

RUMSON PLANNING BOARD
NOVEMBER 12, 2012
MINUTES

Vice-Chairman Casazza called the regular meeting to order at 7:00 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Casazza, Shanley, Williams, White, Clark, Seaman, Koenig, Hewitt, Ekdahl. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Tom Rogers (Borough Administrator), and State Shorthand Services.

Public Hearing of Master Plan Re-examination Report

Mr. Steib reviewed that a workshop meeting occurred last month, and Martin Truscott, T&M Assoc., is before the Board again this evening. A copy of the draft re-examination report is on file in town hall, and public notices have been sent out for a public hearing. The Board went over the report at the last meeting, and a few changes were requested. Some text has been added to reflect these changes on the monitoring of trends, so that the ordinances can be modified if necessary. The greatest change was regarding possible rezoning, which is also included in the text of the report. An exhibit has been added that has no changes from the last meeting.

Vice-Chairman Casazza asked about the Board's role regarding building heights as it pertains to flood. Mr. Steib explained that borough ordinances contain height limitations pertaining to flood zones. Mayor Ekdahl said the town has begun to review this, and the recent storm had exceeded the prior height of 12', which occurred during the 1992 storm. FEMA sets a height for the shore area; however, a town can go ahead and set their own height without waiting for FEMA. Mr. Steib explained this is the height that a building can be from the ground level. This does not need to be a part of the Master Plan, although it could be a comment in the Master Plan that consideration should be given to building height above sea level. Tom Rogers noted many discussions with residents over the past week. FEMA does set the level, and the town can go less than that level, but they can go greater than that level also. Data is being collected by the building officer as they visit the homes in town, and they will be proposing a new ordinance that will come before the Planning Board in December to be reviewed by them. Mr. Andre reported that residents are asking this question, and this will be the next issue to be addressed by the council.

Mr. Steib noted that the governing body creates the ordinance, after which it comes before the Board, who then determines if it is consistent with the Master Plan.

A correction was made in the wording on Page 10, but there were no other questions or suggestions from the Board.

Richard Jones, speaking from the public, asked if it was important to adopt the plan at this meeting, since there has been some disruption in the town recently by the storm. Mr. Steib stated that the Board does need to act this evening due to a time limit. The re-examination report is subject to further review, and the public can address the Board at any time regarding any matters they wish to speak about. Chairman Casazza said the Board is extremely sensitive to comments from the public at any time. Mr. Jones feels he has not been able to adequately review the report. Mr. Steib noted that changes can come about any time the Board feels a change might be needed. The law requires the Board adopt a Master Plan Re-Examination Report at least every ten years. Mr. Jones asked if a PDF file could be provided to the public of this report. Mr. Truscott said a CD will be provided to the borough.

Mr. Clarke asked if this document was to be incorporated with the other documents from 1988, and Mr. Rogers said it will be, once it is approved by the Board.

Mrs. White moved to adopt the report, and Mrs. Seaman seconded.

Roll Call Vote: Ayes – Casazza, White, Clarke, Shanley, Williams, Hewitt, Koenig, Seaman, Ekdahl

Nays – None

Motion carried.

Consistency Review of Proposed Ordinance Amendments, Chapter XXII of the Development Regulations

Mr. Steib said there are no major changes to these amendments, but only minor changes to the ordinance. The Municipal Land Use Law has a recent amendment regarding solar/wind energy systems, and the adoption of regulations for these facilities. This ordinance adopts a set of definitions defining what these structures are, and the ordinance now has specifics as to what standards should apply. The governing body has referred it to the Planning Board to determine its consistency with the Master Plan. If they do find it is consistent, then they would refer it to the borough council. There are some new requirements as to completeness for application forms, fee structures, check lists, etc. Most are clarification items and heights, which are proposed to provide a functional structure. Mr. Andre said it is modeled after the Tinton Falls ordinance.

Mr. Clarke questioned the approval of A/C in accessory structures, and Mayor Ekdahl said they felt this would apply to cabanas in the summer, and not allowing heat would prevent it from being habitable year round.

Richard Jones, again speaking from the public, said that most manufacturers recommend a height of 100’ for turbine structures, and since many trees are already 100’ in height, a sufficient structure would probably need to be 200’ high. Mrs. Seaman did not think many people would be in favor of a 200’ structure. Mr. Steib said the board should consider if this ordinance is consistent with the Master Plan as it looks at solar and wind energy. He does not think there is anything in the Master Plan that has regulations that would control these types of structures. The ordinance can be adjusted to the needs of the town.

Mrs. Seaman moved to deem the proposed ordinance consistent with the Master Plan, and Mr. Koenig seconded.

Roll Call Vote: Ayes – Casazza, White, Clarke, Shanley, Williams, Hewitt, Koenig, Seaman, Ekdahl

Nays – None

Motion carried.

At this time (7:4 p.m.) and there being no further business and no need for any executive session, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous.

The next meeting is **December 3, 2012.**

Respectfully submitted,
Patricia Murphy
Clerk