. The Board Planner guides and outlines where they are not following the law, if that is the case. The Board Planner advises what is good or bad about the proposal and the reasons are pointed out. The Board Planner provides a written opinion regarding each application and formulates master plans and amendments, develops land use ordinances and amendments. The Board Planner also aids in the reexamination report that is required every 6 years and advises on the implications of special laws and regulations.

It is important for the Board Members to review the letters generated by the Board Planner and Board Engineer and to ask any questions they may have prior to voting.

Chairwoman Margaret Maxwell-Mood offered that the Board Planner, Engineer and Solicitor are there to keep the Planning Board out of trouble.

County Planner, Louis Joyce spoke on the perspective of the County Planning Department. The County Planning Department is limited in the role of reviewing plans regarding stormwater and County roads. When an Application is approved at the Township level it is subject to County approval as well. The County Planning Department can offer revisions, but cannot regulate blocks and lots sizes. Their main concern is the water on the roads and the drainage of those roads.

James Kates spoke to the Board Members about looking at the Land Use Law, the C Variances and D Variances. James Kates told the Board Members that they should look at the Land Use Law book by Dr. Cox. This book contains samples of forms, Court cases, etc. that will help the Board Members understand a little better.

Solar Ordinance – County Planner, Louis Joyce said that the concept of the Solar Energy/Renewable Energy is being reviewed. This concept is being promoted by the State. The conflict comes in to play when the solar project is a larger grid scale.

The whole solar industry is on hold, Ordinances need to be in place with standards outlined. Use Variances have the ability to impose reasonable conditions for the best interest of the Township. Goals are to retain farming on agriculture land. Solicitor Salber, Chairwoman Maxwell-Mood, County Planner Joyce and Mayor Kates have met and discussed what should be included in the Ordinance to better the Township. There are a lot of factors to consider, i.e., noise. Sound between 55-65 decibels, agricultural rules say 40 decibels. The standards for buffering, landscaping continuing the Maintenance Bonds. Agricultural rules are subject to the local Ordinance as well. The Ordinance will give the Board the ability to request reasonable conditions. Some states have a special use ordinance – ours is conditional use. The requirement needs to be strong enough to protect the town and surrounding towns.

Joseph Donelson stated that some residents are not happy with the negative impact on the adjoining property.

Individual residential size – setbacks will be looked into.

County Planner Joyce stated that the Board can hire any professionals they need and also stated that Quinton Township has the best professionals in the State.

Board Planner DiVietro stated that the impact on the Township, the inherent beneficial use will be considered. Commercial size is obviously a negative impact. There could be thoughts on payment in lieu of taxes. The panels are personal property, not taxable

property. There could be a gross receipt or energy tax. All these issues need to be addressed. This may be a larger issue than the State wants to deal with at this time.

With no more business for the Board the meeting was opened to the public at 7:54 p.m.

Joseph Elwell of Sickler Street stated that he heard that the Hitchners application has met with delays which resulted in the need to change their plans numerous times, costing them a lot of extra money.

James Kates offered that the State has regulations and the Building Code issues have arisen. Mr. Erdner has to either tap into the Salem system for water or build fire walls. The Planning Board did not put any hold on this project, the design of the building caused the holdup. Firebrick is very expensive. It is the Quinton Township Code Official's job to enforce the laws in this area. Our Township Code Official is Wayne Serfass. Mr. Erdner will have to comply with fire walls and a sprinkler system which means he will have to come up with new plans for this area. Each change in plans can run you \$10,000.00, you have to meet the Quinton Township Code. You have to have the psi water pressure and he needs an architect to submit the proper plans.

Edward Saunderlin of Quinton Alloway Road asked about the deadline for projects and was told 2 years. A minor application is 180 days. Mr. Saunderlin also asked about the drainage on the County roads being considered – the last hurricane that came through crossed over the County road where he lives and filled up the drains, field tiles, wells, etc. that are on the property next to him. They just do not work anymore. There is a water situation there. It is sad to hear that the State is not helping. Mr. Saunderlin stated that he really appreciated the Board and the work that they have been doing.

Amy Bradway made a motion to close the public portion of the meeting. Joseph Donelson seconded the motion. All were in favor. The public portion was closed at 8:01 p.m.

With no more business to discuss Amy Bradway made a motion to adjourn the meeting. Joseph Donelson seconded the motion. All were in favor. The meeting was adjourned at 8:02 p.m.

Respectfully submitted by:



Bonita K. Bell

Approved: April 10<sup>th</sup>, 2012

