

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
APRIL 11, 2007**

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

Salute to the Flag.

Roll Call: Newman, Blanco, Grbelja, Pinney, Kurzman and Sico.
Absent: Kucziniski, Murphy Pado, Weintraub and Kucziniski.

Roll Call reflects that there is a quorum in order to being the meeting.

APPROVAL OF MINUTES: March 14, 2007

Tabled to the Meeting of May 9, 2007

The Public comment portion of the meeting was opened by the Chairman at 7:35 p.m. Seeing no one in the public wishing to make a comment, Chairman Newman Closed the Public portion at 7:35 p.m.

RESOLUTIONS:

P07-05 TOWNSHIP OF MILLSTONE – Block 39.01, Lots 7.01, 36.01 and 36.02. 37.309 Acres located in the RUP Zone (36.871 acres Farmland Preservation Easement 0.438 Acres Trail Easement) Minor Subdivision/lot line adjustment, no variances needed. Deemed Complete 2/20/07. Minor Subdivision/Lot line adjustment approved.

Mr. Blanco made the Motion to Memorialize and Mr. Kurzman offered a Second. Roll Call Vote: Blanco, Kurzman and Pinney voted yes.

P05-23 RIORDAN – Block 45, Lot 10.04. Located on Stage Coach Road and Charleston Spring Road. 27.61 acres located in the RU-p zone. Minor Subdivision approval granted on 7/12/06, Memorialized on 8/9/06. Applicant granted a 120-Day Extension of Time granted to 7-19-07.

Ms. Pinney made the Motion to Memorialize and Ms. Grbelja offered a second. Roll Call Vote: Pinney, Grbelja, Kurzman, Blanco and Sico voted yes.

P06-06 PERL ACRES NORTH – Block 54, Lot 5.01. Located on Route 526. Zoned R-130 consisting of 44.69 Acres. Applicant received Preliminary Major Subdivision approval to subdivide 11 residential lots received 4/23/03. Final Application Deemed Complete 12/14/06. Applicant seeks final approval. Carried from 2/12/07. Final Approval granted 3/14/07.

Mr. Kurzman made a motion to Memorialize and Ms. Pinney offered a Second. Roll Call Vote: Kurzman, Pinney, Blanco and Grbelja voted yes to memorialize. Mr. Sico abstained.

P07-06 PERL ACRES SOUTH – Block 55, Lot 2, - Located on Route 526. Zoned R-130 consisting of 158.2 acres. Applicant received Preliminary Major Subdivision approval for a 43-residential lot subdivision and 2 lots for Township dedication received 6/25/03. Final Application Deemed Complete 12/14/06. Applicant seeks final approval. Carried from 2/12/07. Final Approval granted 3/14/07.

Ms. Grbelja made a Motion to Memorialize and Mr. Blanco offered a Second. Roll Call Vote: Grbelja, Blanco, Kurzman, and Pinney voted yes to memorialize. Mr. Sico abstained.

P07-04 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 returns for an extension of time. Extension granted to 2/11/08.

Ms. Pinney made a Motion to Memorialize and Mr. Blanco offered a Second. Roll Call Vote: Pinney, Grbelja, and Blanco voted yes to Memorialize. Mr. Sico Abstained.

EXTENSION OF TIME:

P05-20 CENTURIAN SYSTEMS, INC. (BUDELMAN) - Block 21, Lots 7.01 and 7.02. Located on Indian Path, 6.36 acres in the R-80 zone. Applicant sought a lot line readjustment of 2 existing lots to create 2 new lots. Minor Subdivision with no variances approved 4/6/06. Applicant received extension of time through 3/17/07. Applicant Returns for further extension of time to perfect minor subdivision.

Allen Weiss, Esq. representing the applicant gave an overview of application. He explained that additional time would be needed in order to perfect the minor subdivision. He explained that it is a minor subdivision with a lot of engineering involved..

Mr. Weiss stated that this is a minor subdivision that looks more like a major. The Board Engineer has made a bond request. Chairman Newman asked the applicant how much time did they anticipate they would need. Mr. Weiss explained it is more than just a simply lot line being moved. The amount of improvements needed require that the matter be perfected by map and not deed.

Attorney Michael Steib swore in as applicant's Engineer, John Ploskonka of Concept Engineering. Mr. Ploskonka presented his credentials and was accepted as the applicant's professional engineer. He explained that one delay

was the inability to meet with the Township Shade Tree Commission for two months. Upon meeting with the Shade Tree, 114 trees were located. He explained after that meeting, this information was provided to the Board Engineer in the form of revised maps and descriptions.

Mr. Ploskonka advised that they are waiting for Freehold Soil approval. Referring to the map of the project, Mr. Ploskonka advised that no variances are needed and no waivers are requested. The extension needed is 90 days. He reported to the Board that Engineer Shafai has new plans and has everything he needs. He stated that the bond numbers need to be worked out. Mr. Weiss explains why the 90 days requested is prudent.

Engineer Shafai stated that he has the tree count would reduce the bond amount. Mr. Weiss asked Engineer Shafai about some bonded items are certificate of occupancy related. Attorney Mr. Steib advised the Board that the Engineer is in charge of the bonding.

Mr. Blanco asked the professionals what would happen if the extension is not granted and he was advised that the applicant's approval evaporates and he would have to come back to the Board and start over.

Mr. Sico stated that the applicant might not be concerned about the bond amount when an extension is in the balance. Mr. Blanco asked Engineer Shafai about the time requested in the extension and should this be adequate in order for the applicant to complete the project. Engineer Shafai advised that during the last three months they have been actively showing a good faith effort.

At 7:53 p.m. the application was opened to the public and seeing no public comment, the application was closed to the public.

The Board discussed the request. Mr. Blanco made a Motion to grant an extension for sixty (60) days from April 11, 2007. Mr. Sico offered a Second to the Motion. Roll Call Vote: Blanco, Sico, Grbelja, Pinney, Kurzman and Newman voted yes to the 60-day extension.

CARRIED APPLICATION:

P06-15 MILLSTONE PROPERTIES INVESTMENT – Block 16, Lots 11.01, 11.02, 11.03 located on Prodelin Way consisting of 9.87 acres in the HC zone. Applicant seeks Preliminary and Final Site Plan Approval to construct a single-story, 9,905 s.f. day care center, along with a 9,025 s.f. two-story office with 6,000 s.f. dedicated to storage. Deemed Complete 2/16/07. Heard in part . Carried from 3-14-07, no further noticing required. Extension granted.

REVIEW AND RECOMMENDATION:
ORDINANCE 07-07 - AMENDING LAND USE AND DEVELOPMENT REGULATIONS BY ADDING DEFINITION OF CAR WASHES AND PERMITTING CAR WASHES AS CONDITIONAL USES IN HC AND HC-1 ZONES

Engineer Shafai advised that no car washes are allowed anywhere in the Township. He offered that in researching, the HC zones on Routes 33 and 537 were good locations to have solely car wash facilities as conditional uses.

Mr. Kurzman asked about water usage as not 100% recyclable. He asked if there would be any self-service bays? The Board discussed fine-tuning the language of the Ordinance. Chairman Newman felt that the proposed Ordinance was consistent with the Master Plan but that the Planning Board recommends that the Township Committee fine-tune the language to clarify fully enclosed car washes with self-service facility as ancillary service to the car wash.

Ms. Pinney as a member of the Environmental Commission advised that she does not support this Ordinance and feels it is not a necessity in Township. She offered that the Environmental Commission has concerns that such facilities would add to environmental problems in the Township. The Environmental Commission is preparing a letter to Township Committee.

Planner Allen Schectel advised the Board that this use is normally found in HC and HC-1 zones. Clarification language was discussed by Board. The definition section states self-service would be ancillary to the car wash and consistent with items pointed out by the Planning Board.

Motion was made by Ms. Grbelja that the Ordinance is consistent with the Master Plan and that the recommendations of the Board, as stated, would be recommended to the Township Committee. Mr. Sico offered a Second. Roll Call Vote: Grbelja, Sico, Blanco, Kurzman and Newman voted yes. Ms. Pinney voted no.

ORDINANCE 07-08 - AMENDING LAND USE AND DEVELOPMENT REGULATIONS BY CHANGING SECTION 3-2.9 "EXPIRATION OF VARIANCES"

Engineer Matt Shafai advised that we are asking for clarification of ordinance, is it referring to a "C" variance or a "D" Variance. He offered that nine (9) months go by quickly and an applicant finds himself before the Board for an extension of the variance approval. The expiration is now a more realistic time frame of twelve (12) months with a six (6) months extension.

Chairman Newman asked Attorney Steib about the Ordinance, whereby the expiration is one year and applicant has the right to ask for an

extension. Attorney Steib explained that the applicant has the right to ask for an extension. He explained that the Ordinance provides that they will run concurrent. In the case of a bifurcated application, "application for the subdivision, site plan and or conditional use shall be filed with the Board of Adjustment within twelve (12) months of the adoption of the resolution memorializing the approval of the subject variance or the subject variance shall be deemed to have expired."

Mr. Blanco made a Motion finding the Ordinance consistent with the Master Plan and Ms. Pinney offered a Second. Roll Call Vote: Blanco, Pinney, Grbelja, Sico, Kurzman and Newman voted yes.

NEW BUSINESS:

Discussion of COAH Housing Plan Elements & Fair Share Plans.

Planner Allen Schectel explained that the Courts invalidated certain rules and regulations that COAH had been working under. No stay was granted from filing third-round COAH filings. He advised the deadline is May 15th for the filing or the Township would be vulnerably to developer's lawsuits. To protect the Town from any possible lawsuits, he recommended that the Township should get the Plan in under the third-round.

Mr. Schectel advised the Board that the bulk of material is completed. Clean up items by way of statistics of future growth of the Township is completed as well. Mr. Schectel explained the projections. The Planner suggested that the Township Committee hold a special meeting and the Planning Board could hold a public hearing to recommend the affordable housing plan. The Planning Board would be adopting a new element to the Fair Housing Share Plan (MS).

Ms. Grbelja explained what the Township has been doing. The Township has a Plan in place to satisfy 100 units. Properties the town currently owns would be placing units by way of group homes and homes for aging. The Township is working with the housing alliance.

Attorney Steib advised that the Board must notice on this ten (10) days prior to the meeting. The Planning Board must receive all of this information by April 27th. Planner Coppola would make a presentation to the Planning Board. Attorney Steib advised that any substantive changes could cause a problem. If we pass the deadline, we may be subject to attack from the developers' lawsuit. If we file for certification prior to May 15th, we are immunable to builder's lawsuits. At this point it is fine-tuning the plan. The Township has been working on this all along. Planner Schectel advised the Board that Mr. Coppola is an expert in this field.

The Planning Board would meet for this at 6:00 p.m. on May 9th, 2007, followed by a Special Meeting of the Township Committee, followed by our regularly scheduled Planning Board Meeting.

Richard Tilton, Esq. representing the applicant. Attorney Steib explains that there is no quorum to hear the application. Although we have six members in attendance, two must step-down on this application. Attorney Steib made the announcement to the public that the application will be carried to May 9, 2007 beginning at 7:30 p.m., without any further noticing required. The applicant granted an extension of time through May 31, 2007. The applicant was requested to clean up items and revise plans to reflect those commitments.

Mr. Blanco made a Motion to Adjourn and Ms. Pinney offered a Second and by unanimous vote, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Pamela D'Andrea