

Present: Waterbury Stambaugh, Betesh, Anderson
Kennedy (Attorney)
Absent: Fisher, Peterson, Canonico, Walsh

Chairman, Ms Waterbury, called the meeting to order at, 7:30 p.m.
All saluted the flag, and the presiding officer's statement was read.

Minutes:

A motion was made by Mr. Betesh, seconded Ms. Stambaugh to adopt & memorialize the minutes of the public portion of the July 3, 2011 meeting minutes as amended.
All approved.

Correspondence: none

Planning Board Representative:

- Proposed Solar Ordinance was forwarded to Mayor & Council for residential roof top solar only, ground mounted and ground mounts that need screening with be forwarded to a board for review
- Master Plan committee continues its review, recommendations will be made by the committee for an update

New Business:

Mr. Anderson disclosed his association with Mr. Gallagher and he stated that he could make an impartial decision on the application of M/M Gallagher.

M/M Michael Gallagher

24 James St
Bl: 48, Lot: 5

Bulk variance solar panels

Mr. Kennedy announced that the service was carried from 6/3/2011 with the condition that the Gas Company and proper notification to the Asbury Park Press is given.

Mr. Kennedy marked the following into evidence:

- A-1:** Development Application, dated 6/13/2011
- A-2:** Denial Letter dated 4/12/2011
- A-3:** Solar Panel specifications, dated 1/6/2011
- A-4:** Photos of 64 James Street
- A-5:** Denial letter dated, 3/3/2011
- A-6:** Survey, prepared by Titus Surveying dated 8/25/1999

Mrs. Christine Gallagher, 64 James Street was sworn. She testified that she is the owner of 24 James Street since 1999 where she and her husband currently reside. She testified that she would like to construct 36 roof mounted solar array panels on her roof top which faces the south, to help reduce the cost of her electric bill. They will be entering into a 20 year lease with NJR, and they will be responsible for the maintenance of the panels.

Ms. Gallagher described the panels as 44" x 40" each, and the panels will cover a section of her roof that measure 44'7" by 24' 10" on the southern portion of the roof, and the panels will be dark blue in color. They will be flush along their 10 year old roof, and maintained by NJR for 20 years.

Ms. Waterbury asked Ms. Gallagher what color is her roof? Ms. Gallagher said that it was brown, and they will be flush with the roof. Ms. Waterbury asked if they are non glare panels? Ms. Gallagher said yes.

A motion was made by Ms. Stambaugh, seconded by Mr. Anderson to open the meeting to the public. All approved.

No comments/questions

A motion was made by Ms. Stambaugh, seconded by Mr. Betesh to close the meeting to the public. All approved.

Ms. Gallagher said that the Planning Board should reconsider letting homeowners cantilever the panels that would eliminate a lot homeowners from putting up solar panels, which would all the panels to be directed in the proper direction of the sun.

Ms. Waterbury advised Ms. Gallagher that the Environmental Commission was present at the time of discussion. The Ordinance that is being recognized is to deal with the majority of situations that are pending and more research does need to be done with all sustainable energy. The Master Plan will have a sustainable energy element which will include all forms of sustainable energy. Amendments would be done to the Ordinance which is currently going before Council.

Mr. Anderson asked Ms. Gallagher in the event that the solar panels are not working or you choose not to utilize them, that it will be your responsibility to either repair or remove them from your home? Ms. Gallagher said yes.

Approval:

A motion was made by Mr. Betesh, seconded by Mr. Anderson to approve the application of Mr. & Mrs Michael Gallagher for a bulk variance to allow the installation of solar panels, without screening, subject to all the conditions which have been imposed on similar application:

- Panels not to extend beyond the peak of the roof
- Installed and maintained in accordance with the New Jersey Clean Energy Program
- Panels to be maintained in good faith

Roll Call:

Affirmative: Waterbury, Stambaugh, Betesh, Anderson

Negative: None

Resolution:

A motion was made by Mr. Betesh, seconded by Mr. Anderson to adopt & memorialize the resolution of approval to M/M Michael Gallagher as amended.

Roll Call:

Affirmative: Waterbury, Stambaugh, Betesh, Anderson

Negative: None

New Business:

M/M James Fanizzi:

152 Beechwood Dr

Bl: 50, Lot: 1

Bulk variance - 6' fence
in front yard area

Mr. Kennedy announced that he has reviewed service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. James Fanizzi, 152 Beechwood Dr., was sworn. He testified that he is the owner of the single family home since June 1998.

Mr. Kennedy marked the following into evidence:

A-1: Application for Hearing, dated 7/6/2011

A-2: Zoning Denial - dated 4/3/2011

A-3: Survey, dated 5/7/2003

A-4: Cover letter to M/M Fanizzi, dated 5/8/2003

A-5: Resolution dated 5/7/2003 - granting 4' at 152 Beechwood Dr

A-6: Series of photos taken by applicant

Mr. Fanizzi testified that he is seeking permission to change the 4' fence to a 6' fence. He received approval for the 4' pool code fence in May of 2003 and is now seeking to change that fence to a 6' privacy fence. He explained that he is on a corner piece of property and the fence would give him the additional privacy that he needs for his family. He explained that the 4' fence does need to be replaced and he would like to replace it with the 6' privacy fence.

Mr. Fanizzi also feels that the 6' solid fence would keep the neighborhood children & dogs out of his yard and going into his pool. He explained that the home behind him (163 Garden Rd.) has the exact fence that he is proposing, and he is also on a corner lot. His new fence will clean and dress up the corner area behind him.

Ms. Waterbury asked if he was denied a 6' fence and the board approved the 4' only. After reviewing the file of 2003 it was decided that res judicata does not apply to the new request for a 6' fence, since Mr. Fanizzi was granted a partial 6' fence in the rear of his home by the Zoning Officer, and a 4' fence which was approved by resolution on May 2003 in the front yard area. Mr. Fanizzi did not receive a denial resolution for 6' in the front yard area.

A motion was made by Mr. Anderson, seconded by Mr. Betesh, that after reviewing the 2003 approval file that res judicata does not apply to the application of M/M James Fanizzi and the board can proceed for the 6' fence application. All approved.

Ms. Waterbury asked Mr. Fanizzi to repeat his testimony now that the issue of res judicata has been resolved.

Mr. Fanizzi testified that he would like to replace any existing 4' fence with a 6' solid fence. He has lived with the 4' for 7 years, it's in need of replacement, and it would give him the privacy, safety and keeping any neighborhood children & dogs out of his pool and yard.

Mr. Kennedy marked the following into evidence:

A-7: 4 - Photos of 152 Beechwood Dr by applicant showing his 4' fence

A-8: series of photos of Garden Rd & White Street corner with other 6' high fence

A-9: series of 152 Beechwood (4') & 163 Garden Rd (6')

A-10: series of 152 Beechwood yard & 4' fence

A-11: series of 152 Beechwood yard & 4' fence showing no privacy

A-12: series of photos Beechwood & White St. showing the visual distance to corner taken 8/2

Mr. Fanizzi explained that he will be replacing the 4' fence in his backyard with a 6' wooden fence to match his existing 6' fence and the 4' fence will be replaced with 6' p.v.c. will come off the side of the house perpendicular to White Street, to the point where the 6' p.v.c. will run parallel to White St, and in the rear property the 4' wood will be replaced with a 6' wood fence, which is parallel to White St. (25-30'). The 4' was approved due to the fact that it was in the front yard area. Mr. Fanizzi stated that both gates that are currently will be replaced with 6' p.v.c. gates.

Ms. Stambaugh asked if the fence will be completely solid? Mr. Fanizzi said that they have not decided on what style fence they will be using, but it will not be totally solid. Ms. Stambaugh agrees that the applicant does have a big safety issue on the property. There are many children on Beechwood & Garden and she does feel that the higher fence is needed. Mr. Fanizzi said that the fence is falling apart and it does need to be replaced. He testified that there are other 6' fences in the neighborhood, located on corner properties, and he would like to have an approval for what already surrounds him.

Ms. Waterbury feels that the board can consider the fences in the neighborhood and whether or not your fence will blend in or not, but all applications stand on their own and the board doesn't know how or why the fences got their.

Mr. Fanizzi testified that not being allowed to have a 6' fence when there is one right behind him and that there are other homes in the neighborhood that already have a 6' fence. Ms. Waterbury said that would show that there are other homes that needed privacy and that they are common in the neighborhood. Mr. Fanizzi provided photos of a home across from him and there are many other fences that he did not take photos of.

A motion was made by Mr. Betesh, seconded by Mr. Anderson to open the meeting to the public. All approved.

No public.

A motion was made by Mr. Betesh, seconded by Mr. Anderson to close the meeting to the public. All approved.

Ms. Stambaugh feels that the 4' fence is a safety issue and a 6' fence is needed and she also feels that there is a need for privacy based on being on the corner of Beechwood & White St., there is no privacy.

Mr. Betesh said that from observations there are many other 6' fences in Shrewsbury on corner lots, and the board does recognize that it is fairly common and the fence would not impede the look of the neighborhood.

Ms. Stambaugh also feels that the 6' fence would not interfere with a site line, which is very important and the board does look at that issue when approving fencing.

A motion was made by Mr. Anderson, seconded by Mr. Betesh that the application of Mr. & Mrs. James Fanizzi for the installation of a 6' p.v.c. fencing as noted, along White St. & Beechwood Dr, and a wooden 6' in the rear property line, along with 2 - 6' high gates in the front of the house, be approved as submitted.

Roll Call:

Affirmative: Waterbury, Stambaugh, Betesh, Anderson

Negative: None

A motion was made by Mr. Betesh, seconded by Mr. Anderson for the board secretary to forward a letter to the Construction Department advising of Mr. & Mrs. Fanizzi's approval. All approved.

Continuation of Unfinished Business:

Treasure Island Plaza, LLC:

Bl: 70.01, Lot: 2

Adoption of Resolution

After a brief discussion it was decided to have Mr. Cranmer take a look at the sign and confirm the sizes of the sign. Mr. McGann did not have a problem with hold the adoption of the resolution until the next meeting.

Mr. Kennedy said that he will mark up a copy of the chart in the resolution and forward it to Mr. Cranmer for his review.

A motion was made by Mr. Anderson, seconded by Ms. Stambaugh to carry the adoption of the Treasure Island LLC resolution to 9/7/2011. All approved

World Auto 681, LLC:

Adoption of Resolution

Bl: 3, Lot: 14

Mr. Kennedy gave the changes as discussed with Mr. San Filippo, adding the 2nd free standing sign of 32 sq. ft. throughout the resolution, which was consistent to the testimony given.

A motion was made by Mr. Betesh, seconded by Ms. Stambaugh, to adopt the resolution of approval for World Jeep 681 LLC with changes suggested by Mr. Kennedy as submitted.

Roll Call:

Affirmative: Stambaugh, Betesh

Negative: none

A motion was made by Mr. Anderson, seconded by Ms. Stambaugh to adjourn the meeting at 9:00 pm. All approved