

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MNUTES  
OCTOBER 9, 2013**

At 7:33 p.m., Mr. Blanco called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call:

Present: Blanco, Pinney, Masci, Kurzman, Beck and Ziner.

Absent: Newman, Pepe, Pado, Kocur and Grbelja

**APPROVAL OF MINUTES:** September 11, 2013

Ms. Pinney made a Motion to approve the September Meeting Minutes and Mr. Masci offered a Second. Roll call Vote: Pinney, Masci, Blanco and Beck voted yes to approve the Meeting Minutes.

Mr. Blanco opened the public comment portion at 7:35 p.m. Seeing no public comment, he closed the public comment portion at the same time.

**APLLICATION FOR EXTENSION OF TIME**

**P13-09 MIDATLANTIC MECHANICAL** - Block 16, Lot 9.09. Located on Rike Drive in the Moto Industrial Park consisting of 7.91 acres in the BP Zone. Beaver Concrete under Application #P08-03 received Preliminary and Final Major Site Plan approval to construct a 22,400 s.f. building comprised of 6,400 s.f. office space and 16,000 s.f. warehouse. Applicant seeks and Extension of Time to perfect this approved site plan. No Zone Change. Noticing is Required.

Attorney Mark Vincent, representing VJS Holding who is the contract purchaser. Mr. Vincent Advised that Beaver Concrete had obtained Preliminary and Final Site Plan approval in but never proceeded to perfect the site plan. He advised that MidAtlantic Mechanical wants to bring everything together to one new and better building.

Mr. Vincent advised that the applicant is seeking relief from Condition 11 of the Resolution. The Site Plan expired on 10-8-2013 and the applicant wants to build the approved building and is seeking a two year extension of time from the Board.

Board Attorney Michael Steib swore in Peter Strong, P.E. who has appeared before the Board in the past and is accepted as an expert witness. Mr. Strong explained the approved 2008 Site Plan to the Board. Mr. Strong explained the site and the surrounding businesses on Rike Drive. There is a single entrance off of Rike Drive.

The building would consist of a warehouse and a two-story office space and 35 parking spaces. He advised that the site utilizes the regional basins for stormwater that were approved and built as part of the original subdivision plan. Mr. Strong advised that the plan is exactly the same as approved in 2008.

Ms. Pinney asked what business will be conducted on the site. Attorney Steib swore in Mr. Vincent Spiezio who owns VJS Holdings with his wife. He is the president and owner of MidAtlantic Mechanical for the past 35 years. He advised that the company designs and fabricates HVAC systems. At the site, they will fabricate the systems using sheet metal. They do not manufacture the sheet metal. Mr. Spiezio advised that there would be no show room. He explained that they receive the galvanized sheet metal and they work with that material. Mr. Spiezio explained the process of cutting and assembling the fittings. They bring the product to the client. Clients include Nestles and Squibb.

They use electricity and compressed air. No other by-products are associated with the fabrication. No MSD sheet is needed in the handling of the sheet metal. Mr. Spiezio stated that his company is providing the HVAC and plumbing system for the Amazon one million sq. foot warehouse. Mr. Spiezio presently has his business in four different locations and this site will allow him to consolidate everything at one place.

No chemicals are stored on the site. The only thing they use is the paint cans of PVC glue. They keep material inventory to a minimum.

Mr. Blanco asked about a timeframe for the project. Mr. Spiezio advised that the NJDEP Letter of Interpretation has expired and Mr. Strong has already applied for the delineation. They hope to close no later than February 2014. They will commission Crest to prepare the site design and then they will apply for permits. Mr. Spiezio stated that they hope to move into the building in a few years.

Mr. Spiezio advised that there will be no outside storage. Everything he has is designed inside and he does not want anything to get wet. They have a few trucks that will be outside, three box trucks will be used for transport. Hours of operation are as follows: the shop is open from 7:30 a.m. to 4:00p.m. The office is open from 7:00 a.m. to 5:00 p.m. The operation is five days per week, from Monday through Friday. There is no operation during the weekend. Field workers are out in the field and they do not come to the office.

Mr. Spiezio explained how his business operates. They work all day and load up the trucks so that they ready to go out in the morning. Their work is in urban areas and due to traffic congestion, they must leave early to get into those areas. Trucks only leave the site one time per day. They receive a delivery one time each week.

Mr. Blanco opened the application to the public at 7:52 p.m. Seeing no public comment, he closed the public portion at the same time.

Mr. Blanco asked for a Motion for this application. Mr. Kurzman made a Motion to approve the two year extension and Memorialize the Resolution. Mr. Beck offered a Second.

Attorney Steib provided a brief history and advised that the five year period of repose for this application concluded yesterday, 10-8-13. Attorney Steib explained that the Municipal Land Use Law (MLUL) provides for a total five (5) years immunity from any zoning changes; two years for final and the ability to seek three one year extensions of time, totaling five years. Mr. Steib explained why he places a provision in the Resolutions that there is an automatic termination of the approvals after the five years. The applicant is not asking for repose from any zone changes, they are asking for relief from the condition that terminates the approval at the end of the five year period. They are seeking an additional two year extension of the approval to 10-8-2015.

There has not been any zone change. The surrounding environment has not changed. If the Board votes positively, this Resolution will incorporate all items in the prior Resolution including no outdoor storage. Mr. Steib explained why this application required noticing and the applicant did not have time to prepare that notice last month.

Mr. Blanco asked for a Motion to include Attorney Steib's conditions for this application. Mr. Kurzman made a Motion to approve the extension as conditioned and Memorialize the Resolution. Mr. Beck offered a Second. Roll Call Vote: Kurzman, Beck, Masci, Pinney, Ziner and Blanco voted yes to approve.

**APPLICATON FOR 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 returned for seventh extension of time request pursuant to time pursuant to 40:55D-70. Zone is presently RU-P. Present Extension granted through 11-13-13.

Attorney Kenneth Pape representing the applicant appeared before the Board to request an additional extension of time. Mr. Pape provided a status update of the application pending before the State to preserve the property. He reported at the end of August that Renee Jones of the Green Acres Program provided them a ballpark number. Mr. Pape advised that Ms. Jones is continuing with the task of finding funding to put together a real offer. Mr. Pape reached out to Ms. Jones on October 8, 2013 and she provided him with an email that he read into the record.

Mr. Pape feels he will have a viable offer by December 31, 2013 per Ms. Jones. He advised that they would need an additional 60 days in place with a valid approval and requested a further extension of time through March 12, 2014 which is our anticipated 2014 March Board meeting date.

Mr. Pape offered that the applicant has been trying to work with the Planning Board throughout. He stated that things do not always grind that quickly at the State level but they are grinding. He feels that March is a realistic time. He will return to the Board in December and in January to provide a status report.

Mr. Blanco opened the matter to the public at 8:04 p.m. Seeing no public comment on the matter, he closed that portion at 8:04 p.m.

Mr. Blanco asked the Board for a Motion to either approve or deny the application.

Mr. Masci offered a Motion to approve and Ms. Pinney offered a Second. Roll Call Vote: Masci, Pinney, Kurzman, Beck, Ziner and Blanco voted yes to granting the extension.

Seeing no old or new business on the Agenda, Mr. Blanco asked for a Motion to adjourn. Mr. Kurzman made the Motion, Mr. Ziner offered a Second and by unanimous vote, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

Pamela D'Andrea