

# TOWNSHIP OF QUINTON PLANNING BOARD FEBRUARY 14<sup>TH</sup>, 2017 REGULAR MEETING MINUTES

The meeting of the Planning Board was called to order at 7:00 p.m. at the Township of Quinton Municipal Building by Cynthia Sherman.

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

## Roll Call:

Present: Donald Brown, Edward Counsellor, James Freels, Raymond Owens, Marjorie Sperry, Larry Winkles and Cynthia Sherman

Also present: Bonita Bell, William Horner, Esq., Lawrence M. DiVietro, Jr., PLS and Andrew Hogg, PE

Absent: Kevin Hengeli and Suzanne Van Sciver

## APPROVAL OF JANUARY 10<sup>TH</sup>, 2017 REORGANIZATION MINUTES

Edward Counsellor made a motion to approve the minutes for the reorganization meeting. Donald Brown seconded the motion.

## Roll Call Vote:

|                   |     |
|-------------------|-----|
| Donald Brown      | Yes |
| Edward Counsellor | Yes |
| James Freels      | Yes |
| Raymond Owens     | Yes |
| Marjorie Sperry   | Yes |
| Larry Winkles     | Yes |
| Cynthia Sherman   | Yes |

All were in favor and the minutes were so approved.

## RESOLUTION 2017-08 – APPROVAL OF THE GRASSHOPPER SHOPPE, L.L.C. APPLICATION 2016-07 FOR USE AND BULK VARIANCES AND WAIVER OF SITE PLAN REVIEW

The Board Members read over Resolution 2017-08. There were no questions by the Board Members and a motion was made by Edward Counsellor to approve the Resolution. Larry Winkles seconded the motion.

Roll Call Vote:

|                   |           |
|-------------------|-----------|
| Donald Brown      | Yes       |
| Edward Counsellor | Yes       |
| James Freels      | Yes       |
| Raymond Owens     | Abstained |
| Marjorie Sperry   | Abstained |
| Larry Winkles     | Yes       |
| Cynthia Sherman   | Yes       |

All were in favor with the exception of the two abstentions and the Resolution was so approved.

NEW BUSINESS

The appeal of the Zoning Officer's decision regarding an in-ground pool for Mr. Thomas McKee has been brought before the Planning Board for discussion. The basis for the appeal is that Mr. McKee feels the concrete area around the pool should not count in the setback requirements. Mr. McKee feels that the edge of the water is where the measurements should start. Mr. McKee is replacing an above ground pool that is already on the property. The skirting around the in-ground pool will be outside of that area which is the reason for the appearance at the Planning Board.

Robert L. Schmid, Quinton Township Zoning Officer was sworn in by Mr. Horner. Mr. Schmid stated that the zoning permit denial was due to his determination of the 50' side yard setback requirement in Township Ordinance and that the skirting would be counted in that requirement.

Mr. Thomas McKee was sworn in by Mr. Horner. Mr. McKee stated that the above ground pool is located at the same place that he wants to have the in-ground pool. Mr. McKee has solar panels with underground wiring and he has to work around those wires in the back yard as well. He needs the standard concrete requirements around the pool.

Mr. Horner advised that Mr. Schmid made the correct decision. 50' is the required setback for in-ground pools.

At this time a motion was made by Edward Counsellor to open the meeting to the public. Donald Brown seconded the motion. All were in favor and the meeting was opened to the public.

With no questions from the public Edward Counsellor made a motion to close the meeting to the public. Donald Brown seconded the motion. All were in favor and the public portion was closed.

Mayor Owens stated that Mr. McKee can appeal the decision or ask for a variance. Edward Counsellor stated that the size of the lots is different in the Ordinance with 10' in town and 50' outside of town. Mr. Horner stated that they are in different zoning districts.

A motion to affirm the denial of the zoning permit decision of the Zoning Officer and to request the Quinton Township Committee to look into amending the Ordinance for pool setback requirements was made by Edward Counsellor and seconded by Larry Winkles.

Roll Call Vote:

|                   |     |
|-------------------|-----|
| Donald Brown      | Yes |
| Edward Counsellor | Yes |
| James Freels      | Yes |
| Raymond Owens     | Yes |
| Marjorie Sperry   | Yes |
| Larry Winkles     | Yes |
| Cynthia Sherman   | Yes |

All were in favor and the zoning permit denial was affirmed.

**APPLICATION 2016-06 - MIDFLARE CORPORATION - AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL FOR BLOCK 12, LOT 34 - NJSH ROUTE 49, SALEM-QUINTON ROAD SOLAR ARRAYS FOR ELECTRICITY GENERATION, OWNER SAMUEL AND JOAN BROWN, REPRESENTED BY JOHN ALICE, ESQ. J. TIMOTHY KERNAN, PE APPLICANT'S ENGINEER**

Discussion was held regarding applicant's final major site plan application and it was determined that the application was incomplete according to the Engineer's review letter.

It was determined that the Board could hear the applicant's preliminary major site plan application at this time.

Mr. Horner swore in representatives of Midflare Corporation, John Alice, Esq., Mark I. Randall and Timothy Kernan, PE.

Mr. Randall, Mr. Kernan and Mr. Alice provided testimony for the application.

Discussion was held regarding a previous application that was submitted in 2011 for the same property by Midflare Corporation. It was decided that the previous application in 2011 will be deemed null and void and Mr. Alice requested that the application that is before the Board as application 2016-06 at this meeting is designated as the new application.

The operation of the data center was discussed. All the data is transmitted by the Cloud. There will be servers in the building and will have two employees full time for maintenance.

At this time the tape stopped and was turned over to record on Side B.

Mr. Randall and Mr. Alice explained how the solar panels generate the electricity to run the data center. If the system is not sufficient to power the data center the additional electricity would be provided by the public electric utility system. If the power goes off an emergency gas system kicks in to run the system.

Discussion was held regarding landscaping and additional buffering on Route 49. Parking was decided that only two spaces were needed for the two employees.

Tape stopped and new tape was put in.

The roof water run off remedy was discussed and Mr. Randall indicated that the generator will be inside of the data building. The employees will be there four times a week, for four ten hour shifts.

See attached Resolution 2017-10 prepared by William Horner, Esq. for the official details of the application.

At this time there were no more questions from the Board.

Edward Counsellor made a motion to open the meeting to the public. Raymond Owens seconded the motion. All were in favor and the meeting was opened to the public.

There were no public comments.

Edward Counsellor made a motion to close the public portion of the meeting. Donald Brown seconded the motion. All were in favor and the public portion of the meeting was closed.

Mr. Horner summarized the application for the Board.

A motion was made by Donald Brown and seconded by Raymond Owens to approve the preliminary major site plan application with the conditions as set forth in the attached Resolution 2017-10.

Roll Call Vote:

Donald Brown                      Yes

|                   |     |
|-------------------|-----|
| Edward Counsellor | Yes |
| James Freels      | Yes |
| Raymond Owens     | Yes |
| Marjorie Sperry   | Yes |
| Larry Winkles     | Yes |
| Cynthia Sherman   | Yes |

All were in favor and the preliminary major site plan approval was granted.

Mr. DiVietro brought to the Board's attention that it is re-examination time for the Master Plan. Mr. DiVietro indicated that an Amendment or update could be done. The re-examination is required and there are consequences if you do not preform the re-exam of the Master Plan. Ordinances will be outdated and you need to comply with the law. It is the vision statement and what sets the stage for the zoning laws. It is compliance with the law.

Mr. DiVietro will come back with a cost estimate and will look for grant money for this project for the Township.

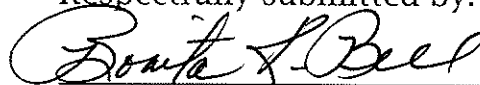
A motion was made by Raymond Owens to open the meeting to the public. Marjorie Sperry seconded the motion. All were in favor. The meeting was opened to the public.

There were no comments from the public.

A motion was made by Raymond Owens to close the meeting to the public. Marjorie Sperry seconded the motion. All were in favor and the public portion of the meeting was closed.

With no more business for this meeting Raymond Owens made a motion to close the meeting. Marjorie Sperry seconded the motion. All were in favor and the meeting was adjourned at 10:00 p.m.

Respectfully submitted by:



Bonita K. Bell

Approved: April 11<sup>th</sup>, 2017