

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
DECEMBER 7, 2017**

At 7:31p.m., Chairman Mitch Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

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

APPROVAL OF MEETING MINUTES: November 8, 2017

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

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

EXTENSION OF TIME:

P17-13 33 ASSOCIATES (RIVERSIDE CENTER) – Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant received Preliminary and Final Subdivision Approval in Resolution Memorialized 12-10-14 to create nine (9) lots. Applicant returned to the Board on 12-10-16 seeking and receiving a one (1) year extension of time through 12-10-17; Applicant returns to the Board for a second (1) year extension of time through 12-10-18. No Zone Change. No noticing is required.

Attorney William Mehr appearing on behalf of the Applicant. Mr. Mehr explained to the Board that they applicant is in the process of finalizing and recording the Developer's Agreement. He explained that officially, time runs on Sunday. He respectfully requested that the Board grant the extension. He will be filing the final map tomorrow.

Engineer Shafai advised that the bonding has been received and the maps have been signed. He clarified that there has been no zone change or significant change to the surrounding property or perimeters.

Chairman Newman asked for a Motion and a Second. Mr. Ziner made a Motion to grant the one-year extension of time and Mr. Pado offered a Second. Roll Call Vote: Ziner, Pado, Grbelja, Curtis, Ferro and Newman voted yes to grant the one-year extension of time.

P17-14 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 12-10-14. Applicant returned to the Board on 12-10-16 seeking and receiving a one (1) year extension of time through 12-10-17; Applicant returns to the Board for a second (1) year extension of time through 12-10-18. No Zone Change. No noticing is required.

Attorney Mehr representing the applicant. He offered that they are in discussion with a potential buyer/user who would store their dry goods in the approved building to distribute them to stores along the east coast. Mr. Mehr asked for a one-year extension of time.

The applicant understands that if there is any change to the approved site plan, he will be back to the Board for approval.

Chairman Newman opened the matter to the public at 7:40 p.m. See No public comment, he closed at the same time.

Chairman Newman asked for a Motion and a Second. Mr. Ziner made a Motion to grant the one-year extension of time and Mr. Pado offered a Second. Roll Call Vote: Ziner, Pado, Grbelja, Curtis, Ferro and Newman voted yes to grant the one-year extension of time.

EXTENSION OF TIME:

P16-04 512 ROUTE 33, LLC - Block 22, Lots 7 & 8 - Located at 512 Route 33. Property consists of 9.940 Acres in the Highway Commercial Zoning District. On 12-10-14, Applicant received Minor Subdivision approval to reconfigure two existing lots. Applicant received Preliminary and Final Site Plan approval to construct a 12,740 s.f. retail building and a 3,200 s.f. bank. Variances requested were granted. Applicant sought and received a one-year extension of time for both approvals in Resolution Memorialized 12-14-16. Applicant returns to the Board requesting for a second one-year Extension of Time. No Noticing Required.

Attorney Peter Klouser of Heilbrunn Pape representing the applicant. Mr. Klouser explained to the Board that the Preliminary and Final Major Site Plan was approved and in 2014, the applicant returned to the Board to redo the application. In 2016, they appeared before the Board for a one-year extension of time. The applicant returns for an additional one-year extension of time. Mr. Klouser advised the Board of all of the outside approvals that they have secured that are valid. They are currently working with the Monmouth County Department of Health and the NJDEP working on their approvals.

Mr. Klouser advised that there has been no zone change on the premises. They are seeking protection on the Site Plan only. Mr. Klouser explained that the Minor Subdivision time has run and the subdivision must be re-affirmed. He stated that they are in the process of preparing that document and they will submit the Minor Subdivision to the Board for reaffirmation.

Board Engineer Shafai had prepared a letter to the Board listing the status of Resolution Compliance.

Chairman Newman opened the application to the public at 7:45 p.m. Seeing no public comment, he closed the public portion at the same time.

Chairman Newman asked for a Motion and a Second. Ms. Curtis made a Motion to grant the one-year extension of time and Mr. Pado offered a Second. Roll Call Vote: Curtis, Pado, Grbelja, Ziner, Ferro and Newman votes yes to grant the extension.

**WAIVER HEARING
NEW APPLICATION**

P17-10- 106 TRENTON LAKEWOOD ROAD, LLC - Block 53, Lots 4.01, 4.03, 4.04, 4.05, 4.06 & 4.07 Located in the Business Park (BP) Zone Located at Wren Drive. The applicant seeks waivers from providing completeness checklist submissions. The application is not deemed complete. The applicant further seeks a Minor Subdivision (Lot Line Adjustment) of Lots 4.01 and 4.03. No variances requested. No noticing required.

Peter Klouser representing the applicant. Mr. Klouser explained that the applicant is before the Board requesting four (4) submission waivers from providing information to the Board in order to deem the application complete, as well as minor subdivision approval for a lot-line adjustment.

Mr. Klouser provided a brief history of the property. He stated that this property was the former 7-Up plant that received Preliminary and Final Major Subdivision approval from the Planning Board ten (10) years ago in this Business Park Zone. Instone renovated the existing building by Instone who operates their business at the location.

Mr. Klouser explained that the roadway was created, the site was graded and done specifically to enhance the scenic corridor. Stormwater management was installed, the signage and lights were installed and the project met its obligations and they were taken off their bond. Mr. Klouser advised that they have been farming the lots.

Mr. Klouser explained that the minor subdivision request is to adjust the existing lot line to accommodate a new building. He provided that three (3) other buildings will be placed on the existing lots and that the Board would hear those applications.

Mr. Klouser explained that the waiver request is because the applicant had performed the soil testing as part of the subdivision approval. Mr. Klouser advised that they met with the Environmental Commission and the Shade Tree Commission. Mr. Klouser stated that the waiver requests are identical for all of the lots.

A waiver from providing a Tree Preservation Plan was requested because the site is cleared of trees as part of the original approval. The applicant will place a note on the plans to indicate this per the Board Engineer's request. The applicant has prepared a Landscape Plan and has subsequently provided that to the Board, eliminating this Waiver request.

Mr. Klouser advised that regarding the Threatened and Endangered Species checklist, initially the applicant had asked for a waiver but ultimately that had enlisted Amy Jones to prepare that plan and that has been provided to the Environmental Commission and the Board.

Mr. Klouser advised the Board that regarding soil testing, they had secured a No Further Action Letter from the NJDEP in the prior approval.

Attorney Steib advised the Board that if something should arise during the hearing, the Board could request that soil testing be performed. Attorney Steib stated that since the original soil testing, any material or substantive changes to the property would change the soil. Mr. Klouser advised that only modern day farming has been taking place. Mr. Ziner asked about any dumping on the farm. Mr. Klouser advised that there has not been any dumping taking place on the property.

The applicant has asked for a waiver from providing an Environmental Impact Statement (EIS). Since this application is a Major Site Plan application, the ordinance requires submission of an EIS. He had asked for a waiver initially but has subsequently submitted the EIS.

Board Engineer Shafai stated that he is fine with the Waiver of the Tree Preservation plan and explained.

Mr. Ziner asked when the soil testing was last done. The applicant advised that this was accomplished in the original subdivision application to the Board.

Mr. Ferro asked if the town has inspected the site. Board Engineer Shafai advised that the property has been farmed for the past ten years.

Attorney Steib swore in the property owner, Gordon Stroud, Jr., 21 Captains Court in Manasquan. Mr. Stroud stated that he purchased the site from a family who farmed the property. He allowed them to continue to farm. There has been no dumping on the property. He stated that there are no hazardous materials involved. He stated that the site has already been graded. The property is gated.

Board Engineer Shafai stated that the property has always been farmed.

Chairman Newman opened the application to the public at 7:59 p.m. Seeing no comment, he closed that portion at 7:59 p.m.

Chairman Newman advised that the applicant is seeking submission waivers to for provision of the tree preservation plan because the trees have already been cleared and they have agreed to include a note on the plans reflecting this. The second submission waiver request would be for soil testing. The applicant testified that the soil testing was performed ten years ago and that the only activity on the sites since then has been farming.

Board Attorney Steib advised that during the hearing of the site plan applications the Board feels the soil testing is necessary, then that could be a condition of approval.

Chairman Newman asked for a Motion and a Second as to the granting of the submission waivers. Committeewoman Grbelja made a Motion to grant the submission waivers and Mr.

Pado offered a Second. Roll Call Vote: Grbelja, Pado, Ziner, Curtis, Ferro and Newman voted yes to grant the submission waivers.

The Board now considered the Minor Subdivision application. Peter Klouser explained why the lot-line adjustment is needed.

Board Attorney Michael Steib swore in Peter Strong, P.E. of Crest Engineering has testified before the Board in the past, is known by the Board and is accepted as an expert witness.

Attorney Steib advised the Board that noticing was required for this application since the minor subdivision required no variance approval.

Attorney Steib entered the following Exhibits into evidence:

A-1 Application dated 10-6-17

A-2 Minor Subdivision Prepared by Crest Engineering dated 9-22-17

PB-1 Planning Report dated 11-27-17

Mr. Strong entered into Evidence Exhibit A-3

A-3 Aerial Photo of Property Prepared by Crest Engineering dated 12-7-17.

Mr. Strong described the property as Lots 4.01 and Lot 4.03 located at the intersections of Trenton Lakewood Road, Route 195 and Red Valley Road in Millstone. The property is improved with the business Instone warehouse and office building. This was the former location of a 7-Up plant.

Mr. Strong entered into Evidence, Exhibit A-4

A-4 Minor Subdivision Plan with highlights prepared by Crest Engineering

Mr. Strong explained the property consists of two lots. Lot 4.01 has a width of 250 feet. The lot line needs to be moved 206 feet to the west in order to allow a future warehouse to be located on the lot. No variances are required and the lot fully conforms to the Zone. The new lots would be 5.26 acres for Lot 4.03 and 6.08 acres for new Lot 4.02

Chairman Newman asked Planner Fred Heyer about the waiver for the use of Wren Haven Drive. Planner Heyer stated that the Ordinance requires all subdivisions be served by paved public streets. Wren Haven Drive is a private road that occupies Lot 4.08 of the subdivision. Mr. Heyer stated that since Lots 4.03 and proposed Lot 4.02 are accessed by Wren Haven Road, a waiver is needed.

The applicant clarified that the property is zoned for Business Park uses. There will not be any improvements to the Instone building. The applicant advised the Board that the applicant must

come to the Board for each site plan for each lot. Those applications have been submitted and are in review presently.

Mr. Ziner asked if there was to be any new improvements to the existing Instone building. The applicant advised there are not.

Attorney Steib stated that if the Board did not grant the lot-line adjustment, the applicant could put a larger building on the lot.

Chairman Newman asked for a Motion and a Second. The Motion is for a Lot-Line Adjustment and a submission waiver, as explained by Planner Heyer, would be needed as to access the private road. Committeewoman Grbelja made a Motion to grant the submission waiver and the minor subdivision as presented and Mr. Pado offered a Second. Roll Call Vote: Grbelja, Pado, Ziner, Curtis, Ferro and Newman voted yes to grant the submission waiver and the minor subdivision.

Old Business: Attorney Steib advised the Board that there was nothing new to report concerning Mt. Laurel. He stated that Judge Jacobson of Mercer County has not rendered her decision as of this date.

See no further new or old business, Chairman Newman asked for a Motion and a Second to Adjourn. Committeewoman Grbelja made the Motion, Chairman Newman offered a Second, and by unanimous roll call vote, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Pamela D'Andrea