

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
JANUARY 9, 2008**

At 7:32 p.m., Mitchell Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Attorney Steib swore in the following members: Mitchell Newman, Mary Pinney, Tom Pado and Robert Beck.

Salute to the Flag.

Roll Call: Blanco, Grbelja, Kurzman, Newman, Pinney, Pepe, Pado, Weintraub and Beck. Late Sico (arriving at 7:47 p.m.)

Election of Officers: Nominations for the Chairman were open. Mr. Pepe made a Motion to nominate Mr. Newman as the Chairman and Mr. Pado offered a Second. Seeing no other nominations for Chairman, by unanimous vote, the nominations for Chairman were closed. Roll Call Vote: Pepe, Pado, Blanco, Grbelja, Pinney, Kurzman, Weintraub and Beck voted yes to nominate Mr. Newman.

Mr. Newman thanked the Board.

Nominations for Vice-Chairman were open. Mr. Kurzman made a Motion to nominate Mr. Pepe as the Vice-Chairman and Mr. Pado offered a Second. Seeing no other nominations for Vice-Chairman, by unanimous vote, the nominations for Vice-Chairman were closed. Roll Call Vote: Kurzman, Pado, Blanco, Grbelja, Pepe, Weintraub, Beck and Newman voted yes to the nomination.

Mr. Pepe thanked the Board.

Nominations for Secretary were open. Ms. Pinney made a Motion to nominate Pam D'Andrea as Secretary and Mr. Pepe offered a Second. Seeing no other nominations for Secretary, by unanimous vote, the nominations for Secretary were closed. Roll Call Vote: Pinney, Pepe, Blanco, Grbelja, Kurzman, Pado, Beck, Weintraub and Newman vote yes to the nomination.

Ms. D'Andrea thanked the Board.

The Board next considered nominations for its professionals.

Mr. Pepe made a Motion to nominate Michael B. Steib as Board Attorney and Mr. Pado offered a Second. Seeing no other nominations for Board Attorney, by unanimous vote, the nominations for Board Attorney were closed. Roll Call Vote: Pepe, Pado, Blanco, Grbelja, Kurzman, Pinney, Beck, Weintraub and Newman voted yes to the nomination.

Mr. Steib thanked the Board.

Mr. Pado made a Motion to Nominate the Engineering firm of Leon S. Avakian, Inc. with Matt Shafai as the principal engineer for the Board Engineer and Mr. Blanco offered a

Second. Seeing no other nominations for Board Engineer, by unanimous vote, the nominations for Board Engineer were closed. Roll Call Vote: Pado, Blanco, Grbelja, Pepe, Kurzman, Pinney, Newman, Beck and Weintraub voted yes to the nomination.

Mr. Shafai thanked the Board.

Mr. Blanco made a Motion to nominate the firm of Coppola and Coppola with Richard T. Coppola as the primary Planner to the Board and Ms. Pinney offered a Second. Seeing no other nominations for Board Planner, by unanimous vote, the nominations for Board Planner were closed. Roll Call Vote: Blanco, Pinney, Grbelja, Pepe, Kurzman, Pado, Newman, Beck and Weintraub voted yes to the nomination.

Mr. Coppola thanked the Board.

Ms. Grbelja made a Motion to nominate Angela Buonantuono as the Board Court Reporter and Mr. Pepe offered a Second. Seeing no other nominations for Board Court Reporter, by unanimous vote, the nominations for Board Court Reporter were closed. Roll Call Vote: Grbelja, Pepe, Blanco, Kurzman, Pado, Pinney, Newman, Beck and Weintraub voted yes to the nomination.

Ms. Buonantuono thanked the Board.

Mr. Pado made a Motion to nominate the Asbury Park Press and The Messenger Press as the official Board Newspapers and Mr. Blanco offered a Second. Seeing no other nominations for official newspaper designations, by unanimous vote, the nominations were closed. Roll Call Vote: Pado, Blanco, Pepe, Grbelja, Kurzman, Pinney, Newman, Beck and Weintraub voted yes to the nominations.

Mr. Sico arrived at 7:47 p.m.

Mr. Blanco made a Motion to adopt the regular monthly meeting schedule and Ms. Pinney offered a second. Mr. Blanco read the dates into the record. Roll Call Vote: Blanco, Pinney, Grbelja, Pepe, Kurzman, Pado, Newman and Beck voted yes, Mr. Sico abstained to adopt that Regular Monthly Meeting Schedule to be held on the following dates in 2008 and the first meeting date in 2009 at 7:30 p.m. in the Municipal Building located at 215 Millstone Road, Millstone Township, New Jersey as follows:

January 9, 2008	July 9, 2008
February 13, 2008	August 13, 2008
March 12, 2008	September 10, 2008
April 9, 2008	October 8, 2008
May 14, 2008	November 12, 2008
June 11, 2008	December 10, 2008
	January 14, 2009

Approval of Meeting Minutes: Ms. Pinney made a Motion to approve the October 10, 2007 Meeting Minutes and Mr. Kurzman offered a Second. Roll Call Vote: Pinney, Kurzman, Sico, Newman, Pado and Weintraub voted yes to approve.

Chairman Newman had an addition to the November 1, 2007 Minutes and the approval of the minutes was carried by unanimous vote to the February 13, 2008 meeting.

At 8:00 p.m. Chairman Newman opened the Public Comment Portion. Seeing no public comment, the public comment portion was closed at 8:00 p.m.

RESOLUTIONS:

EXTENSION OF TIME:

P04-50 EARL SMITH – Block 30, Lot 5. Located in the NC Zone. Applicant received Final Major Site Approval in a Resolution memorialized December 14, 2005 to construct a 2,700 s.f., one-story commercial building. Applicant came to the Board on 11-1-07 seeking an extension of time. The Board requested that certain information prior to granting the extension and memorializing the Resolution for a one-year extension of time.

Engineer Matt Shafai reads a letter into the records from Zoning and Code Enforcement Officer Patrick Hynes. Mr. Shafai stated that the applicant has picked up 95% of the items. Mr. Sico advised the applicant is to clean up the property 100% by the next meeting. Vice-Chairman Pepe stated that the applicant should step up more in his clean up efforts. Attorney Steib asked if anyone in the audience is here on behalf of applicant Earl Smith. Seeing no one, Attorney Steib suggested that the Board should send a letter to Mr. Smith that the Board choose not to adopt the Resolution since the site was not cleaned up. Mr. Pinney clarified what the Board discussed. The trailer contained construction material. Ms. Grbelja asked for clarification on when the extension of time begins. Mr. Steib advised he would send a letter instructing the applicant what the Board wants him to do.

The Board unanimously voted to have Mr. Steib send the applicant the letter and carry the matter to the February 13, 2008 meeting.

**AMENDMENT TO THE MASTER PLAN OF THE TOWNSHIP OF MILLSTONE
ADOPTING THE CROSSWICKS CREEK/DOCTORS CREEK WATERSHED
GREENWAY PLAN**

Planner Rich Coppola explained the amendment that was before the Board. The purpose is to adopt the Greenway Plan as part of the Master Plan as stated in Mr. Coppola's supplement report to the Plan. Mr. Coppola offered that the Plan is consistent with the Master Plan and that it was prudent to adopt the Plan.

Ms. Grbelja explained the importance of adopting the Plan. The Township has expended funds to match the Plan. She stated that it is consistent with what the Township wants and provides hiking trails and the like for the Township residents.

Attorney Steib read into the record the following Evidence:

- A-1 LEGAL NOTICE
- A-2 CROSSWICKS CREEK DOCTORS CREEK WATERSHED
GREENWAY PLAN PREPARED BY F. X. BROWNE, INC. DATED
APRIL 2004.
- A-3 SUPPLEMENTAL MODIFICATION NO. 1 PREPARED BY
COPPOLA AND COPPOLA ASSOCIATES DATED MARCH 22,
2006.

Mr. Pado voiced his concerns for property owners that would be impacted by adoption of the Plan and he asked if they were noticed regarding this meeting. Chairman Newman asked for clarification. Attorney Steib advised that the Master Plan is the mission for the community. The adoption states that the Board supports the Plan and finds this a positive direction in which to move.

Attorney Steib swears in Mark Kovitz, the Upper Freehold representative. Has offered the Board a short Power Point Presentation of the Plan. Chairman Newman advised the Board was provided hard copies of the Plan to review. Mr. Kovitz explained that the issue with the properties is in the Doctors Creek Assunpink Feasibility Study and he explained that it goes from Hamilton Township to the Lee Farm and hooks around the Assunpink to Washington Township. Some of the properties are on that particular trail. The Greenway Plan talks about all of the creeks.

The Amendment is open to the public and seeing no public comment, closed to the public.

Attorney Steib advised that the Motion that would be before the Board is to adopt the Master Plan Amendment, which incorporates the comments prepared by Mr. Coppola, and adopt the Master Plan Amendment, which incorporates the Plan by reference.

Chairman Newman made the Motion to adopt and Ms. Grbelja offered a Second. Roll Call Vote: Newman, Grbelja, Sico, Blanco, Pepe, Kurzman, Pinney, Pado and Beck voted yes.

Mr. Coppola explained to the Board that the Master Plan is re-examined every six years. Mr. Coppola advised that the scope of re-examination could be as simple as a short review of the plan elements and remains valid as they are written today or the Board could go to the extreme and adopt a new plan, which he advised is not necessary. He suggested that a committee of Board members be appointed to work on the re-examination. He advised the Board that the Township's Farmland Preservation Plan has just been updated. Mr. Coppola offered that he feels that the plan is in good shape. A subcommittee could go through the various elements and could discern what needs to be done. He explained that we have until September 24, 2008 of this year.

Chairman Newman suggested that subcommittees meet a few hours before the regular meeting. Attorney Steib clarified that they must have less than a quorum of three (3) members.

Ms. Grbelja offered that the Board of Adjustment is working on their 2007 Annual Report and when it is adopted, they would provide the Planning Board and the Governing Body with a copy of that report.

P07-10 MILLSTONE CENTER ASSOCIATES— Block 58, Lot 4.06. Located on Route 526 in the NC Zone consisting of 9.537 acres. Applicant seeks to amend their Preliminary and Final Subdivision Approval granted in June 2005 to include a private roadway. Variance needed for roadway. Deemed Complete 9-25-07. Applicant heard in part on 11-1-07. Applicant requested that the matter be carried to 1-9-08 and granted an extension of time through 1-31-08. Date of Action: 1-24-08.

Chairman Newman steps down for the application due to a conflict and leaves the building.

Vice-Chairman Pepe takes the Chair.

Attorney Steib reads the following exhibits into evidence:

A-13 Web Notice Posted on 11/21/07
A-14 MCPB - Request for Additional Information dated 12/10/07
PB-7 Letter from Code Enforcement Officer, Pat Hynes dated 01-09-08

Mr. Kenneth Pape representing the applicant. Mr. Pape explained the history of the Millstone Center project. He stated that Dr. Stobie, a veterinarian, was interested in building a larger hospital in 2005 and he explained that application. The application was not acceptable to the Board and the application was withdrawn.

They are coming back to the Board to build smaller lots instead of a larger lot. The lots designed are oversized, and the bulk elements conform or exceed the bulk requirements of the NC Zone. The only exception is the interior lots and he explained. Mr. Pape stated that the property owners request to own the interior road and make it a private road that would be maintained by a homeowners association. The staff reports refer to the interior private road and that is the only reason for the variance. Engineer Matt Shafai identified that the stormwater management on the site is not in conformance with the State regulations of 2004 and with the Millstone Township adoption of the stormwater management regulations in 2005.

Mr. Pape advised that Peter Strong, P.E. of Crest Engineering testified at the November 1, 2007 Board meeting that the applicant will build the forebay. There is a drainage improvement associated with this property. The applicant went to MCBOH to confirm soil suitability. The applicant went to NJDEP. The property is free of any wetlands and buffers. Mr. Pape advised that historic pesticide testing was done twice; once in 2005 and again recently and no evidence of any contamination is reported. The property is zoned for commercial development and free of any environmental constraints. Mr. Pape advised that five (5) building lots meet or exceed the zoning requirements of the NC Zone.

Vice-Chairman Pepe voiced his concern with the project and with the things that have occurred there such as the Dairy Queen septic, lighting, wells, etc. He stated that the Board takes a defensive position and asked how do we find middle ground. Mr. Pape took to heart the violations. He explained the lighting problem and has rectified that. The music speakers that were outside have been taken down. The septic system was repaired a few years ago and the issue with the odor is a result of milk fats that are in the tank. An expert was hired to rectify the odor and he explained how that was done.

Sanjiv Kenwar is sworn in by Attorney Steib. He is the owner of Dairy Queen. Smells occurred when the weather was hot and humid. He stated that a gasket was placed around the manhole cover a few months ago. Mr. Kurzman is concerned how this gasket would perform during hot weather.

Mr. Pape advised that Mr. Kenwar is not the applicant but owns the Dairy Queen.

Mr. Pape addressed the contamination of the wells. They reached out to Chris Lumberto to have him review the problem and has not heard from MCBOH yet. The NJDEP came out and found that the dog and cat hair was matted and the clinic

changed a few things to alleviate this. People had used the site and debris was placed on the site but Mr. Pape stated that it has been cleaned up. The applicant will police the property and clean the property every thirty days. Mr. Sico was pleased to here the lights, odor and loud music have been taken care of. Mr. Kenwar did not know prior to this Board meeting that the residents had problems with the lights. This was discussed. Mr. Sico has concerns that if there is a problem with an existing business how do we deal with bringing in more business there.

Mr. Pape stated that the lots conform to the zone. A homeowners association is created to take care of the road with no burden to the Township. The association will take care of the landscaping in the Center. He explained how he worked with the fire department to make sure that there is an adequate turning radius in the Center. Mr. Sico asked if the applicant had contacted any residents regarding this project and Mr. Pape advised that they noticed everyone within 200 feet of the property.

Ms. Grbelja advised that she was involved when there was an issue with the septic tank that affected the home across the street. She reported that tests were taken in the kitchen. The MCBOH advised Ms. Grbelja that they were limited in what they could test for. Referring to Exhibit A-11, Ms. Grbleja explained the problem with cars coming down the hill and interfering with the residents across the street. Mr. Pape explained the landscaping that he did for the homeowner to alleviate the lighting problem.

Attorney Steib swears in Ms. Deborah Strnad. She resides at 39 Route 526, Clarksburg area of Millstone. She explained where everything was located on Exhibit A-11.

Mr. Pape worked with Matt Shafai to amend the technical design. The applicant added extra buffering and would make the road private. Mr. Pado asked what types of business are the applicants they trying to attract. Mr. Pape has been careful in determining businesses. He stated that they could anticipate medical professionals, lawyers, engineers, and insurance agencies, that kind of low water use business. He explained why one large lot does not work.

In 2005, Planner Coppola advised that there were four lots created including the road. He said the issues must be separated; what is being proposed and our ordinance issues. Does the proposal fit our ordinances? In terms of intensity, the difference is the number of buildings. Mr. Pape advised that the ordinance states that you have to have 4,000 s.f. buildings. Ms. Grbelja offers what our zoning requires and what this application seems to conforms and fits. Mr. Coppola explained that unless the Township wants to change the zoning, this application fits.

Mr. Steib stated that the zoning regulations are to set the rules so that if a developer can play by the rules, he is entitled to an approval. If he is looking for variances or deviations then the Board can reject the application. But if he fits the mold created by our ordinance, if it is a permitted use you cannot say that is too intense.

Ms. Grbelja asked if the Board should address landscaping buffering of lights from neighbors now or do does the Board address those concerns as each applicant comes to perfect each site?

Mr. Pape advised that the applicant would reduce lighting to three (3) lights, change the light to recessed box lighting, put in curbs and sidewalks and police the property for debris.

Mr. Pape summarized the application before the Board.

Pete Johnson, 3 Carrs Tavern Road was sworn in. He took photographs two weeks ago of the property.

Entered into evidence are the following exhibits:

O1A-F Photographs

O1A Cinder Blocks debris

O1B Cement Sewer lines PVC to the right of the D-Q

O1C Bags of Trash being dumped in the lots

O1D Panoramic view of the piles of concrete with the Vet hospital in the foreground

O1E Panoramic view of the concrete piles along with PVC tubing

O1F Turtle lives in area

He advised it has been like this for the past two years.

Ken Pape questioned if the turtle in the photograph was a wood turtle.

Ms. Strnad previously sworn in. Her concerns are more traffic on the road. She feels the road is a dangerous road. There is a water problem there. There is flooding. She cannot stop what is there now but she hopes to stop any further problems.

Mr. Kurzman asked if anyone has had their water tested.

Donna Tracey sworn in. She lives across from the Dairy Queen. She had to have her well replaced. She feels that the Dairy Queen contaminated her well across the street. Her water is fine now. She explained the problem with the car lights from Dairy Queen. She explained the quality of life issue that she has. The vibration from the music in the cars going through the Dairy Queen is a concern. Mr. Blanco asked if she still gets an odor and she advised not that much since it has been cold.

Mr. Kurzman asked the public to get their water tested.

Ms. Strnad thought Dairy Queen was going to be an ice cream parlor now they make burgers. She voiced her concerns over the smells of the septic and the burgers. Mr. Pape stated that the original approval was an ice-cream store and then a few years later Mr. Kenwar made an application to the Board for a grill to cook chicken and burgers. Approval was granted.

The public portion of the application was closed at 9:35 p.m.

Ms. Grbelja advised that the Township could enforce any commitments that were made in the Resolutions. We have more strength to enforce all aspects of that Resolution.

Mr. Coppola stated that from a zoning viewpoint and design viewpoint relative to zoning that deals with the private road and that variance was originally approved in a Resolution that was adopted on June 8, 2005. There is no detriment to a private road. All of the lots are in excess of the minimum requirements of the zone but the tract can accommodate the five building lots and the sixth lot, which is the road. You are getting the potential for two more buildings but they will be smaller. In approving this subdivision, it would be prudent have language reiterate everything placed on the record and the Board attach to the approval the idea that the lighting on any property be turned off one hour after business hours. He stated that the Board could wait for the site plan but he does not see why it could not be done now. The applicant should provide adequate landscaping to buffer adjacent property owners. The orientation of driveway s should be done so they don't impact the residents. Mr. Coppola refers to his prior report of September 25, 2007. He suggested that if the applicant has any problems with his prior report, they should be made known since the report should be made a condition of approval.

Ms. Pinney adding to the list limiting whatever is developed does not have major impact on the septic systems such as restaurants. This would be less desirable than an attorneys' office. Mr. Coppola feels more comfortable for the applicant to volunteer this rather than having this mandated by the Board.

Mr. Pado asked about the proposed traffic light at 526 and 571. Mr. Pape advised that it is up to the County. In the 1998 and 2002 Master Plan they are to have the light. Mr. Pape had to build the 526 intersection to accommodate a traffic signal. He does not feel it is on this years list.

Mr. Pado concerned about engineering issues on the site. He has concerns regarding the residents wells and septic. He would like to see that these problems be rectified.

Mr. Pape asked for an adjournment to the February meeting so that he could meet with Township representatives and they can go through the MCBOH complete records.

Mr. Pepe asked if Mr. Hynes could go out to the site tomorrow and see if the pictures are current and provide information to the Board.

Mr. Sico feels it is a good idea to meet with residents and look at MCBOH records and carry the meeting to allow time to do this. He stressed the importance of being a good neighbor.

The meeting was carried to February 13, 2008 beginning at 7:30 p.m., without any further noticing. Extension of time was granted to the Board through February 29, 2008.

Mr. Pape and Mr. Shafai and Mr. Coppola to meet with residents.

Mr. Blanco asked about the septic problems and why are the septic failing? Ms. Grbelja advised that at some time, some other authority other than MCBOH was in charge of the well and septic approvals. Ms. Grbelja advised that since the Township made the switch to using the MCBOH, the MCBOH lifted 80% of approvals because they had to redesign the septic. She advised that buildings prior to 2003 fit into the other agency's authority and that is where the failures occurred.

Ms. Grbelja made a Motion to carry the application to the February 13, 2008 meeting without further noticing and Mr. Pepe offered a Second and by unanimous vote the application was carried.

New Application:

P07-14 Hoffman, David and Laura – Block 11, Lots 13.01 & 13.02. Located on Disbrow Hill Road in the RU-P zone. Lot 13.01 consisting of 23.64 acres and Lot 13.02 consisting of 15.73 acres. Minor subdivision with no variances requested. Deemed Complete 11-16-07. Date of Action 12-31-07. Extension granted through 1-31-08.

Mr. Kenneth Pape representing the application.

Attorney Steib read the following exhibits into evidence:

- A-1 Application dated 08-30-07
- A-2 Soil Contamination Report prepared by Crest Engineering dated May 31, 2005
- A-3 Environmental Impact Report prepared by Crest Engineering dated May 7, 2007
- A-4 Minor Subdivision Map prepared by Crest Engineering dated May 1, 2007
- PB-1 Report of Board Engineer dated 11/16/07
- PB-2 Report of Township Planner dated 12/14/07
- PB-3 MCPB approval dated 09/10/07
- PB-4 LOI from NJDEP dated 08/01/05

Mr. Pape explains the application before the Board. Mr. Hoffman came to the Board prior for a lot yield plan. He has subsequently made a decision not to develop this property but to have one large lot for his own home and one lot that exceeds the 10-acre minimum. Mr. Pape explained the topography of the property. The Minor subdivision is for a lot line adjustment with no new lots being created.

Jay Patel of Crest Engineering is sworn in as the applicant's professional engineer. He presented his credentials and is accepted as an expert. He explained that the size of the property is 39 plus acres. This applicant wishes to adjust the property line. The new lot 13.01 would be 11.81 acres and lot 13.02 would contain 27.45 acres. The lots have some wetlands on them. Lot 13.01 has 7.02 non-critical acres. The applicant asked that no limitations be placed as to where the home is to be located. The driveway will be moved; the concrete pad barn will be removed. The applicant would comply with he comments of the staff memo of Mr. Coppola. Conservation easements would be placed on the wetlands and buffers. Mr. Pape advised that the Board has these assurances as offered by the applicant. The driveway requires a general permit to cross the wetlands.

Vice-Chairman Pepe opened the application to the public at 10:13 p.m. and seeing no public comment on the application, closed that portion at 10:13 p.m.

The Board discussed the application and the conditions of approval and Mr. Blanco made a Motion to approve the Minor Subdivision and Mr. Sico offered a Second. Roll

Call Vote: Blanco, Sico, Grbelja, Pinney, Pado, Kurzman, Beck, Weintraub and Pepe voted yes to the Application.

NEW BUSINESS:

Attorney Steib prepared a Memorandum for the Board as to the new COAH changes. Mr. Coppola addressed the changes. Reports include projections of residential and non-residential reports. The news is not good for most towns. He advised that the Township has re-thinking to do. There is a period of time to provide comments on the new rules. These comments must be submitted by March 20, 2008. He advised that there might be litigation on part of many municipalities. The projection for new residential growth has increased and new non-residential growth has increased. The numbers go up and there is less latitude to argue those numbers and it will be adopted by COAH.

Mr. Coppola explained that in Monmouth County, the minimum amount for the region has gone from \$35,000 to \$75,000. He advised that towns would not be able to comply with numbers of such magnitudes. It is a disaster. He does not have an answer yet. He stated that weight is on this town and many others. He stated that we would work through the problem. There is a meeting set up for our task committee. Millstone has been on top of the issue consistently. Mr. Coppola cited this as a monumental curve ball that has been thrown.

Mr. Pado asked how this would affect the EDC. Ms. Grbelja stated that the Township would take a look at what the report recommends and if those suggestions are achievable by the Township.

Mr. Coppola will keep the Board advised as we proceed.

Seeing no other business, Vice-Chairman Pepe asked for a Motion to adjourn. Mr. Blanco made the Motion and Mr. Sico offered a Second and by unanimous vote, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Pamela D'Andrea
Board Secretary