

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
NOVEMBER 23, 2009**

At 7:35 p.m. Chairman Newman called the meeting to order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Grbelja, Kurzman, Pepe, Rundella, Pado, Pinney, Beck and Newman.

Absent: Masci, Blanco and Weintraub.

Mayor Grbelja updated the Board that Committeeman Masci was attending a Board of Education meeting on behalf of the Township Committee

APPROVAL OF MINUTES: October 14, 2009

Ms. Grbelja made a Motion to approve the minutes and Ms. Pinney offered a Second. Roll Call Vote: Grbelja, Pinney, Kurzman, Pado, Beck and Newman voted yes to adopt.

PUBLIC COMMENT PORTION: Chairman Newman opened the public comment portion of the meeting at 7:37. Seeing no public comment, Chairman Newman closed the public portion at 7:37 p.m.

RESOLUTION:

P09-05 MILLSTONE COMMONS WEST (Bridar West) – Block 17, Lot 8.04. Located on Route 33 consisting of 3.00 acres in the HC zone. Applicant seeks Preliminary Major Site Plan approval to construct two (2) one-story retail/office buildings; the main building consisting of 13,560 s.f. and the second building consisting of 2,400 s.f. Variances previously granted at the time of subdivision approval (Harter Application). Deemed Complete: 8-19-09 Date of Action: 10-2-09. Applicant to re-notice for 10-14-09. Extensions secured through end of October 2009. Approval granted 10-14-09.

Mr. Kurzman made a Motion to Memorialize the Resolution and Ms. Pinney offered a second. Roll Call Vote: Kurzman, Pinney, Grbelja, Pado, Beck and Newman voted yes to memorialize.

P09-06 MILLSTONE COMMONS EAST (Bridar East) – Block 17, Lot 8.05. Located on Route 33 consisting of 3.39 acres in the HC zone. Applicant seeks Preliminary Major Site Plan approval to construct two (2) one-story retail/office buildings; the main building consisting of 13,200 s.f. and the second building consisting of 2,400 s.f. Variances

previously granted at the time of subdivision approval (Harter application). Deemed Complete: 8-19-09 Date of Action:10-2-09. Heard in part on 9-9-09. Carried to 10-14-09 without any further noticing. Extensions secured through October 2009. Approval granted 10-14-09.

Ms. Pinney made a Motion to Memorialize the Resolution and Mr. Kurzman offered a second. Roll Call Vote: Pinney, Kurzman, Pado, Grbelja and Beck voted yes to memorialize.

EXTENSIONS OF TIME:

P05-30 512 ROUTE 33, LLC – Block 22, Lot 7. Located on Route 33. 9.23 acres in the HC Zone. Applicant received Preliminary and Final Major Site Plan approval to construct a 15,925 s.f. retail center and 3,200 s.f. bank on 10-11-06. Applicant received Minor Subdivision approval associated with the bank on 3-12-08. Applicant is seeking an Extension of Time to perfect both the site plan and the subdivision. No noticing is required.

Kenneth Pape, Esq. on behalf of the applicant. He provided an overview of the application. He advised that they had secured all outside approvals including NJDOT approval, NJDEP issuance of an LOI as well as required permits. Freehold Soil approval was secured. Mr. Pape advised that the only applications that are outstanding are for the septic systems. He explained that they went to the MCBOH who did not believe that they had jurisdiction. Engineer Julia Algeo worked with NJDEP who believed jurisdiction is under the County. Ultimately, the applicant filed for septic approval with the MCBOH and those permits are pending. Mr. Pape advised this is the only outstanding item.

Mr. Pape explained that the minor subdivision that was approved is tied to the site plan and they cannot perfect the subdivision until the site plan is done. He explained the emotional and financial investment in the project.

Chairman Newman advised that this matter does not have to be open to the public but asked if there was any public comment on the matter. Seeing no public comment, he closed the public portion.

Ms. Grbelja made a Motion to grant the extension of time and Mr. Pepe offered a Second. Roll Call Vote: Grbelja, Pepe, Kurzman, Pado. Pinney, Beck, Rundella and Newman voted yes to the extension.

P07-03 TOTAL STONE – Block 53, Lot 4. Located at Red Valley Road and Trenton-Lakewood Road. 28.7 acres in the BP Zone. Applicant received Final Major Subdivision approval for a 7-lot subdivision for existing building, private road and 5 new building lots 8-8-08. Applicant returns to the Board for an Extension of time. No noticing is required.

Attorney Kenneth Pape representing the applicant. Mr. Pape gave an overview of the application. He stated that this project is the industrial park that surrounds the former 7-Up

building. He explained that everything is done at the point. The applicant is interested in building his own building in the subdivision. He requested a one-year extension of time to perfect this application.

Chairman Newman advised that this matter does not have to be open to the public but asked if there was any public comment on the matter. Seeing no public comment, he closed the public portion.

Mr. Pepe made a Motion to grant the one-year extension and Mr. Pado offered a Second. Roll Call Vote: Pepe, Pado, Pinney, Grbelja, Kurzman, Beck, Rundella and Newman voted yes to granting the extension of time.

P06-06 PERL ACRES NORTH – Block 54, Lot 5.01. Located on Route 526. Previously Zoned R-130 consisting of 44.69 Acres. Applicant received Preliminary Major Subdivision approval to subdivide 11 residential lots received 4-23-03. Applicant Received Final Approval Resolution Memorialized 4-11-07. First Extension of Time commencing 4-11-09 granted through 4-11-10. Applicant seeks 2nd one-year Extension of Time to perfect the Subdivision. Zone presently RU-P. No Noticing Required.

P06-07 PERL ACRES SOUTH – Block 55, Lot 2, - Located on Route 526. Previously Zoned R-130 consisting of 158.2 acres. Applicant received Preliminary Major Subdivision approval for a 43-residential lot subdivision and 2 lots for Township dedication received 6/25/03. Final Approval granted Resolution Memorialized 4-11-07. First Extension of Time commencing granted through 4-11-10. Applicant seeks 2nd one-year Extension of Time to perfect the Subdivision. Zone presently RU-P. No Noticing Required.

Attorney Kenneth Pape representing the applicants. He would like to present both applications in total and then the Board could vote on them separately.

Both subdivisions were approved by the Board. Mr. Pape advised that Mrs. Butch of Open Space and Farmland Preservation (OSFP) approached the Perlmans with an opportunity to put the smaller parcel, Perl Acres North, under contract for preservation. The contract was for one year. Simon Kaufman, Esq. reached out to the applicants to secure one more year. Mr. Pape advised that the applicants are holding the properties off of the market for one more year. The extension of time that is before the Board is needed for the reasons stated.

Perl Acres North, the 44.69 acre piece, is under an option agreement while the applicants are agreeing to hold Perl Acres South. The approvals do not run until April of 2010. Chairman Newman opened the applications to the public. Pat Butch, Chairman of the OSFP explained that this is an opportunity that we have to preserve and want to take advantage of it. Mrs. Butch explained that the SADC has held up the process and they have caused the delay. She advised that two months ago OSFP was given the green light approval to move forward. She explained that the next step has been taken by sending out

for property appraisals. The appraisals must then be certified by the State. The Township has the right of first refusal. She advised that they are still waiting for the South property to be approved. It is a waiting game. She explained where the funding comes from.

Chairman Newman asked if possible that the Town can preserve one and not the other if it is a funding issue. Ms. Grbelja advised that the Town would like to see both pieces to go into preservation and both the OSFP and the Ag Advisory Council support preserving the properties and have been discussing funding of the properties.

P06-06 PERL ACRES NORTH. Mr. Pepe made a Motion to grant the one-year extension of time requested and Mr. Pado offered a Second. Roll Call Vote: Pepe, Pado, Pinney, Grbelja, Kurzman, Beck, Rundella and Newman voted yes to granting the extension of time.

P06-07 PERL ACRES SOUTH. Mr. Pepe made a Motion to grant the one-year extension of time requested and Mr. Pado offered a Second. Roll Call Vote: Pepe, Pado, Pinney, Grbelja, Kurzman, Beck, Rundella and Newman voted yes to granting the extension of time.

Seeing no further business on the Agenda, Ms. Grbelja after wishing everyone a Happy Thanksgiving, made a Motion to adjourn and Mr. Kurzman offered a Second and by unanimous vote the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Pamela D'Andrea