

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
June 3, 2010

Meeting began at 7:33 PM

The meeting of the Township of Ocean's Planning Board was held on the above date and time. The meeting was called to order.

Pledge of Allegiance

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, sending copies of the notice of the meeting properly provided adequate notice of the meeting to the Times-Beacon and the Asbury Park Press. Notice was posted on the bulletin board in the Administration Building.

ROLL CALL

Members Present: Anepete, Avellino, Knowles, Lachawiec (late 7:36), Sweeney, Bynoe, James

Members Absent: Eckert, Sneddon, Tredy, VonSchmidt

Professionals Present: Steve Yost, Attorney and Wayne McVicar, Engineer

Chairman Anepete asked for a motion to take action on the minutes of the Regular Meeting of April 1, 2010 Regular Meeting. Mr. Avellino made the motion to approve the minutes. Mrs. Sweeney seconded the motion. All in favor: (aye) Avellino, Sweeney, Knowles, Bynoe, James, Lachawiec.

Chairman Anepete asked for a motion to take action on the minutes of the Special Meeting of May 19, 2010 Regular Meeting. Mr. Avellino made the motion to approve the minutes. Mrs. Sweeney seconded the motion. Chairman Anepete asked for an amendment to page 2, last paragraph. Secretary noted and will change. All in favor: (aye) Avellino, Sweeney, Knowles, Lachawiec, Bynoe, Anepete.

Chairman Anepete asked for a motion to take action on the voucher list. Mr. Avellino made the motion to approve the vouchers. Mrs. Sweeney seconded the motion. All in favor: (aye) Avellino, Sweeney, Knowles, Lachawiec, Bynoe, James, Anepete.

Correspondence is available in the board office for anyone wishing to view.

BOARD COMMENTS

Chairman Anepete suggested the board waive the discussion from the professionals tonight as items on the agenda could make for a long meeting. The board agreed by consensus.

Secretary reminded the board and the professionals that the microphones have a mute button and to please use if they need to have a sidebar conversation while the meeting is going on so several conversations are not picked up on the tape at the same time.

OLD BUSINESS

Resolution 14-10-PB, Reddy Application, Block 41, Lot 42.04, Minor Site Plan. A revised Resolution was provided by Mr. Yost and given to the board at the dais prior to the meeting. Mr. Yost clarified the revisions. The draft was prepared and given in the packets prior to the meeting minutes being finalized. The clarification was made that the signs for “Wine and Beer” are permanent signs, not temporary. Therefore, this paragraph in the resolution was revised accordingly. A paragraph was also added regarding temporary signs and a 90-day period was given.

Chairman Anepete asked for a motion to take action on the revised Resolution. A motion was made by Mr. Knowles and seconded by Mr. Avellino. Mayor Lachawiec asked if Mr. Yost had gone over the Resolution with the applicant. Mr. Yost answered that Mr. Alfieri, applicant’s attorney, received the Resolution from the board secretary. The revision was also discussed with Mr. Alfieri. Mr. Alfieri did not contact Mr. Yost again, so we assume the revised Resolution is satisfactory. The applicant asked for clarification on the “Wine and Beer” signs. Mr. Yost clarified that those signs are permanent, not temporary. All in favor: (aye) Knowles, Avellino, Lachawiec, Sweeney, Bynoe, Anepete.

NEW BUSINESS

Board discussion concerning wind turbines began. Anything decided by the Planning Board would be only suggestions presented to the Township Committee for a possible ordinance. Mayor Lachawiec feels our town should be in the forefront of accepting alternative energy. Mayor Lachawiec suggested that there should be a minimum of 1,000 feet away from a neighboring house depending on the decibels because they are noisy. The higher in the air the turbine is the more power it generates.

Mr. McVicar spoke regarding the noise and the state that requires you be 50 decibels at the property line. We currently do not have a wind turbine ordinance. Taking an existing ordinance from another town would provide much of the information needed and tweaking as necessary would be a good starting point. The state has provided a model that most towns are using as their base.

There are 32 various types of wind turbines that can be purchased. There are also turbines that spin vertically on the shaft. A concern would be noise and would be a quality of life issue on a neighbor. Mayor Lachawiec also explained “flicker” and the strobe effect a turbine could cause.

Mr. James explained the neighbors have a problem with the one built in Ocean Gate. The biggest complaints are noise and the fact that it feels like a freight train near the house. Ocean County Health Department will come out and inspect for noise.

Mayor Lachawiec reviewed the information received in the board packets regarding regulations in the report titled, “Wind Energy at Curbs-Municipal Regulations over Small Wind Turbine Energy Systems”.

If there is no ordinance to regulate, then anyone could put anything up. The township has to do their best to get up to speed quickly and get parameters in place. This is also affected by the Time of Decision Rule that has been recently changed by the Governor.

The township currently has professionals reviewing our ordinances to make sure our ordinances are in compliance with all state and federal law. The Township Committee had wanted the input from the

Planning Board. Once the Township Committee has a draft ordinance, the Planning Board will still be able to review.

Mr. Bynoe mentioned any obstruction of view. If someone puts up a turbine on the water, it will obstruct the view of surrounding residents. Mr. James feels the biggest problem could be the waterfront homes. If several homes on the same block each get turbines, the noise level could be very high. Mr. Avellino feels the size of the property is very important.

Mr. McVicar suggested that anyone wanting to put up a wind turbine would have to have a site plan and come before the Planning Board. The board briefly also discussed adding solar panels to this ordinance.

Chairman Anepete suggested polling the board to get a consensus of whether or not the board's professionals should draft an ordinance, or only provide comments of points the board would like to see covered within the ordinance. Chairman Anepete felt it is great that our state is being so pro-active in alternate energy systems. Chairman Anepete would rather have our professionals review what will be prepared by the Township Committee's professionals. A consensus of the board was expressed in agreement to Chairman Anepete's comments. Mr. McVicar feels the sound level at the nearest residential property shall not exceed 55 decibels. The set-back should not exceed 150% of the height of the tower and that is measured to the tip of the rotor. The set-back is measured from the center of the tower itself. Mr. McVicar suggested that it must be fenced in to prevent children from climbing and falling. No advertising space would be allowed on any turbine. Mr. McVicar said he is not aware of any regulation concerning solar because they are passive. They go onto an existing structure or the ground. They are not visual eyesores. Mostly the issue is with wind turbines. Mr. Avellino has concerns with the size of the properties in town. Mr. McVicar said that any property east of the parkway would not be able to put up a turbine. They would not be able to meet the restrictions discussed. Larger properties in the WD district could possibly put them up. Restrictions could possibly be made at one per so many acres. Bay front districts could require a bird study.

Planning Board would like a Site Plan to have to be made before the board for any wind turbines. Gluck and Allen Firm is considered our energy attorney. They are also the attorney for Ocean Gate. Mr. Gluck would most likely do the final resolution. The board would like to recommend for consideration back to the committee working off the model ordinances keeping in mind the parameters that have been set by the state guidelines.

The board briefly discussed the Time of Decision Rule and the Township's height restrictions.

Mr. Knowles made a motion to open to the public, Mr. James seconded the motion. All in favor: (aye).

PUBLIC COMMENT OPEN

Seeing None.

Mr. Avellino made a motion to close to the public, Ms. Sweeney seconded the motion. All in favor: (aye).

PUBLIC COMMENT CLOSED

Resolution 15-10 authorizing the Planning Board to move into Closed Session.

A motion was made by Mr. Bynoe, seconded by Mrs. Sweeney to move into closed session. Roll Call: (aye) Bynoe, Sweeney, Avellino, Knowles, Lachawiec, James, Anepete.

A brief break was taken at 9:00 P.M. Meeting resumed at 9:08 P.M.

Mr. James left the meeting at 9:08 P.M.

The board came out of Closed Session at 10:00 P.M.

Motion to adjourn was made by Mr. Knowles, seconded by Mr. Bynoe. All in favor: (aye).

Meeting ended at 10:01 P.M.

Respectfully submitted,

Beth O'Connor
Secretary