

**MILLSTONE TOWNSHIP
PLANNING BOARD
MINUTES
MARCH 8, 2006**

Chairman Newman opened the meeting at 7:40 p.m.

The Secretary read the adequate notice.

The Chairman called for a salute to the Flag.

Roll Call: Members Present: Blanco, Grbelja, Kucziniski, Pado, Pepe, Sico, Zanetakos, Haag, Newman, D'Amico. Absent: Maltz.

The Minutes of January 11, 2006 were adopted by Motion of Ms. Grbelja with a second offered by Mr. Sico. Roll Call Vote: Grbelja, Sico, Blanco, Kucziniski, Pepe, Zanetakos, Pado, Haag and Newman voted yes.

The Minutes of February 8, 2006 were adopted by Motion of Ms. Grbelja with a second offered by Mr. Blanco. Roll Call Vote: Grbelja, Blanco, Kucziniski, Pepe, Sico, Pado, D'Amico, Haag and Newman voted yes.

Chairman Newman opened the Public Comment Portion. Seeing no one from the public wishing to make a comment, the portion was closed.

RESOLUTIONS

P05-19 HUNEKE, ROBERT – Block 16, Lots 6 and 6.02. Located at 21 Huneke Way. Consists of 35.82 acres in the RU-P Zone. Applicant seeks Preliminary and Final Major Subdivision Approval to modify two lots into 3 lots. Approval granted 2/8/06.

Ms. Grbelja advised that she had reviewed the Master Plan regarding this property and it was outlined in the Master Plan with a proposed bridle trail going through it.

She offered that the property has been identified in the Master Plan as an important area for consideration of a bridle trail. Chairman Newman asked Attorney Steib for clarification if it was appropriate to bring the facts to light at the Final approval of this application. Mr. Steib advised it was not inappropriate to bring it up at final.

Board Planner Richard Coppola said it would be appropriate to add some language in the Resolution that the topic was discussed. Ms. Steib said it was up to the members who voted on the action.

Mr. Sico stated that now that the members are aware there was a consideration for a bridle path in the Master Plan, a closer look should be taken.

Mr. Zanetakos stated that it is not written in stone and that the Board cannot force the applicant to dedicate a bridle path. He offered that the wetlands there are exceptional. He feels that the Board is burdening the owners of 65 years with a bridle path.

Ms. Grbelja stated it is a network and an approved plan recorded with the County. She feels that the applicant asked for special consideration on this application.

Mr. Zanetakos stated the applicant has a right to come to the Board. He said the Planning Board must say yes if an applicant complies with the rules. We are the "yes" Board. The Board of Adjustment is the "no" Board. He offered that the Master Plan is a general concept.

Ms. Grbelja said the Opens Space and Farmland Preservation Chair has made a request that this piece be preserved for a bridle path.

Mr. Steib advised that the ordinance is specific regarding the Engineer and Open Space Council making a cooperative determination, as part of Final, as to the specific location where the markers are to be placed.

Ms. Grbelja stated that if the language is not changed in the Resolution now, she is concerned that it will not happen at Final.

Chairman Newman asked if language could be added that the Planning Board discussed bridle paths on the property.

Mr. D'Amico is concerned about the safety issue, stressing that he has farmed the property for years and it is subject to flooding. He asked to have the Engineer physically review the property and make a determination.

The sentence to be added to the Resolution was discussed as the Planning Board discussed a request for a bridle path, which was not included as a condition at this time and made no final determination on that issue.

A Motion was made by Mr. Zanetakos to adopt the Resolution, as is with a second offered by Mr. D'Amico. Roll Call Vote: Zanetakos, D'Amico, Kuscinski, Sico, Haag and Newman voted yes.

P05-17 FIRST CHOICE – Block 16, Lot 9.10. Located on Rike Drive. 3.26 acres in the BP Zone. Applicant seeks Preliminary and Final Major Site plan approval to construct a 20,843 s.f. building consisting of 8,000 s.f. office space and 12,483 s.f. warehouse. Carried from 1/11/06, 2/8/06.

Mr. Pado steps down from the application due to the proximity of his office building to the applicant.

Attorney Kenneth Pape representing the applicant continued his presentation of the application carried from 2/8/06. Two new exhibits were placed into evidence.

PB-9 Certification letter from Freehold Soil dated 2/22/06
A-14 Crest Engineering Response to Shade Tree

Mr. Pape reiterated the application is for a warehouse with space for two offices.

Mr. Peter Strong was sworn in as the applicant's professional engineer. He was accepted as an expert witness.

Mr. Strong offered an overview of the site. Block 16, lot 9.10, part of the Moto Industrial Business Park located on the westerly side office Drive, consisting of 2.26 acres. He refers to Exhibit A-11. There will be two driveways into the site. The majority of the parking will be located at the north end of the building. The septic will be located in the front of the property. The offices will be located in the front of the building, the warehouse in the rear. Four tenants each with an office and warehouse element. There are drive-in garage doors in the back. This is not set up for tractor trailers just small vans and pickup trucks.

On the Southerly side of the property is set aside for tractor-trailer loading.

The stormwater detention basin is located in the rear as part of the Moto Business Park subdivision. There is 32% lot coverage and the application meets the new stormwater water management regulation that is in place. Mr. Strong explained the stormwater management. Dry wells are located at the rear of the building for recharge.

The parking meets the ordinance requirement. The loading area meets the ordinance requirements. The lighting fixtures conform to the ordinance.

Pine trees shield the gated trash enclosure. The landscaping was discussed.

The Engineer went through Mr. Rosati's 1/9/06 report. They can comply with the comments of the engineer.

Applicant's hours of operation will be from 6:00 a.m. to 10:00 p.m., the lights will go out ½ hour after closing which will be no later than 10:30 p.m.

No storage tanks will be on the property.

The applicant will comply with Subtitle 1 of Title 39 for traffic enforcement.

Chairman Newman suggested soil brought on the site be tested and certified to be clean fill. Mr. Zanetakos asked if truck traffic was discussed. No trucks will block the lane. Applicant will have two-way traffic flow.

The applicant went through Mr. Coppola's report. Mr. Coppola is concerned that four tenants where no more than 2,000 s.f. can be used per tenant and there is additional space upstairs.

Mr. Pape offered that is an open mezzanine as designed by the architect. Mr. Pape offered that Mr. Kellner would correspond with the Mr. Coppola to assure that just four or less tenants occupy the building. The height as shown on the architectural plans will be clarified.

The applicant will assure that the dumpster is the same as or will compliment the building material. Five trees will be planted along Rike Drive. Mr. Strong stated that this is bonded under Phase II of the original subdivision. The applicant will add landscaping as requested by Mr. Coppola.

Mr. Zanetakos asked about the septic design. 2000 gal per day. Five water meters will be in place 4 for the building, 1 for irrigation as per Mr. Rosati's report.

Mr. Sico asked Mr. Coppola if his concerns were addressed and he responded that they were.

The application was opened to the public at 8:35 p.m. and seeing no comment, closed at 8:35 p.m.

Mr. Steib read the conditions of approval to include; the hours of operation will be 6:00 a.m. to 10:00 p.m., seven days per week. Lights out no later than 10:30 p.m. The soil brought in is to be tested and certified as clean soil. The water is to be 2,000 gal maximum/per quadrants not to exceed 8,000 gal total. Additional landscaping as per Mr. Coppola's report. Five water meters. Additional evergreens along the streetscape to soften the area but not block the building. Taxes will be paid.

Mr. Zanetakos made a Motion to approve the application as conditioned. Mr. Blanco offered a second. Roll Call Vote: Zanetakos, Blanco, Grbelja, Kuczinski, Sico, Haag and Newman voted to approve.

P05-18 BENNETT, ROBERT – Block 16, Lot 9.11. Located on Rike Drive. 3.42 Acres in the BP Zone. Applicant seeks Preliminary and Final Major Site Plan Approval to construct a 14,875 sq. foot building. Carried from 1/11/06, 2/8/06.

Mr. Pado steps down from the application due to the proximity of his office building to the applicant.

Mr. Steib accepted jurisdiction over this application at a prior meeting and he read the exhibits into evidence.

A-1	Jurisdictional Packet	
A-2	Application Date	8/10/05

- A-3 Declarations of Covenants & Restrictions dated 2/14/01
- A-4 Statement of Environmental Impact & Assessment dated 5/16/05, revised 9/20/05
- A-5 Proposed Drainage Area Map prepared by Crest Engineering dated 7/08/05
- A-6 Sealed Architectural plan prepared by Kevin C. Roy dated 7/22/05
- A-7 Preliminary & Final Site Plan prepared by Crest Engineering dated 7/08/05 Revised by 9/19/05
- A-8 Historic Pesticide & Soil Contaminant Test Report Dated 6/13/05 prepared by Crest Engineering
- A-9 Crest Engineering response to Shade Tree
- PB-1 Report of Board Engineer dated 12/05/06
- PB-2 Report of Board Planned dated 2/08/06
- PB-3 MCPB Final Approval dated 9/12/05 to establish wetlands limit line
- PB-4 NJDEP Application Dated 10/31/05
- PB-5 Report of Freehold Soil Dated 1/09/06 Setting forth deficiencies
- PB-6 Report of Shade Tree dated 2/02/06
- PB-7 Report of the Environmental Commission dated 2/05/06
- PB-8 LTR from Attorney John Stolz Granting an ext. of time through 3/31/06
- PB-9 Freehold Soil Certification Letter Dated 2/21/06

Attorney John Stolz representing the applicant. Mr. Stolz gives an overview of the application. The applicant is seeking preliminary and final major site plan approval. The building is to be a single story building comprised of 70% warehouse and 30% office space. There will be 24 parking spaces provided. Mr. Bennett is sworn in. His is a mechanical contractor. He will be closing the property at the end of the month.

He has a 12,000 s.f. warehouse building presently in Jackson. Four tenants presently lease the building. This proposed project will be for four tenants or less. He has no tenants lined up presently. No outdoor storage of material is proposed. No fuel storage is proposed. No storage of tanks, above or underground is proposed. The hours of operation will be Monday through Saturday from 6:00 a.m. to 7:00 p.m. No building mounted signage is proposed. The signage will be on ground signage. It will match the rest of the signs in the Park. There will be a canopy on the building. Lights will be at the entrance of the building for safety.

Mr. Coppola asked for clarification of the proposed lighting. Floodlights have been shown in the rear of the building. He asked for shoebox lighting to focus downward. He asked the applicant to reconsider the proposed signage and suggested the First Choice signage design.

Sworn in is Kevin Roy, professional architect. Mr. Roy presented his credentials and was accepted as an expert. He designed Mr. Bennett's Jackson facility. Marked into evidence is Exhibit A-10, architectural graphic rendering of the floor plan. He stated the

building is a single-story building with access via the front and rear of the building. The proposed building will be metal construction with a metal roof, cream in color. There will be a front metal awning for shade. The loading docks will be at the rear of the building. The building will be comprised of metal panels. The HVAC system will be located in each unit and the heating will be in the attic. The warehouse will not have air conditioning.

Exhibit A-11 are (9) photographs depicting the Jackson facility.

Ms. Grbelja and Mr. Zanetakos voiced their concerns about the aesthetics of the metal building. Mr. Rosati advised that DJ's mechanical is an all-metal building.

The Board is concerned about what the metal building will look like in ten years. Mr. Bennett advised there is a 30-year warranty on the finish of the building and it meets the hurricane standards. It is a steel powder coated finish. He will provide the Board with information for their review.

Mr. Coppola asked about the windows. Mr. Roy stated that they will have windows on the sides of the building and the plans will be revised to reflect this.

Mr. Peter Strong is sworn in

A-12 is a color Rendering of the landscape and lighting plan. He gave an overview of the property.

The property is known at Block 16, Lot 9.11, located on Rike Drive in the Moto Industrial Business Park. The property is 2.42 acres. The proposed building is 14,875 s.f. There will be two entrances to the property. There will be 20 parking spaces in front of the building and 4 in the rear. The septic will be located in the front of the building. There will be landscaping around the building. The drainage will be located in the back. The impervious coverage is 32.3%. There will be groundwater recharge and dry wells. The lighting will be shoebox lighting. There will be two lights above the truck loading doors with swivel heads that can be changed to incandescent over the doors in front for safety purposes. The signage is ground mounted and not illuminated.

Mr. Strong stated that the wetlands on Exhibit A-12 would have a 50' buffer outside of the stormwater management facility. An LOI was issued in 1998. The LOI has expired for this lot and other neighboring lots and the LOI has been applied for. Mr. Strong advised that he anticipated receiving the LOI soon and the line will be in the same locations. He described the parking lot layout for the Board.

Mr. Coppola suggested that shoebox-type fixtures be utilized. He suggested that the dumpster be enclosed. Mr. Strong proposed a board-on-board enclosure that would be gated.

Mr. Strong had no issues and would comply with Mr. Coppola's report.

Mr. Strong went over the proposed landscaping plan. He advised the proposed shrubbery is tall enough to hide extra foundation that is exposed on the building due to the elevation of the drive up loading area in the rear.

The Board asked that the side of the building facing Rike Drive be enhanced with extra landscaping for aesthetics. Mr. Coppola suggested plants to be used. Moving some existing plants can save money.

Mr. Strong went over the report of Board Engineer Chris Rosati. The square footage of the office is 4,400 s.f. and parking is based upon the office space. Mr. Rosati asked about the location of the air conditioning compressors. Mr. Strong advised they are proposed to be located in front because that is where the offices are located. This will be an issue during construction. Mr. Bennett said he would relocate the units on the ends of the building and Mr. Rosati agreed with that plan.

Mr. Rosati advised the Board that the rest of his report was technical in nature and he would address those issues with Mr. Strong. He suggested separate water meters and no outdoor storage. Mr. Strong will comply with Mr. Rosati's report.

Per Mr. Coppola's report, the office space cannot exceed 4,400 s.f.

Mr. Strong submitted the letter (Exhibit PB-9) as a result of the Shade Tree Commission's concerns and the letter addresses all of those concerns.

Mr. Rosati asked that any soil fill be certified clean fill.

Chairman opened the testimony to the public at 9:35 p.m.

Tom Pado who has a business within 200' of the property was sworn in. He advised he owns a neighboring lot. He is concerned about the aesthetics since the back of the building facing Rike Drive.

Mr. Zanetakos asked about planting evergreens. Mr. Strong explained the building's configuration. Chairman Newman asked Mr. Pado if the Park's Homeowner's Association has any rules and regulations about architectural elements for proposed tenants. Mr. Pado said they do not.

Mr. Pado asked if the building could be enhanced more than what is proposed. Ms. Grbelja has concerns about the building's aesthetics as well. The Board discussed enhancing the landscaping, using white pines. They discussed applicant extending the canopy around the side of the building to break up the side of the building. The Board wants to see a rendering with changes to the landscape plan. The applicant will come back to the Board on 4/6/06 with the revisions.

Mr. Sico asked if a traffic study was done on the property. Mr. Strong explains the traffic, truck loading and maneuvering are adequate and efficient for this property.

The Board asked the applicant for a traffic impact study for the property in particular.

The public session was closed at 10:00 p.m.

The applicant was carried to 4/6/06 with no further noticing required.

P05-26 HORZEPA, ROBERT – Block 42, Lot 2, located at the intersection of Forman and Roberts Road. 43.3 acres in the R-130 zone. Applicant received Preliminary approval in May 28, 2003. Applicant seeks final approval for a 9-lot subdivision. Carried from 1/11/06.

Vice-Chairman Haag stepped down due to the proximity of her home to the application. Chairman Newman stepped down due to a professional conflict with the applicant's Engineering firm.

Mr. Pado returned for the application.

Mr. Zanetakos will serve as Chairman for he application.

Mr. Steib reads the exhibits into evidence:

- A-1 Application dated 11/15/05
- A-2 Application Completeness checklist dated
- A-3 Resolution of Memorialization dated Memorialized 05/2803
- A-4 Statement of Environmental Impact & Assessment prepared by Maser Consulting, P.A. Dated 11/2002
- A-5 Drainage report prepared by Maser Consulting, P.A. dated 11/27/02 Revised 1/31/03
- A-6 Final Plat Major Subdivision Prepared by Maser Dated 11/27/02, last revised 2/13/06
- A-7 Letter dated 2/23/06 From Maser
- PB-1 Report of Board engineer dated 1/06/06
- PB-2 Report of Board Planner dated 1/30/06
- PB-3 MCPB Preliminary approval dated 3/21/03
- PB-4 M.C. Board of Health-Soil logs suitability dated 12/04/02
- PB-5 F.S.C. Certification letter 2003 (not legible)
- PB-6 NJDEP Authorization to discharge storm water dated 3/25/03
- PB-7 NJDEP-L.O.I. Dated 07/08/03 (Stamped)
- PB-8 NJDEP – Stream encroachment Jurisdictional determination flood hazard area control act dated (Stamped) 12/03/02
- PB-9 D & R application incompleteness dated 10/11/05
- PB-10 NJDEP Memorandum of agreement signed 08/04/05
- P-11 D &R Canal Commission-Certificate of Approval

Attorney Kenneth Pape represents the applicant. He described the proposed project as a 9-lot major subdivision what was approved in 2003. No variances were needed at that time. The applicant has received all outside approvals. A full environmental testing of the property was performed. One slight arsenic hot spot in the woods was revealed. The applicant entered into a Memorandum of Agreement with the DEP to remediate the area and an early spring 2006, the clean up is to be completed.

Mr. Rosati's Report was addressed. The applicant will offer to make a monetary contribution in lieu of an overlay of the road.

Mr. Pape advised that the Plat conforms to the Ordinance and the preliminary plans.

Julia Algeo, the Engineer for Maser Consulting is available for questions.

Mr. Rosati advised he has no problems with the plan. His 1/6/06 report has comments that are related to the Final Plat. Maser has revised and submitted plans. Any issues outstanding are technical in nature and can be addressed in Resolution Compliance. Mr. Rosati has no problems with a cash contribution in lieu of a road overlay. He will prepare the monetary calculations.

The Chairman opened the application to the public for comment at 10:20 p.m. and seeing none, closed same at 10:20 p.m.

A bridle path will be dedicated.

Mr. Sico asked about the timetable for the DEP remediation. Mr. Pape explained the accelerated program "Gold Star" and advised it would be six weeks from 2/13/06. Mr. Pape stated that the hot spot was not deeper than 6" and in an area of 12' x 18' but an area of 20' x 40' is being remediated.

P05-21 ALLIANCE HOMES – Block 61, Lot 6. Property located at Route 537 and Brookside Road. Located in the R-130 Zone consisting of approximately 7.19 acres. Applicant seeks Minor Subdivision with no variances. Deemed Complete 1/3/06.

Chairman Newman and Vice-Chairman Haag returned to the Board for the application Attorney Bob Smith representing the applicant Alliance Homes

He described the proposal as a two-lot subdivision, located in the R-130 Zone. The subdivision requires no variances. The property is located on Brookside and Route 537. The property has frontage on both roadways. The applicant will comply with the MCPB.

Mr. Steib read the exhibits into evidence:

There is no Exhibit A-1 and the Exhibits will begin with A-2

A-2 Application dated 8/11/05

A-3 EIS Prepared by Peter Strong dated 5/4/05, last revised 11/28/05

- A-4 Historic Pesticide and Soil Contaminant Report prepared by Peter Strong dated 3/8/05
- A-5 Minor Subdivision prepared by Crest Engineering dated 3/21/05, last revised 12/7/05
- A-6 Survey of Property prepared by Crest Engineering dated 3/14/05, last revised 5/3/05
- PB-1 Report of Board Engineer 1/3/06
- PB-2 Report of Board Planner 2/16/06
- PB-3 Report of MCPB 1/23/06 Granting additional final approval
- PB-4 Report from Environmental Commission 2/28/06
- PB-5 Report from Shade Tree Commission 2/27/06

Mr. Peter Strong is sworn in and presents his credentials as applicant's engineer. He is accepted as an expert. Exhibit A-7 is Crest Engineering's revised Minor subdivision plan, dated 3/14/05, last revised 2/27/06.

The revisions in A-7 reflect the MCPB approval.

The property is known as block 61, lot 6 located on the corner of Route 537 and Brookside Road. The property is triangular in shape. Mr. Strong described the area that is dedicated to the County, consisting of over 7 acres. There is a 40' ROW to the County.

Mr. Strong stated that the plan meets the 200' circle still achieved after the ROW dedication.

Chairman Newman asked about the design waiver requested from the Shade Tree Plan. Mr. Strong advised that the area is totally wooded already and presented the topography of the property.

Mr. Strong went over and addressed the Report of Board Engineer, Chris Rosati. The LOI was received and the property contains no wetlands. They will maximize the tree preservation when a home is built.

Mr. Smith asked Mr. Rosati for direction regarding for dry wells for recharge.

Mr. Coppola's report addresses the location of the septic. Mr. Strong advises that soil testings were performed and they believes the proper location of the septic is where it is proposed. The location was discussed. The rear of the property is where the homeowners will be spending a lot of time and may want a pool, deck, etc. Mr. Strong testified to the height of the proposed septic.

The trees to be removed are not known at this time because the engineer does not have a foot print yet. The maximum amount of trees will be saved. Mr. Strong will put a note to that effect on the plans.

The applicant will comply with the EC's comments.

Mr. Rosati asked when the clearing stage is to be done that a tree protection fence is put in place.

Mr. Strong advised that no contaminants of concern are on the premises. No endangered species are on the premises.

The application was opened to the public for comment at 10:52 p.m. and seeing none, closed at the same time.

Mr. Zanetakos stated that Route 537 is designated as a scenic corridor. He is concerned about the septic located in the front and the unsightly-mounded field. He said the septic should be moved to the rear of the property where it is not visible. The septic location was discussed. The area chosen for consideration would be the side of the home.

Mr. Steib read the conditions of approval to include: Waiver on the planting of shade trees due to the wooded area. Tree protection fencing to be installed prior to clearing the trees and the applicant is to work with the Board Engineer in that regard. The applicant will comply with the Report of Board Planner, Rich Coppola except for 5C of his report. The applicant will relocate the septic and rotate 90 degrees on the side of the house. Applicant will comply with the EC report of 2/28/06. Notes to be placed on the plan concerning saving the maximum number of trees as possible, etc.

Mr. Zanetakos made a Motion to approve as conditioned and Mr. Sico offered a Second. Roll Call Vote: Zanetakos, Sico, Blanco, Grbelja, Kucziniski, Pepe, Pado Haag and Newman voted yes to approve as conditioned.

REVIEW AND RECOMMEND:

ORD. 06-09

Mr. Steib gave an overview of the proposed Ordinance. The Ordinance being repealed was to enhance notice requirements to provide signage on property. The Ordinance was adopted. The Supreme Court came down with a decision in a similarly Ordinance in another Towns that struck that Ordinance down. The proposed Ordinance repeals the Ordinance struck down and provide additional notice information. Applicants must fill out a form and post same on the Township Website and Television Station.

Mr. Coppola advised that the Ordinance is irrelevant to the Master Plan. He said the Ordinance is not not inconsistent with the Master Plan

There was discussion as to language. Chairman Newman offered that the information on the form to be posed should be the typical language used in noticing.

NEW BUSINESS:

The Board discussed liability of patrons using the horse trails in town and would that liability be on the rider or on the property owner (the Township). This was discussed.

Motion of Mr. D'Amico and a second by Mr. Pepe adjourned the Meeting at 11:30 p.m. By unanimous roll call vote, the meeting was adjourned.

Respectfully Submitted,

Pamela D'Andrea