

**MILLSTONE TOWNSHIP PLANNING BOARD  
FEBRUARY 10, 2021  
MEETING MINUTES**

Due to the Covid-19 Pandemic State of Emergency the Millstone Township Planning Board meeting scheduled for Wednesday December 9, 2020 6:00 p.m. was held using the Zoom Video Conferencing platform. Members of the public have the option to attend the meeting either by using a device (PC, laptop, tablet, or smartphone) or by dialing in via telephone. This information was provided on the Township Website and on the Planning Board Agenda.

The Meeting is called to order by Chairman Newman at 7:35 p.m.

Ms. Tillou read the Adequate Notice and additional virtual meeting information.

Salute to the Flag.

Roll Call: Present: Butch, Grbelja, Curtis, Pado, Ziner, Newman and Youngs  
Absent: Beck, Pepe, Pinney, Dorfman  
Late: Oxley 7:45 p.m.

**Meeting Minutes:** January 13, 2021

Chairman Newman asked if there were any suggested changes to the meeting minutes and seeing none, Mr. Pado made a Motion to approve and Mr. Ziner offered a Second. Roll Call Vote: Pado, Ziner, Grbelja, Curtis and Newman voted yes to approve the meeting minutes.

**Public Comment Portion:** Chairman Newman opened the public comment portion of the meeting at 7:35 p.m. Seeing no public comment, he closed that portion of the meeting at the same time.

**RESOLUTION:**

**P19-02 BABBITT/MESHKI** – Block 51, Lot 8 known as 2 Carrs Tavern Road consisting of 38.75 acres located in the R-80 Zoning District. Applicant sought minor subdivision approval to create two lots; Lot A , consisting of 10.16 acres fronting Carrs Tavern Road and Lot B consisting of 28.50 acres with two frontages on Millstone Road. Lot A required no variance relief. Lot B required 4 variances, lot frontages where 200 ft. is required where 100.44 ft. is provided; minimum lot width is 200 ft. and 50 ft. is provided. The application was approved with conditions.

Chairman Newman asked for a Motion and a Second to memorialize the Resolution. Mr. Pado made a Motion to memorialize as conditioned and Deputy Mayor offered a Second. Roll Call Vote: Pado, Grbelja, Curtis, Newman and Ziner voted yes to Memorialize.

**REVIEW AND RECOMMEND:**

**ORDINANCE NO. 21-01**

**ORDINANCE AMENDING CHAPTER XXXV (LAND USE) ARTICLE 4, (LAND USE AND DEVELOPMENT REGULATIONS), SECTION 4-14 (STORMWATER MANAGEMENT) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY REPLACE THE EXISTING STORMWATER MANAGEMENT ORDINANCE TO COMPLY WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS.**

Engineer Shafai provide that prior to 2004, every town was required to have detention or retention basins. In 2004, the New Jersey Department of Environmental Protection (NJDEP) required that towns to pass ordinances to provide Storm Water Management (SWM). Engineer Shafai explained that this required less runoff, more recharge and removal of total suspended solids and required underground structures. He explained that the Township did adopt that plan.

Engineer Shafai reported that the underground structures were hard to see and repair. The new ordinance is more of a green ordinance. Everything is now above ground. You can see the stormwater management. Using rain gardens and the like to filter water back into the ground.

Engineer Shafai stated that we must comply with the new rules. He stated that in the past, if a developer could not meet the SWM requirements, the Board could grant that approval. The new rules require a developer to go to the NJDEP to seek that relief.

Engineer Shafai advised that the Township made a few modifications to the ordinance which were provided to the Board and he explained the modifications. The ordinance has a new definition for major development. He explained that we changed the half-acre to one-acre. He explained the change went form 10,000 s.f. to 5,000 s.f. impervious coverage. These recommendations came for the Environmental Commission.

Engineer Shafai advised that there is a new definition in the ordinance for low impact development techniques such as installation of more grassed areas to reduce the runoff. He explained that these are the only changes to the ordinance. The NJDEP is looking for grass and green infrastructures.

Chairman Newman asked Engineer Shafai when this would become effective. He advised that this ordinance is ready to be adopted by Township Committee at their February 17, 2021 meeting.

Attorney Steib stated that there are applications pending that are contending that they are protected under the time of application rules even if ordinances adopted deal with public health and safety. Attorney Steib provided that the statutes specifically state that under the time of application rules pending applications are not exempt from ordinances that deal with public health and safety. Attorney Steib stated that it is his opinion at this point, that a regulation or ordinance that states it is being adopted for purposes of public

health and safety pertains to pending applications even those pending subsequent to this ruling.

Chairman Newman asked if Attorney Steib feels that this would include any application submitted that has not appeared before the Board. Attorney Steib said that in his opinion the answer is yes.

Deputy Mayor Grbelja asked Attorney Steib how this ordinance would impact Municipal Affordable Housing projects. Attorney Steib stated that there are provisions in the ordinance and state regulations that allow you to apply to the state for a variance. Affordable Housing projects have hardships that apply, and variances can be granted. Deputy Mayor Grbelja asked if the new ordinance could push the Township into having public sewer and water.

Ms. Curtis stated that at the Environmental Commission, there was discussion concerning a retroactive element for major development resulting in the creation of 5000 s.f., or more. Engineer Shafai if it is cumulative and provided an example.

Chairman Newman asked if this would apply to development of over one acre. Engineer Shafai stated that if more than a half-acre of land is being disturbed or 5,000 s.f. of impervious area is being created.

Engineer Shafai stated that dry wells and roof leaders have been changed to rain gardens and green infrastructure. He clarified that this pertains to residential and commercial development.

Engineer Shafai discussed that gravel and stone areas that are traversed by vehicles can become impervious and he has always considered these areas as impervious. Porous driveways are not impervious but are difficult to maintain.

Ms. Butch asked that the ordinance be changed to reflect the correct name of the County Agricultural Development to reflect the Monmouth County Agricultural Development Board. Engineer Shafai will assure that change is noted.

Chairman Newman asked Engineer Shafai if he feels that the ordinance is consistent with the Master Plan and he stated that it is. Chairman Newman asked for Planner Mertz to provide her opinion. Planner Mertz stated that the components of the Master Plan, specifically promote green infrastructure in the vision statement and Plan Goal C, and she agreed that this ordinance is consistent with the Master Plan.

Chairman Newman is looking for a Motion that the ordinance is consistent with the Master Plan. Mr. Pado made a Motion finding the Ordinance Consistent with the Master Plan and Deputy Mayor Grbelja offered a second. Roll Call Vote: Pado, Grbelja Butch, Curtis, Oxley, Youngs and Newman voted yes as to the consistency with the Master Plan.

**New Business:** Attorney Steib reported on the new ruling. He stated, that when a town amends their Master Plan, they have an added process where they would be

consistent with the statute to have an environmental assessment component in the Master Plan.

Planner Mertz will provide us an update when they prepare this for other towns. She advised it is her understanding the state will be issuing some date sets so they do not have to start from scratch.

Ms. Butch provided that in recent grants that she has been writing, questions are asked if the town has this environmental assessment component and what mitigation process, they have in place. She explained how this impacts the projects that she is writing grants for.

See no further new or old business, Chairman Newman made a Motion to Adjourn and Ms. Curtis offered a Second and by unanimous vote, the meeting adjourned at 8:00 p.m.

Respectfully submitted,