

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
MARCH 12, 2008**

At 7:30 p.m., Mitchell Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Attorney Steib swore in New Member Anthony Rundella.

Salute to the Flag.

Roll Call: Blanco, Grbelja, Kurzman, Newman, Pado, Pinney, Rundella Weintraub and Beck. Absent: Sico and Pepe

Approval of February 13, 2008 Minutes. Mr. Blanco made a Motion to approve the Minutes and Ms. Grbelja offered a Second. Roll Call Vote: Blanco, Grbelja, Kurzman, Newman, Pado, Weintraub and Beck voted yes to approve.

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

RESOLUTIONS:

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 the Preliminary and Final Subdivision Approval granted in June 2005 to include a private roadway. Variance needed for roadway. Deemed Complete 9-25-07. Date of Action: 1-24-08. Application heard in part on 11-1-07; carried to 1-9-08 and heard in part. Applicant requested that the matter be carried to 2-13-08 and granted an extension of time through 2-29-08. Approval granted 2-13-08.

Ms. Grbelja offered that the plan itself fits into the guidelines of the Master Plan and the Board will assure that it is not a nuisance to the neighbors. The items that are in place in the Resolution will make sure this is a friendly situation. The Board must approve under these conditions. The Planning Board is committed to assuring that as the site applications come before the Board they are carefully reviewed.

Mr. Blanco made the Motion to Memorialize and Ms. Grbelja offered a second. Roll Call Vote: Blanco, Grbelja, Pado, Weintraub and Beck voted yes to memorialize the Resolution.

P05-30 512 ROUTE 33, LLC – Block 22, Lot 7. Located on Route 33 consisting of 9.23 acres in the HC Zone. Applicant received Preliminary and Final Site Plan approval

to construct a 15,925 s.f. retail center and a 3,200 s.f. bank on October 11, 2006. Applicant returned to the Board for a Minor subdivision with variances. Noticing Required. Approval granted on 2-13-08.

Mr. Blanco made the Motion to Memorialize and Mr. Kurzman offered a second. Roll Call Vote: Blanco, Kurzman, Grbelja, Pado, Weintraub and Beck voted yes to memorialize the Resolution.

P07-17 COUNTRY ROAD ESTATES (DENJ) – Block 57.01, Lot 1. Located at Old Noah Hunt Road and Trenton Lakewood Road (County Road 526). Zoned RU-P consisting of 58.405 acres. Applicant received Preliminary Major Subdivision Approval February 12, 2007. Applicant sought Final Subdivision approval on 2-13-08. No Noticing Required. Final granted on February 13, 2008.

Ms. Grbelja explained that this application started out with 60-acres but due to four road dedications, some of the property was taken away. There are 6 homes to be constructed on Rt. 526, as a result, the County has two road dedications. The Township has road dedications on Old Noah Hunt Road. Ms. Grbelja explained that although it is a subdivision, an applicant can't be penalized due to the property needed for the road dedications.

Mr. Kurzman made a Motion to memorialize the Resolution and Ms. Grbelja offered a second. Roll Call Vote: Kurzman, Grbelja, Blanco, Pado, Weintraub and Beck voted yes.

PO7-04 NJY BUILDERS – Block 60.01, Lot 12, Located on County Route 537. Lot consists of 1.61 acres located in the HC Zone. Applicant received Preliminary and Final Site plan approval in Resolution memorialized 2-11-04. Applicant returned to the Board an Extension of time on 3-14-07. Extension granted through 2-11-08. Applicant returned for an additional time extension. No Zone Change. No Noticing Required. Extension granted on 2-13-08.

Mr. Blanco made the Motion to Memorialize and Mr. Weintraub offered a second. Roll Call Vote: Blanco, Weintraub, Kurzman, Pado, Weintraub and Beck voted yes to memorialize the Resolution. Ms. Grbelja abstained from the vote.

NEW BUSINESS:

Discussion of the Comprehensive State Farmland Preservation Plan. The Board Planner for the evening is Lori Savron. She advised that she had worked with Mr. Coppola on the plan that was submitted to the State. Ms. Pat Butch worked with the Planners in order to complete the report. Ms. Savron stated that the work Ms. Butch has put into the Plan is remarkable. The Plan is comprehensive. Planner Savron

reported that the Stat had provided comments on the Township's Plan. They are asking for more information than what would normally go into a farmland plan but the Township was able to supply that information. The memorandum given to the Board provides information that would not normally include all of the feedback that was received from the State.

Ms. Grbelja advised that the Plan was originally put together as a joint effort of the Millstone Township Agricultural Advisory Council and The Open Space and Farmland Preservation Council. The State had reviewed the Plan and the State will receive our comments. This will allow us to continue to receive funding from the State.

Ms. Savron advised that generally, the comments were clarifications and embellishments. The State had asked for embellishment on items that were already provided. The rest were really clarifications. She explained what the State was looking for and what the Township responded to.

Ms. Butch advised the State is looking for cooperation through the municipalities and the counties. There is a lot in the plan to direct municipalities so that they support each other. The basic components are here. She advised that the Township wanted to introduce the changes and if the Board has any comments they need to be received by Friday, March 15th. The timeline was discussed. Ms. Butch feels that the State would utilize the additional information they had requested for other reports they may generate.

Ms. Butch advised the Board that it has been a huge project. Lisa Spaziano, Lori Savron and Rich Coppola have done all of the planning. Mr. Blanco is the liaison from Open Space and he explained that Open Space put much time and effort into this Plan to make sure that this community keeps its farmland and maintains its quality of life. He advised that through Ms. Butch's efforts, things run smoothly.

The Board offered their kudos to Ms. Butch. She stated that a strong Ag council in the Township has been beneficial. Ms. Butch stated that since it has been in existence, it has been holding seminars and passing information back and forth amongst the farmers.

P08-01 KATZ, MICHAEL – Block 50, Lots 35.20 and 35.21. Located at 127 Paint Island Springs Road and 3 Clark Court, Lot 35.20 consists of 80,217 s.f. and Lot 35.21 consists of 80,406 s.f. both lots located in the R-80 Zone. Applicant seeks a Minor subdivision for purposes of a Lot Line Adjustment. No new lots are being created. Noticing Required. Deemed Complete 1-22-08. Date of Action: 4-19-08.

Chairman Newman steps down due to a conflict. He explained that only Class IV members are eligible to chair a meeting. Vice-Chairman Pepe is not in attendance this evening. Mr. Pado and Mr. Blanco will share the responsibility this evening.

NEW APPLICATIONS:

P08-01 KATZ, MICHAEL – Block 50, Lots 35.20 and 35.21. Located at 127 Paint Island Springs Road and 3 Clark Court, Lot 35.20 consists of 80,217 s.f. and Lot 35.21 consists of 80,406 s.f. both lots located in the R-80 Zone. Applicant seeks a Minor subdivision for purposes of a Lot Line Adjustment. No new lots being created. Noticing Required. Deemed Complete 1-22-08. Date of Action: 4-19-08.

Attorney Michael Steib reads the exhibits into evidence as follows:

- A-1 Jurisdictional Packet
- A-2 Web Notice
- A-3 Application dated 01/14/08
- A-4 Minor Subdivision Lot Line Adjustment prepared by Crest Engineering dated 1/31/07
- A-5 Color Rendering Reflecting Lot Line Adjustment
- PB-1 Report of Board Engineer dated 01/22/08
- PB-2 Report from Planner dated 03/03/08

Mr. Kenneth Pape representing the applicant explains the application. The minor subdivision is a minor adjustment of the property line due to a driveway. The lots were created in 1988 and do not require the circle and square requirement. This is the only aspect that needs a variance. The lots have been fully developed with single family dwellings.

Peter Strong, P.E. has testified in the past before the Board and his credentials are accepted and he is sworn in. Referring to Exhibit A-4, the Minor Subdivision rendering, he explained that where the subject properties are located, there are single family residences in the R-80 zone. He explained the encroachment. The lot-line adjustment comprises 2.3 ft x 200 feet to even out the areas there would be a 2-foot change.

Exhibit A-5 reflects how the proposal evens out the property so that the driveway is on the correct parcel. No bulk variance relief is created by the lot-line adjustment. Mr. Pape emphasized the importance of correcting this now so that in the future, there is no issue should a property change hands. Mr. Blanco asked for clarification concerning the 200 foot diameter circle. Mr. Pape advised that the Ordinance requiring the 200 ft.

circle was not in place at the time that this subdivision was perfected. The Ordinance changed in 2001. Mr. Katz has a conservation easement on his property that would not allow the circle or the rectangle to fit on the property.

Mr. Pado opened the application to the public at 8:15 p.m. Seeing no public comment on the application, Mr. Pado closed the public portion.

Mr. Pado asked if the professionals had any comments on the application. Engineer Shafai discussed the five waivers asked for by the applicant and advised that he has no problem if they do not propose buildings on the property. Mr. Pape will mark the conservation easement.

Planner Lori Savron finds no adverse impact to the surrounding neighbors or to the properties.

The applicant would perfect the subdivision by filing a Map. The conservation easements monuments would be posted before the Map is filed.

Mr. Kurzman made a Motion to approve and Ms. Pinney offered a Second. Rol Call Vote: Kurzman, Pinney, Blanco, Grbelja, Paso, Weintraub, Beck and Rundella voted yes.

P07-16 KEY INVESTMENTS (BURNT TAVERN) – Block 57, Lot 14. Located on Burnt Tavern Road consisting of 7.0 acres in the BP-Zone. Applicant seeks minor subdivision approval to create 2 lots. Proposed Lot 14.01 would be 2.46 acres where 3 acres is required and therefore a variance is needed. Application Deemed Complete 1-22-08. Date of Action: 4-19-08. Noticing is required.

Attorney Steib has reviewed the jurisdictional packet and find same in order to accept jurisdiction over this application.

Attorney Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice dated 02-5-08
- A-3 Application dated 10-12-07
- A-4 Soil Contaminant Report prepared by Crest Engineering dated 09-27-07
- A-5 EIS prepared by Crest Engineering dated 09/27/07
- A-6 Topo Survey prepared by Crest Engineering dated 09/05/07
- A-7 Minor Subdivision Plan (A& B) prepared by Crest Engineering

dated 09/27/07

- A-8 Half Mile Aerial Radius Map prepared by Crest Engineering dated 09/27/07
- A-9 Minor Subdivision Plan Alternate "B"
- PB-1 Report of Board Engineer dated 01-22-08
- PB-2 Report from Planner dated 03/04/08 (5 pages)
- PB-3 MCPB Final approval dated 11-13-07
- PB-4 Letter from Millstone Township Environmental Commission regarding plans reviewed dated 01-29-08

Mr. Kenneth Pape representing the applicant. Mr. Pape gave a brief overview of the property. The property consists of 7 acres located in the BP Zone on Burnt Tavern Road. The proposal is to create two lots. The applicant will respond to the report of the Board Planner Richard Coppola who suggested that the applicant might consider contributing one lot to the Township for its COAH obligation. Mr. Pape stated that a Mr. Frank Knight purchased the property. He lost it in a foreclosure and presently, he is incarcerated. Mr. Pape advised that when Key Investment took the property back, it was a disaster. They cleaned it up and appropriate demolition permits were secured and all garbage removed from the site. The property's shape is an unusual parcel. It has considerable frontage along Burnt Tavern Road.

Mr. Pape explained that the plans are two-fold: Plan A illustrates that this property can be subdivided into two lots without any bulk variance relief needed. He suggested that it is not the best way to subdivide the property. The proposed subdivision Plan B would require bulk variances but is a more appropriate subdivision. Both plans handle the 200 foot diameter circle. The smaller lot is variance free, the larger lot requires limited bulk variance relief.

Mr. Coppola's report takes the Board through Plan A, Plan B and a third Plan to consider a third lot. A third lot could potentially be for municipal purposes for future COAH or special need housing. This third lot is in close proximity to where the Township has developed those types of facility. The applicant is prepared to create that third lot with variances on the third lot. Before the applicant is to redesign, however, the applicant requested that the Board informally provide their comments on the subdivision.

Mr. Peter Strong is sworn in. Having testified before the Board they are aware of his credentials and accept him as an expert. He described the Minor subdivision Plan A as consisting of a 7.03 acre parcel to be subdivided into two conforming lots consisting of 3.87 and 3.03 acres. Soil testing has been done on the properties and he reported

that the parcels are suitable for septic systems. Mr. Strong advised that there has been a wetland delineation of the property. He describes the delineation location.

Mr. Strong explains Alternate Plan B and explained the lot to the north, proposed Lot 14.01, would be 7.03 acres. The lot to the South proposed Lot 14.02 would be 4.44 acres. This configuration allows more buildable area although variances are needed.

Mr. Strong prepared Exhibit A-9, a partial map affixed to the plan, reflecting the manner of subdivision as proposed by Mr. Coppola in his report. Mr. Strong described the proposed third lot as 3.45 acres. The 200 ft. circle does not encompass the third lot. The lots to the north are undersized and proposed Lot 14.02 consists of 59,000 s.f. Proposed Lot 14.01 consists of 91,000 s.f. In Mr. Strong's professional opinion, the lots are created for industrial purposes and the areas can be developed with BP type uses. The middle lot (Lot 14.02) has a small wetland buffer on southwest corner. Proposed Lot 14.01 has two wetland areas similar to those shown in Alternate Plans A and B. Mr. Strong is comfortable that he can work the septic, landscape, stormwater management, parking and driveway requirements of the BP zone onto the site.

Mr. Pape feels they can do this, although it is somewhat out of the box. Mr. Coppola sees this as an opportunity to use this land for COAH purposes.

The Board is aware of the COAH situation. A way that allows the Township to achieve additional affordable units is a benefit. Although the new rules have not been adopted, these are potential opportunities and should be discussed with the Board and the Township Committee.

Ms. Grbelja advised that the Township did look at this property back in April of last year. The Township did not have an opportunity to purchase the property but had been looking to purchase lands. She expressed the importance of moving forward and considered what Mr. Coppola suggested. She offered that this is a good opportunity for the Township to satisfy its COAH obligation.

Mr. Pado voiced his concerns about the wetlands on the third lot. We will utilize the $\frac{3}{4}$ acres on the front of uplands. The wetlands are located to the back and uplands are in the front.

Mr. Pape explained the benefits of special needs housing being located close to fast food restaurants and industrial work areas, allowing the special needs persons' freedom. Ms. Grbelja explained that much thought had been put into planning COAH housing. She expressed the importance of placement of affordable housing in an appropriate and convenient area for those residents that do not drive and can walk or bike to work, allowing them to be more independent.

Attorney Steib stated that although the BP zone allows for some public and quasi public uses, this subdivision would not allow the creation of this unit. He explained that it is the jurisdiction of the Governing Body or alternatively, once the lot is created, taking it to the Board of Adjustment. The Governing Body may make this a conditional use in the BP Zone under certain circumstances.

Mr. Kurzman asked for clarification if we do not comply with the COAH requirements. Mr. Steib briefly explained. Ms. Grbelja stated that no one can come to Millstone and say that we have not been proactive in our efforts to provide our COAH obligations. We are complete with round two and we are going to round three.

Engineer Shafai asked Mr. Pape to provide him with a list of variances which may be associated with the third Plan. The applicant advised that they are going back to the Monmouth County Board of Health for the approval of soil suitability on the third lot.

Mr. Blanco opened the application is opened to the public at 8:50 p.m. Seeing no public comment on the application, he closed the public portion is closed at 8:50 p.m.

The applicant would provide the major subdivision plans and notice for the April 9, 2008 meeting, including the posting of the Web Notice.

Mr. Pape asked for the Board to offer guidance to the applicant. In lieu of the cash element of the ordinance, this lot would be dedicated. A straw poll of the Board was taken. Ms. Grbelja stated that the creation of the third lot helps the Township with its COAH obligation, without the Township putting up funds to purchase the lot. Affordable housing depends upon homes being sold and with the market down, this helps us. Mr. Kurzman appreciates the idea that it does not cost the taxpayers. Mr. Pado and Ms. Pinney are fine with the creation of a third lot for COAH dedication. Messrs Beck, Weintraub and Blanco offered a yes to the creation and dedication of the third lot.

Mr. Pape would carry this application to the April 9, 2008 meeting and the application would be for a three lot major subdivision. Mr. Strong is to have the plans to the professionals by March 20th.

Seeing no further business, the meeting adjourned at 9:00 p.m. by Motion of Ms. Pinney and a Second Offered by Mr. Kurzman and by unanimous vote.

Respectfully Submitted,

Pamela D'Andrea

