

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
JULY 8, 2009**

At 7:35 p.m., Chairman Mitchell Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present:, Newman, Bailey(Mayor's Designee), Beck, Masci and Rundella. Absent: Pado, Pepe, Grbelja, Kurzman, Weintraub and Pinney.

APPROVAL OF MINUTES: May 13, 2009

Mr. Bailey made a Motion to approve and Mr. Newman offered a Second. Roll Call Vote: Bailey and Newman voted yes.

SOIL REMOVAL APPLICATION:

P06-02 33 ASSOCIATES (RIVERSIDE CENTER) Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant seeks a soil removal permit associated with the preliminary and final subdivision approval. Noticing required.

Attorney Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 4/20/09
- A-3 Report from Crest Engineering dated 5/1/09 Re: Soil Importation Permit
- A-4 Temporary Grading Plan for Phase 1 and Temporary Detention Basin prepared by Crest Engineering dated 4/8/09
- A-5 Traffic Report letter prepared by Jay S. Troutman, Jr. P.E. dated 6/5/09
- A-6 Preliminary Major Subdivision - Final Plat prepared by Crest Engineering dated 3/1/07; last revised 5/29/09
- A-7 Modified Construction Sequence Exhibit prepared by Crest Engineering dated 4/8/09; 5/29/09

- A-8 Crest Engineering's Sketch of Stockpile Locations and Restoration Estimate dated February 2, 2009
- A-9 NJDEP remedial report dated 7-2-09
- A-10 Color rendering of A-7
- PB-1 Report of Board Engineer dated 4/27/09
- PB-2 Report from Planner dated 4/22/09

Attorney William Mehr representing the applicant.

Mr. Mehr provided a brief overview of the application before the Board. Mr. Mehr had checked with applicant's traffic engineer, Jay Troutman regarding the NJDOT approval. Modifications to the plans, as requested by the NJDOT, have been done. Mr. Mehr advised that the applicant is complying with the NJDOT's requests. They have an approval for the roadway but it is subject to satisfying certain conditions.

Mr. Mehr stated that the applicant would like to work with the Board professionals concerning deed language and signage. Board Planner Richard Coppola advised the changes are relatively minor but he wants to make sure that everyone is in sync.

The proceeding before the Board this evening is the applicant's request for soil removal/importation. Lorali Totten was sworn in and her credentials are familiar to the Board as she had testified before the Board in the past and she is accepted as an expert witness.

Mr. Totten referred to Exhibit A-10, rendering of modified construction sequence and pointed out where the stockpiled material would be located. The stockpiling would be done in the rear of the site first, outside of any wetlands or critical areas. The second stockpile would be for the proposed road locations. Ms. Totten advised that they cannot predict when these particular materials are available but this is their intent to stockpile. Mr. Mehr explained that due to a decrease in development, it is difficult to obtain soil.

Mr. Totten advised that they are trying to keep a nice looking area. This will allow them to keep the soil on site as needed.

Addressing the Board's question as to how many vehicles would be on site and how would they access the site, Ms. Totten advised she expects the site would be accessed from Route 33 and enter the area known as Lot 3. Tandem trucks carry 20 yards of soil.

Mr. Masci suggested that certain routes be designated for the truck traffic. Engineer Shafai stated that there should be a restriction that no Township roads are used. County roads can be used within the town.

Ms. Totten advised it is prudent to stockpile a few truck loads at a time so that the site is not overwhelmed when construction starts. Ms. Totten anticipates construction to begin in the spring of 2011. Mr. Mehr clarified that all soil is tested to reveal the contents and assure that the soil is clean. CTL is the company that tests the soil. Applicant would provide copies of this information to Mr. Shafai.

Attorney Vella swore in Michael McCloskey of Colts Neck, NJ. Mr. McCloskey is involved with 33 Associates. He is available to answer questions.

Mr. Totten had advised the Freehold Conservation District requires that silt fencing is placed around the stockpiles. The stockpiles of soil must be temporarily seeded. She explained that if the stockpiles are onsite for more than 6 months, then the stockpile must be permanently seeded. The fencing allows water to go in but not silt. She explained how it works.

The applicant went over Engineer Shafai's report. They have the LOI and they are staying out of the 50 foot buffer. Mr. Shafai asked the applicant to incorporate the flagging to show this.

Mr. Masci asked about the identity of the trucking firms to be used. He asked if they are insured and what kind of protocol do they have in place. The applicant only utilizes truckers that are insured. Ms. Totten advised that insurance certification is always provided.

Mr. Coppola asked about the stockpile located to the rear of the property. There shall be no pile out front until the actual construction of the building occurs. There would be movement in concert with the FSC requirements.

At 8:20 p.m., Chairman Newman opened the application to the public. Seeing no public comment, he closed the public portion at 8:20 p.m.

Conditions to the approval are as follows, including, but not limited to: restoration bond subject to the amount to be determined by the engineer, approval for a 12 month period, to renew, extend and come back to Board for a status report, height of the piles would be 5 foot or less from existing road level grade on Route 33, no Township road to be used for transporting the soil, any County road needs County approval due to weight restrictions, if Millstone Township soil is to be used, then Sweetman's Lane, going east is to be used, Township roads are otherwise restricted unless there are a few loads of

to be transported, the same roads used by the existing mine haulers shall be used, soil testing of all imported soils is to be provided to the Township, compliance with the Planner's report as it is applicable to soil removal and the Engineer's report, no more than 100,000 cubic yards of soil are to be imported, the stockpile sequence shall be placed in the conditions of compliance for the resolution, the conservation easement is to be flagged, there shall be no hauling on Saturday, Sunday or holidays, etc.,

Mr. Coppola stated that with NJDOT approval, the applicant could construct the road first. He offered that this would be a positive item. The applicant would have the road built and place landscaping along Route 33 and have an approved entrance planting, streets trees and lighting along both sides of the road. Center landscaping would be deferred to a future point.

Mr. Coppola felt that landscaping should be done at one time referring to sequence B. He explained by keeping with the stockpile of soil on site moving, the road built this will keep the site presentable during the process.

The detention basin would be constructed during sequence B.

Mr. Coppola advised that this is not a phasing agreement because they are bonding the entire site at one time. Chairman Newman advised that the sequence plan be given to the Board professionals for an administrative review and approval. If at any point this process requires any Board review or amendment, they will be advised

Mr. Mehr stated that no plans have changed, it is just that the applicant cannot do the project all at one time.

Seeing no further business new or old on the agenda, at 8:45 p.m., Mr. Masci made a Motion to Adjourn and Mr. Bailey offered a second and by unanimous vote, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Pamela D'Andrea