

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MNUTES
JUNE 12, 2013**

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

The Secretary read the Adequate Notice.

Salute to the Flag.

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

APPROVAL OF MINUTES: May 8, 2013

Mr. Kurzman made a Motion to approve the May Meeting Minutes and Mr. Beck offered a Second. Roll call Vote: Kurzman, Beck, Masci and Newman voted yes to approve the Meeting Minutes.

PUBLIC COMMENT PORTION: At 7:35 p.m., Chairman Newman opened the Meeting to entertain any public comment. Seeing none, he closed that portion of the meeting at 7:35 p.m.

RESOLUTION:

P10-12 NORTH PARK SOLAR ENERGY FARM – Block 16, Lots 2.01 located at N. Disbrow Hill Road consisting of 126.29 acres in the BP zone and Lot 9.05 located at 700 Rike Drive consisting of 4.93 acres in the BP Zone. On 2-9-11, applicant received Preliminary and Final Site Plan for Phase I to construct a solar energy farm and they received Preliminary approval for Phase II of the project. Resolution was memorialized 3-9-11. Applicant returns to the Board seeking a one-year extension of time. No Zone change.

Ms. Pinney Made a Motion to Memorialize the Resolution and Mr. Beck offered a Second. Roll call Vote Pinney, Beck, Masci, Kurzman, Pado and Newman voted yes to memorialize.

EXTENSION OF TIME:

P12-02 33 ASSOCIATES (RIVERSIDE CENTER) – Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant received Preliminary Major Subdivision approval in Resolution Memorialized 1-10-07 and Final Major Subdivision Approval in Resolution Memorialized 7-11-07. In Resolution memorialized on 6-8-09 applicant sought and was granted a one-year extension of time to 6-8-10. On 8-10-11, applicant sought and received their second one-year extension of time concluding on 7-11-11, applicant sought and received third one-year extension of time through 7-11-12. Applicant sought and received an additional one-year extension of time through 7-11-13

pursuant to N.J.S.A. 40:55D-52b. Applicant returns to the Board for a fifth one-year extension of time pursuant to N.J.S.A. 40:55D-52b. No Zone change. Noticing required.

Attorney Mark Williams representing the applicant.

Board Attorney Steib advised that the applicant had noticed for Meeting and finding same in order, the Board has jurisdiction over the application.

Mr. Williams provided a brief history of the application. He offered that the application approval has been in place since 2007. The property encompasses 129 acres which is situated in two different towns and two counties. He explained that the project has had problems with the New Jersey Department of Environmental Protection (NJDEP). The applicant has had legal legislation passed to allow the NJDEP to see their way to approve the project. He advised it is still at the State level. Mr. Williams stated that due to this delay, the applicant feels that a two year extension of time could be considered.

Attorney Steib explained that the Board has the discretion to grant extensions of the approval beyond the five year period. The Board should evaluate and make a determination considering the facts in establishing what is appropriate. Because the development is a larger one, the Board can grant extensions of time to the applicant. Chairman Newman stated that he would like to hear year by year what is going on with the project and Ms. Pinney concurred.

Mayor Grbelja explained the delay and what has occurred. She reported that part of the problem is that the applicant has individual lots but presently, they are listed under one owner. The applicants are looking to have septic on each lot but the NJDEP is categorizing the entire property as a one-owner property. Mayor Grbelja reported that she has discussed this with Board Engineer Shafai and the property owner and they are willing to support individual septic on each lot.

Mayor Grbelja advised that the applicant had appeared before the Monmouth County Planning Board and the Board gave the rubber stamp on the project hoping this would push this forward.

Ms. Pinney made a Motion to grant a one year extension of time. Committeeman Masci offered a Second. Roll Call Vote: Pinney, Masci, Blanco, Kurzman, Grbelja, Beck, Pado, Pinney, Ziner and Newman voted yes to the extension.

EXTENSION OF TIME:

P12-03 33 ASSOCIATES (RIVERSIDE CENTER)- Block 18, Lot 2.03 Located on Old Route 33 and Farrington Blvd. 14.93 Acres located in the PCD Zone. Applicant received Preliminary and Final Site Plan approval to construct a 94,500 s.f. warehouse/storage area, a 4,000 s.f. showroom and 4,000 s.f. administrative offices in Resolution memorialized 7-11-07. On 8-11-10 Applicant received a two-year extension of time to allow for the creation of the subdivision which this application is part of (Block 18, Lot 2.02) which ended on 7-11-11, applicant sought and received third one-year

extension of time through 7-11-12. Pursuant to N.J.S.A. 40:55D-52b applicant sought and received fourth year extension of time through 7-11-13. Applicant is seeking fifth one-year extension of time pursuant to N.J.S.A. 40:55D-52b. No Zone change. Noticing required.

Attorney Williams advised that the laws are changing and now they have to go back. Mr. Williams explained that they site plan hangs on the creation of the subdivision and the subdivision is being held up.

The Extension carries with it all conditions of approval. A one year extension of time was entertained. Mr. Ziner made the Motion to grant the one year extension of time and Mr. Beck offered a Second. Roll call Vote: Ziner, Beck, Blanco, Grbelja, Kurzman, Masci, Pado and Newman voted yes to grant the extension.

EXTENSION OF TIME:

P12-08 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 and Resolution Memorialized 4-11-07. Applicant received fifth extension of time pursuant to 40:55D-70 which runs through 7-10-13. Applicant returns for sixth extension of time request. Noticing Required. Zone is presently RU-P.

The applicant has noticed for the application. Attorney Steib announced that he has reviewed the noticing packet finds same in order to accept jurisdiction over the application.

Mr. Kenneth Steib representing the applicant. Mr. Pape provided the Board with an update on the current negotiations that the applicant is engaged in with the State of New Jersey Green Acres program. He advised that the negotiations began with the State in January 2013. Renee Jones of Green Acres had issued a letter anticipating appraisals to be completed by the end of April or May so that an offer can be made to the applicants. Mr. Pape explained the State's delay. The Board had granted the applicant an extension of time to allow for the protection of time. Mr. Pape advised that Green Acres is still looking for financial partners for the preservation. Mr. Pape explained the timeline.

Applicants will remain in the negotiations. Mr. Pape explained to the Board that he had been working with the Board Engineer and the maps are ready to file and deeds of easement are ready to file and the Developer's Agreement is ready to file. Mr. Pape explained why they do not want to file the Map and create the subdivision. This would then take it outside of the financial range of what the State would be able to pay. The applicant must keep the application alive and valid and they do not want to file the map.

There is a partner funding issue. He explained the need to extend approval 60 days after an offer is made.

Referring to Ms. Jones recent letter, Mr. Pado asked who is responsible for the hangers on the property. Mr. Pape explained that in the NJDEP issuance of the "No Further Action" letter, all items have been discussed. The cleanup of property is addressed in the No Further Action letter.

Mr. Pape stated that the Perlman's had everything cleaned up as a voluntary effort and that has been done for years. Mayor Grbelja explained that this had been discussed when they were previously looking for a contract purchaser. There are no new issues but Ms. Jones would be remiss if in her duties if she did not address this.

Ms. Jones made a comment that a detention basin may have to be constructed.

Mayor Grbelja stated the issues will be looked at when a value is placed on the property and these things have to be taken into consideration when an offer is placed on the table. The discussion helps to facilitate and they will be considered.

For the State, funding is being given to Blue Waters on the coast due to the storm damage. Ms. Jones is in the process of putting funding for this project together. Mayor Grbelja advised that a number will be sent and the negotiations will begin. A realistic timeline was discussed.

Committeeman Masci asked for clarification. Mr. Pape stated that his understanding of the appraisals is based on valid approvals that are in place. Preliminary approval created a value, Final approval with map in place creates the ultimate value. Mr. Pape explained that expenses involved in filing the map are considerable. Mr. Pape offered that he is not asking for any more time than is needed.

Chairman Newman opened the application to the Board at 8:05 p.m. Seeing no public comment, he closed the public portion as 8:05 p.m.

The Extension of Time would be through November 13, 2013. Applicant will continue to provide a monthly report to the Board in writing.

Chairman Newman felt that no considerable action will take place until August per Ms. Jones' letter. Mr. Pape will mail in monthly reports beginning in August.

Mr. Pado made a Motion grant the Extension of time through November 13, 2013 and Mr. Beck offered a Second. Roll Call Vote: Pado, Beck, Blanco, Grbelja, Masci, Kurzman, Pinney, Ziner and Newman voted yes to the Extension.

NEW BUSINESS:

Mayor Grbelja offered that several new ordinances were prepared that will come to the Board for their review and recommendation. She explained the ordinances and asked the Board Secretary to email the draft ordinances to the Board for their review and information.

Seeing no further business, Chairman Newman asked for a Motion to Adjourn and Mr. Blanco made that Motion and Chairman Newman Offered a Second and by unanimous vote, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Pamela D'Andrea