

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
AUGUST 10, 2011**

At 7:30p.m., Chairman Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Beck, Grbelja, Pinney, Kocur, Ziner and Newman. Absent: Blanco, Pepe, Masci, Kurzman and Pado.

APPROVAL OF MINUTES: May 11, 2011

Mr. Beck made a Motion to approve the minutes and Mr. Kocur offered a Second. Roll Call Vote: Ziner, Kocur, Beck and Newman voted yes to approve.

Public Comment Portion:

At 7:35 p.m., Chairman Newman opened the meeting to the public for any comment that they may have outside of the applications that are before the Board this evening. Seeing no public comment, he closed that portion of the meeting at 7:35 p.m.

EXTENSION OF TIME:

P11-08 BENTON FIBRE AND DRUM – Block 16, Lot 9.12 – Located on Rike Drive in the Moto Industrial Park in the BP Zone. The Lot consists of 10.04 Acres of property. The applicant received Preliminary and Final Major Site Plan approval to construct an additional one-story 8,435 s.f. building for office space on 6-11-08. Applicant sought and received a one-year extension of time which ran on 7-8-11. Applicant seeks a second one-year extension of time to perfect the site plan. No zone change. No noticing required.

Attorney Peter Klouser representing Benton Fibre and Drum. He explained that the applicant is before the Board to protect their approvals from zoning changes by requesting a one-year extension of time. He advised that the plans are acceptable by the DRC&C and bonds must be posted.

The matter was opened to the public as a courtesy. Seeing no public comment, Chairman Newman closed the public portion.

Mr. Beck offered a Motion and Ms. Pinney offered a Second. Roll Call Vote: Beck, Pinney, Grbelja, Kocur, Ziner and Newman voted yes to grant the one-year extension of time.

NEW APPLICATION:

P11-07 LAONE/WELLS – Block 23, Lots 13.01 and 13.02 - Property known as Lot 13.01 is located at 27 Conover Road and consists of 22 Acres in the RU-P Zone District. Lot 13.27 is located as 25 Conover Road and consists of 3 acres in the R-130 Zone District. Applicants are seeking Minor Subdivision approval (lot line adjustment) and will not be creating any new lots. The lot line adjustment is for purposes of creating access to Lot 13.01 without the necessity of an access easement which presently exists. Variances would be needed for this subdivision for frontage on Lot 13.01 where 260 ft is needed, 240.75 ft is provided and on Lot 13.27 where 130,000 ft minimum lot area is needed, 122,994 ft is provided in the R-130 Zone and 7,617 s.f. in the RU-P Zone. Waivers requested. Deemed complete 7-11-11. Date of Action: 11-8-11. Noticing required.

Attorney Michael Steib advised that he has reviewed the jurisdictional packet and finds same in order for the Board to accept jurisdiction over the application.

Attorney Steib read the following exhibits into evidence.

- A-1 Jurisdictional Packet
- A-2 Application dated 11/11/09
- A-3 Property survey of block 23, Lot 13.27 prepared by Landtech Engineering dated 8/5/94; last revised 11/11/94
- A-4 Minor Subdivision Lot Line Adjustment Map prepared by Midstate Engineering, Inc. dated 7/14/09; last revised 7/20/11
- PB-1 Report of Board Engineer dated 7/11/11

Attorney Steib swore Chet Di Lorenzo. Mr. Di Lorenzo presented his credentials. He had received his education from Villanova. He is a licensed land surveyor, engineer and planner and is testifying as such this evening. He has testified before the Board in the past and is accepted as a professional.

Mr. Di Lorenzo offered a brief background of the property. The Laone property consists of 22.3 acres located in the R-UP zone. The Wells' property consists of 13.27 acres located in the R-130 zone. The Laone driveway is located in an easement. The Wells' will be giving the Laones the property that the easement is located in so that they will own their driveway. The Laones will be giving 20 feet to the Wells family that is located on the other side of the Wells' property. Mr. Di Lorenzo explained the variances. The lot frontage variance is needed due to the Laone's driveway.

Mayor Grbelja asked if there had been a title search of the easement. She explained that we do not want to have a problem.

Attorney Steib swore in Sue Laone. She advised that the only access to Lot 14.01 is via the driveway easement.

Lot 13.27 goes back to Lot 14.01. Now the access will only go through the Laone property by this lot line adjustment.

Attorney Steib advised that the Board cannot alter easements without the consent of the easement holders. The applicants will provide the easements to the Township Attorney and Board Attorney Steib.

Board Planner Coppola explained why he feels that the variance request is not a hardship variance but rather a C-2 variance. To have the driveway as part of the Laone's lot makes planning sense. Mr. Coppola feels that any detriment to the zoning plan is offset by the benefit.

The setbacks would be affected due to the 20 feet that would be now located in the R-UP Zone. Lot 13.27 may run into a problem if the property owner wanted to construct something on the 20 feet that would be located in the R-UP Zone.

Engineer Shafai advised that the R-UP and R-130 Zones have the same setback requirements.

The applicant advised that the 20 feet on the north side would not be built on because it is in an environmentally sensitive zone. No new lots are being created just a lot line adjustment.

Mr. Shafai had no concerns regarding the waiver requests because no new lots are being proposed and no grading or construction is being proposed.

The applicants advised that the driveway is gravel and is to be left as is.

The owners of Lot 13.27 would have to obtain NJDEP approvals should they wish to construct anything further on their property but they are not proposing any new construction at this time.

Chairman Newman opened the application to the public at 8:01 p.m. Seeing no public comment, the public comment portion was closed at the same time.

Attorney Steib read the conditions of approval including but not limited to complying with the technical comments of Board Engineer Shafai, the Board Attorney to review the Deed language, subject to any outside approvals.

Ms. Pinney made a Motion to approve as conditioned and Mr. Beck offered a Second. Roll Call Vote: Pinney, Beck, Grbelja, Ziner, Kocur and Newman.

NEW BUSINESS:

Bills S-2950 and A-4128 - Mayor Grbelja discussed that the proposed bills S-2950 and A-4128 encourage reckless building construction with no control. She explained that they do not take into consideration what the environmental impact would be. The NJDEP decided to overrule some condition set forth in the County wastewater management plan and she explained that Millstone Township stood up against that. Ms. Grbelja stated that we must be outspoken so that we protect our natural resources in the State.

The Planning Board discussed their support of the Township Committee adopting a Resolution in opposition of the bills for the major reason stated.

Proposed solar, wind and photovoltaic energy facilities ordinance - Mr. Coppola advised that he had drafted an ordinance that had been distributed in draft form to the Mayor and Township Committee and had received some constructive comments back from Engineer Matt Shafai.

Improvements to the draft Ordinance have been made. Mr. Coppola advised that the Board's comments are welcome. He explained that there is no regulation in the Land Use Development in the Township addressing solar, wind and photovoltaic energy. He explained that this will aid us in monitoring such facilities. Wind turbines cause a safety concern. Mr. Coppola explained that safeguards will be in place as to the size of the property, the height of the turbine, etc. He explained that we would prefer to have the solar panels located on the roof rather than on the ground and have limited that in the Ordinance. He explained that the Town does not want something unsightly.

Mr. Coppola offered that there is conflicting issues with preserved farms at the State level.

See no further business, at 8:20 p.m., Ms. Pinney made a Motion to Adjourn, Chairman Newman offered a Second and by unanimous vote, the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea