

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
JUNE 14, 2017**

At 7:30p.m., Vice-Chairman Pepe, called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Board Attorney Michael Steib Swore in Alternate I member, Stacie Curtis and Alternate II member, Al Ferro.

**ROLL CALL:** Present: Beck, Grbelja, Pado, Pepe, Pinney, Oxley, Curtis and Ferro.  
Absent: Newman, Kuczinski and Ziner.

**APPROVAL OF MEETING MINUTES: April 12, 2017.**

The Board having reviewed the meeting minutes, Mr. Pado made a Motion to approve the meeting minutes and Committeewoman Grbelja offered a Second. Roll Call Vote: Pado and Grbelja, voted yes to approve the meeting minutes.

**PUBLIC COMMENT PORTION:** At 7:35 p.m., Vice-Chairman Pepe opened the meeting to anyone in the audience who may have a comment. Seeing no public comment, he closed that portion of the meeting at 7:35 p.m.

**RESOLUTIONS:**

**P17-05 POSTEN, KATE AND JONATHAN** - Block 46, Lot 10. Located at 71 Backbone Hill Road consisting of 64.14 acres in the RU-P Zone. Applicants sought to create a 3-acre residential lot. No variances sought. Minor Subdivision was granted on 4-12-17.

The Board having reviewed the Resolution entertained a Motion made by Committeewoman to memorialize the Resolution and Mr. Pado offering a Second. Roll Call Vote: Grbelja, Pado, Beck, Oxley, Pinney and Curtis voted yes to memorialize the Resolution.

**AMENDED RESOLUTION:**

**P16-01 - VASHISHT, AVINASH** - Block 59, Lot 11 located at 508 Monmouth Road consisting of 2.24 acres in the Highway Commercial (HC) Zoning District. Applicant sought and received Preliminary and Final Major Site Plan Approval in Resolution memorialized 12-14-16. The Resolution was amended to correct a typographical error.

The Board has reviewed the Resolution, Committeewoman Grbelja made a Motion to memorialize the Resolution and Mr. Pado offered a Second. Roll Call Vote: Grbelja, Pado, Beck and Pepe voted yes to memorialize.

**NEW APPLICATION:**

**P17-06 TOWNSHIP OF MILLSTONE** - Block 57, Lot 14.03 located at 17 Burnt Tavern Road consisting of 3.44 Acres in the Business Park (BP) Zoning District. Applicant seeks Preliminary and Final Major Site Plan approval to construct a 4-unit, 2-story building to provide affordable housing consistent with the Township's Housing Element and Fair Share Housing Plan and consistent with Ordinance 15-18. The building consists of 1 three-bedroom unit, 2 two-bedroom units and 1 one-bedroom unit, occupying 2,490 s.f. on the first floor and 2,330 s.f. on the second floor with a building height of 31 '4". Variances are requested for Minimum Lot Width where 250 ft. is required, 100 ft. is proposed, Minimum Side Yard Setback where 50 ft. is required, 30 ft. is proposed and Minimum Combined Side Yard Setback where 125 ft. is required, 60 ft. is proposed. Deemed Complete 5-31-17. Date of Action 9-28-17. Noticing Required.

Duane Davison, Township Attorney representing the Township on the request for Preliminary and Final Major Site Plan application with a request for variances.

Committeewoman Grbelja steps down for the application.

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

Attorney Steib read the following Exhibits into the record:

- A-1 Jurisdictional Packet
- A-2 Application date 5-9-17
- A-3 Web Notice
- A-4 Preliminary and Final Major Site Plan prepared by Leon S. Avakian, Inc. dated 5-5-17
- A-5 Architecturals Prepared by Feldman & Feldman Architects dated 5-30-17
- A-6 Aerial Map Prepared by Leon S. Avakian, Inc. dated 5-1-17

Attorney Davison provided a brief overview explaining that the application that is before the Board is for the construction of four (4) affordable housing units as part of the Township's Affordable Housing Plan. Attorney Davison stated that the land was dedicated to the Township for affordable housing in 2008 by Key Investments who had a subdivision application before the Planning Board.

Attorney Davison advised the Board that witnesses this evening would be Derrick Griggs of the Affordable Housing Alliance, David Feldman of Feldman & Feldman Architects, Township Engineer, Matt Shafai and Township Planner, Fred Heyer.

Attorney Steib swore in Matt Shafai, P.E. of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, New Jersey. Mr. Shafai advised that he is he is a professional engineer licensed

and practicing since 1986 and has been the Township Engineer since 2004. Vice-Chairman Pepe advised that the Board accept him as an expert.

Leon S. Avakian, Inc. prepared the Preliminary and Final Major Site Plan. Engineer Shafai advised that the Township has title to this property. He explained how the Township came by the property. He stated that in 2007, an application came to the Board for a Minor Subdivision to create two lots. Engineer Shafai explained that in lieu of contributing to the Affordable Housing Trust Fund, the applicant donated and dedicated Lot 14.03 to the Township for future affordable housing. Attorney Davison advised that the Deed reserves this property to be used for the purposes of providing affordable housing.

Engineer Shafai described the property as a 3.4-acre parcel with precisely 2.8 acres containing wetlands and buffer located in a conservation easement. He advised that conservation easement has been marked with monuments. Referring to Exhibit A-4, Engineer Shafai explains where the buildable area is located on the property. Engineer Shafai describes the neighboring area as containing some residential components, a school for dogs and pet resort, existing affordable housing units, a fabrication business and an additional Township lot for future affordable housing.

Attorney Steib marked into Evidence, Exhibit A-7 Revised Color Aerial.

Engineer Shafai stated that the property is located in the Business Park (BP) Zone. He advised that the property is narrow in the front. The R-80 zoning district setback requirements are followed for this property. Engineer Shafai explained the variances that are requested, stating that minimum lot width required is 250 feet but the applicant proposes 100 feet. The minimum side yard setback is 50 feet, where the applicant proposes 30 feet. He explained the need for the variances requested.

Engineer Shafai described the structure as a 40' x 60' structure with a small bump out area on first floor for the utility room. He advised that the ordinance permits a height of 40 feet but the unit is 30 feet. There are four (4) units consisting of 1-3 bedroom unit, 1-1 bedroom unit and 2-2 bedroom units. Engineer Shafai stated that all entry doors are located on the side of the house.

Attorney Steib marked into Evidence, Exhibit A-8, Color Rendering of the front of the building.

Engineer Shafai stated that the proposed structure is part of the Township's Affordable Housing Plan. The structure is positioned to accommodate the narrow lot that is only 100-feet wide. He advised that there is a 30-foot setback on both sides.

Engineer Shafai stated that an asphalt driveway is located on the right side facing the other commercial lot. The parking lot itself backs up to the pet resort. One unit is handicap accessible. There is one (1) parking space allotted for handicap parking per ordinance. The Board discussed adding an additional space.

Engineer Shafai advised that there is adequate site distance when entering or exiting the site. He explained that the road was widening as a condition of approval for two prior applications and now there is plenty of room.

Attorney Steib entered into Evidence, Exhibit A-9, Proposed Landscaping Plan, Page 7 of the Site Plan.

Engineer Shafai explained the site in the back is wooded and wet. The lot is a peculiar shape. The conservation easement was placed on the lot when the subdivision was created. The easement is marked. The topography of the lot is flat and it goes down into the wetlands. Engineer Shafai explained that the water that may drain off of the property would not impact the adjacent properties. Engineer Shafai does not any feel that this plan would impact any surrounding property negatively. The parking lot faces the pet resort.

Engineer Shafai addressed outside approvals needed include Freehold Soil. The Monmouth County Board of Health has already approved the septic and well plan. He has applied to the Monmouth County Planning Board for project exemption.

Engineer Shafai explained that the MCBOH knows the location of neighboring well and septic when they approved the project's location for the installation. Engineer Shafai explained that the potential location of septic and well is established by the MCBOH who inspected the site before the Engineer began to prepare the site plan.

Engineer Shafai explained how the water is drained off of the property.

Engineer Shafai stated that the Fire Department comments on the site plan.

Seeing no further questions for Engineer, he stepped down.

Attorney Davison presented his next witness. David Feldman, AIA.

Attorney Steib swore in Mr. Feldman. He presented his credentials stating that he is a principal of Feldman and Feldman, Colts Neck, New Jersey. Mr. Feldman advised that he is a professional architect licensed in the State of New Jersey as well as thirteen other states. He has testified before the Board in the past. The Board accepts him as an expert witness.

Mr. Feldman referring to Exhibit A-5 and A-8 , reported that he had designed the project. Mr. Feldman stated that the building will be fully equipped with a sprinkler system, which is not required by code but the Affordable Housing Alliance installs them in their projects. Mr. Feldman advised that the water used to operate the sprinklers comes from two sources, the well and a holding tank. The rear appendage on the building will house the sprinkler system as well as the laundry facility.

Seeing no further questions for the Architect, David Feldman, he stepped down.

Attorney Davison presented his next witness. Derrick Griggs of the Affordable Housing Alliance.

Attorney Steib swore in Derrick Griggs. Mr. Griggs is the Chief Operating Officer, for the Affordable Housing Alliance located at 3535 Route 66, Building 4, Neptune, New Jersey. He explained to the Board the role that the AHA plays. He stated that the AHA is the largest non-profit affordable housing provider in Monmouth County that has been providing affordable housing for the past 26-years. Mr. Griggs explained that the AHA is the administrative agent for the Township's affordable housing. He stated that their most recent project in Millstone Township was the Allen House senior housing complex located on Stage Coach Road.

When asked if a generator would be installed for this project, Mr. Griggs advised that the AHA only installs generators for handicapped and elderly housing and he explained.

Mr. Griggs stepped down but is available for any further questions.

Mr. Ferro asked Engineer Shafai if the granting of the variances would impact the neighboring residential lot. Engineer Shafai advised that the granting the variances would not impact the neighbor. That property would have the same setbacks that this lot has.

Attorney Davison presented his next witness, Fred Heyer of Heyer, Gruel and Associates, 236 Board Street, Red Bank, New Jersey.

Attorney Steib swore in Mr. Heyer who presented his credentials. He is a professional planner and a member of the American Institute of Certified Planners. He has been licensed and registered since 1986. In addition to his position with Heyer, Gruel, he is a Professor at Rutgers University Graduate School of Planning. Mr. Heyer advised that he has testified before the Superior Court and has appeared before 200 Boards. He currently represents the Township as the Planner for the Planning Board, Board of Adjustment, Township and the Township's Affordable Housing Planner.

The Board accepts Mr. Heyer as an expert.

Planner Heyer advised that he is a member of the Township's Affordable Housing Committee and is preparing the Township's Affordable Housing Plan element. Planner Heyer advised that the Township has a responsible strategy stating that Millstone Township has proactively pursued 100% affordable housing projects. He stated that it is a cost effective strategy from a municipal planning prospective and is a bargain for the Town and makes a great deal of sense.

Planner Heyer stated that in Business Park (BP) Zone, warehousing distribution is allowed along with limited manufacturing and large-scale uses. The zoning is drafted for these larger uses. Because of that zoning, side yards don't relate to a property that is the scale of this one. This use is specifically allowed in the Zone. Planner Heyer reads from Ordinance

Section 4-1.6 stating that Municipal uses shall be allowable principal uses. He stated that the Township has wisely chosen to provide affordable housing on its terms. He clarified that when that section was added to the Ordinance deliberately without specific bulk standards and he explained.

The Township must come to the Planning Board for these site plan reviews. Planner Heyer addressed the variances needed. He stated that (2) major variances are necessary. A variance is needed for lot width because the property is unusually shaped and narrow, is pre-existing and is what it is. He reported that under C1 of the Municipal Land Use Law, it is a hardship. The sideyard required for the industrial zone is larger than the width of this property if strictly imposed. He stated that the vacant lot to the north is earmarked for commercial and manufacturing uses and subject to the buffering requirements. The site is designed under R-80 for a single family home.

Planner Heyer stated that the site is designed so that the neighbor will see the side of the building where no activity is going on there. Planner Heyer feels that there is no negative impact to the zone plan or the zoning ordinance and is consistent with both. He stated that it is a good fit and a good use for the Township's Affordable Housing Plan.

Attorney Davison asked for confirmation from Planner Heyer that the municipality has no option and must address its affordable housing obligation. Planner Heyer stated that it is not only an inherently beneficial use, it is a constitutional obligation. He advised that the affordable housing must be located somewhere and the Township has selected where it is to go, this location is one of the places and he added that it is a good fit.

Attorney Davison stated that Engineer Shafai testified as to the proposed occupancy of this building consisting of a 3-bedroom, two 2-bedrooms and one 1-bedroom available to those who qualify for affordable housing. Planner Heyer affirmed this and stated that the bedroom mix is mandated by the council affordable housing rules.

He offered that this is the smallest footprint that complies with the rules. Planner Heyer stated that it is consistent with the Master Plan and the Code. He stated that this is a public purpose use and it is an inherently beneficial use. He added that the scale is that of a modest single-family home and fits in very well. The setbacks are the same as a single-family home.

Attorney Davison asked Planner Heyer if there would be any detriment to the public good or the zone plan if the Board approves this project. He advised that there would be no detriment and further stated that the project is consistent with the Master Plan and the Housing Plan and the Development Regulations of the Township.

Vice-Chairman Pepe opened the application to the public 8:20 p.m. Seeing no public comment on the application, he closed that portion at the same time.

The Board discussed the application. Vice-Chairman Pepe felt that making the building look like a single-family home helps it fit in.

Ms. Oxley asked if this was an aged restricted project. Attorney Davison stated that it is not. Planner Heyer explained that there is a certain percentage cap as to how many senior facilities they can have.

Ms. Curtis inquired about the arrangements for trash disposal. Mr. Griggs advised that the Affordable Housing Alliance maintain their properties. The trash disposal area is fenced in and they take care of trash disposal.

Engineer Shafai explained that the lot next door is a commercial lot and as such, by Ordinance they would have to provide buffering to a residence.

Mr. Pado made the Motion to approve this application with the recommendation for an additional handicapped parking space. Ms. Pinney offered a Second. Roll Call Vote: Pado, Pinney, Beck, Oxley, Curtis, Ferro and Pepe voted yet to approve the application.

#### **OLD BUSINESS:**

Regarding Mt. Laurel, Attorney Steib provided a status for the Board. He stated that presently, for the last two months, Mercer County has been in affordable housing trials concerning the methodology and the numbers. He stated that Monmouth County may be holding back until they see what happens in the Mercer case since they are part of our district, along with Ocean County. Attorney Steib stated that closing arguments may be Friday, June 16, 2017. Attorney Steib stated that it will be a while until the Mercer County Judge hands down his decision.

Committeewoman Grbelja offered that the Township's affordable housing work group is working very well, coming up with a great plan. She stated that the Town would forge forward and take the time to fight for what we feel our legitimate obligation numbers are. This is what the Town has always done, we put properties aside. We try to avoid inclusionary zoning which would blow out the Township. We don't know what our numbers are for the third round but this project will be part of the third round. We are continuing to build within the community.

Attorney Davison advised that he began representing the Township 30 years ago. In 2008, the Township tucked this property away to meet our obligations. The Board felt that the location of the property is perfect for this project. Committeewoman Grbelja advised that the back of property backs up to the Fish and Game Wildlife Corridor. Millstone House I and II, which are affordable housing are located down the road. The back of this property touches the back of the former CKV property, which has a green acres component. It has a nice buffer.

Seeing no further business, Vice-Chairman Pepe asked for a Motion and Second to adjourn. Mr. Pado made a Motion to adjourn and Ms. Pinney offered a Second and by unanimous vote, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Pamela D'Andrea