

**MILLSTONE TOWNSHIP
PLANNING BOARD
REGULAR MEETING MINUTES
MAY 9, 2007**

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

Salute to the Flag.

Roll Call: Present: Blanco, Kuczinski, Kurzman, Pinney, Pepe, Newman and Weintraub, Grbelja, Sico, Murphy and Pado.

APPROVAL OF MINUTES: Ms. Grbelja made a Motion to approve the March 14, 2007 Minutes and Ms. Pinney offered a Second. Roll call Vote: Grbelja, Pinney, Blanco, Pepe, Kurzman, Sico, Pado and Weintraub voted yes to approve.

APPROVAL OF MINUTES: Mr. Blanco made a Motion to approve the April 11, 2007 Minutes and Ms. Grbelja offered a Second. Roll call Vote: Blanco, Grbelja, Pinney, Kurzman, Sico and Newman voted yes to approve.

PUBLIC COMMENT PORTION: Chairman Newman Open the Public Comment Portion at 7:35 p.m. Seeing no public comment, this portion of the meeting was closed at 7:35 p.m.

RESOLUTIONS:

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. Applicant received 60-day extension beginning from 4-11-07.

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

P07-07 DUREK – Block 13, Lot 3.01. Located on Fairplay Road. 58.08 acres located in the R-UP Zone. Applicant is before the Board with request for determination of entitlement to farmland division of property into two parcels; proposed lot 3.03 consisting of 31.06 acres to be farmed and proposed Lot 3.04 consisting of 27.01 acres to be donated to Monmouth County.

Don Driggers. Esq. representing the Durek Family. They are before the Board to request an agricultural division of their land. He explained that the property is comprised of 31 acres and 29 acres. The 31-acre piece has frontage on Rocky

Brook and would remain as an agricultural parcel farmed for weeds, grasses. Mr. Driggers explained that the 29-acre parcel would continue to be farmed by the family.

Mr. Driggers gave a brief overview of the location of the property. He explained the statute requirement for a farmland subdivision and explained that this parcel complies with that statute. Two deeds would be filed; one for Mrs. Durek and one for the Monmouth County Parks System.

Ms. Grbelja commented to the applicant that the Township appreciates the landowner working to have the parcel become part of the Monmouth County Park System.

Attorney Steib marked into evidence:

- A-1 Map referred to as Agricultural Farmland Map prepared by Crest Engineering
- A-2 Letter from Mr. Driggers introducing the application and explaining the relief sought
- A-3 Affidavit of Sophie Durek, unsigned and not notarized.
- PB-1 Report of Board Engineer Matt Shafai dated April 25, 2007

Attorney Steib requested a signed and notarized Affidavit be provided.

Attorney Michael Steib explained the job of the Board is limited concerning this application and he reads from statute 40:55D-7. No new streets are being created by this subdivision, it is for agricultural purposes.

Chairman Newman lives on Hampton Hollow and it was clarified that he is not within 200' of the property and therefore has no conflict.

The applicant asked the Board that it make a finding that the application meets the definition of an agricultural farmland subdivision.

Karol Durek is sworn in. She offered that 58 acres of the property fronts of Fairplay Road. No buildings are located on the property. They wish to sell 31 acres to the Monmouth County Parks System and the rest of the property would be passive farming by the Durek Family. No new roads are planned and at least five acres will be farmed.

The Board requested that the applicant provide a survey regarding the easement.

Mr. Blanco made a Motion to find the property is entitled to an agricultural subdivision. Mr. Kuczynski offered a Second. Roll call Vote: Blanco, Kuczynski, Pepe, Sico, Murphy, Kurzman, Pinney, and Newman voted yes.

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 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; 4-11-07 no further noticing required. Extension granted by applicant through 5-31-07.

Messrs. Newman and Sico step down for the application.

Mr. Steib read the following additional exhibits into evidence:

- A-15 Preliminary & Final Site Plan prepared by Concept Engineering dated 6/26/06, last Revised 3/28/07
- A-16 Proposed Day Care (Proposed Floor Plan) Prepared by Michael Testa Architect dated 11/01/06 Last Revised 4/11/07
- PB-7 Report of Board Planner dated 4/9/07
- PB-8 Board Engineer Report dated 5/4/07

Kenneth Pape representing the applicant. The application was presented in part to the Board on 3/14/07. The property is located in the HC Zone and located on Prodelin and the Rt. 33 jug-handle. No variances or waivers are requested. Mr. Pape described the size of the proposed buildings as 9,000 plus s.f. and 6,000 s.f. The applicant met with the Shade Tree Commission. The applicant added a storm sceptor and made that part of the plan. Mr. Pape advised that the Shade Tree gave the applicant direction as to planting materials. The applicant had agreed to incorporate the recommendations of the Shade Tree and Mr. Coppola.

The applicant would provide a cul-de-sac on the property eliminating the connection to Monroe. The vehicle turnaround would be remedied by cul-de-sac. The applicant met with Planner Coppola to resolve the architectural issues. Mr. Coppola asked for similar architectural elements between the two buildings.

Attorney Steib swore in John Ploskonka, applicant's professional engineer and planner. He presented his credentials and was accepted by the Board.

Entered into Evidence Exhibit A-18, Color Rendering of property reflecting a copy of the map. Mr. Ploskonka advised that this reflects the changes per Mr. Shafai's last report dated May 4, 2007. He advised that the applicant can comply and agree with the requests of his letter. Mr. Ploskonka advised that if they have Preliminary approval, the applicant can apply to the NJDEP for permits. Mr. Coppola feels the plan needs to be revised within 45 days so that the details can be signed off on. Mr. Ploskonka agreed that the revisions would be made within 45 days.

Attorney Steib swore in Michael Testa, a licensed professional architect. His credentials were placed on the record and he was accepted by the Board as an expert. He advised that he had met with Mr. Coppola, took his comments and recommendations and enhanced the elevations. Mr. Testa explained that the building orientation was changed and the entrance was moved to the side. The number of windows was increased, chain link fencing provided, the building would be wrapped with an architectural element. Mr. Testa advised that the knee wall (2-3ft.) would be brick with stucco finish to protect the children. Finished treatments would be on all four sides of the building. The main entrance would be located on Prodelin Way. The main concern of office is detachment between buildings. He pulled the architectural elements together and explained how this was achieved. There is no egress out of back due to the drainage element. Brick is carried around back. There would be no signage.

The applicant requested Preliminary approval and would seek a tenant and then as part of Final approval, they would show final signage and request approval at that time.

Mr. Pado asked is any mechanical equipment would be placed on the roof and Mr. Testa advised that there will be no equipment on the roof of the child care center. Mr. Coppola stated that any equipment should be shielded.

Mr. Blanco voiced his concerns regarding traffic. Mr. Pape clarified that Mr. Fears addressed that issue at the last meeting and testified there was enough room. The Board discussed Mr. Fear's testimony. Mr. Fears would prepare a supplemental report. Mr. Coppola met with Mr. Testa and feels the incorporated changes are a better plan. He discussed marking the parking lot area for patrons and employees. The school traffic should be separate from the traffic going through the parking lot to the building in the rear.

Engineer Shafai asked for clarification regarding the dumpster. The plan reflects that there would be one for both buildings. Mr. Ploskonka felt there should be one for both buildings since there is not much activity anticipated. Mr. Coppola asked that a condition of approval would be the location and finishing of dumpster be placed on the final map. Recycling should be placed on the plans as well. The childcare tenant was discussed.

Mr. Pado voiced his concerns regarding the stream and flooding. Engineer Shafai advised it is an infiltration system with a sand bottom. Mr. Ploskonka testified that he would do some clearing in that stream area and work out some kind of a program. There was a question as to who's responsible for maintaining the streams. Mr. Pape stated that the applicant could perform litter and trash removal without using equipment. Mr. Ploskonka stated that the Mosquito

Commission might come in and clean up. Fencing around the detention basin was discussed.

Vice-Chairman Pepe opened the application to the public at 8:30 p.m. Attorney Steib swore in Pat Butch of Prodelin Way. She took photographs of the stream and voiced her concerns about the water. She explained that the storm drains are filled and the water travels down the road and floods Prodelin Way. She explained how water funnels to the applicant's property. She does not want water and drainage to impede the road. Mr. Pape advised that the surrounding properties are uphill from the applicant's property. He stated that this would be corrected as a result of this application. Ms. Butch met with Mr. Ploskonka regarding the problem.

Mr. Blanco asked if this was a safety issue dealing with a day care center. Mr. Pape advised the stormwater system on the site would resolve any issues. All of the upstream water was dealt with in Mr. Ploskonka's report. Mr. Shafai advised it is designed for a 100- year storm and the building would be located 3-4 feet above what is there now. Jane Meggitt of the Examiner asked about the last storm and Mr. Shafai advised it was a 50-60 year storm.

The public portion of the application was closed at 8:45 p.m.

Marked into Evidence, Exhibit A-19, the proposed school building and Exhibit A-20, the storage structure.

Kenneth Pape summarized the application that is before the Board. Mr. Coppola requested that within 45 days, the complete package is provided with architectural and a cover letter from Mr. Ploskonka explaining he changes. Mr. Blanco asked if the Board professionals had any reservations and they had none.

Attorney Steib read the conditions of Preliminary Site Plan approval including the applicant to provide the storm sceptor per the report of the Environmental Commission, the roadway shall not go through Monroe Township, hours of operation are 6:00 a.m. to 6:00 p.m., reduction in the light poles 20' or less, for the school, lights turned off 30 minutes after closing for security, not for office. Security lighting to be shown on the plan and the lighting plan does not include any wall mounted lights, applicant shall comply with the Board professionals' reports, applicant shall provide annual maintenance reports to the Township for privately owned stormwater basin, applicant shall make the architectural changes to move the garage to opposite to side of the child care center, relocate the entryway, signage review shall be at the time of final approval, proper shielding of any mechanical devices on the roof, if any, shown and shielded and submitted to the Board, the dumpster location shall to be part of final, Mr. Fears to supplement his report with sight adequacies and distances, revised plans shall

be submitted to the Board professionals within 45 days after memorialization of the Resolution.

Mr. Kuczynski made the Motion to approve and Mr. Kurzman offered a Second. Roll Call Vote: Kuczynski, Kurzman, Blanco, Grbelja, Pepe, Murphy, Pinney, Pado and Weintraub voted yes to approve.

NEW 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 Final Major Subdivision Approval to subdivide property into 9 individual sites. Preliminary Major Subdivision approval granted 12-13-06.

Messrs. Sico and Newman return for the application.

The applicant is before the Board for Final Major Subdivision approval. Mr. Mehr representing the applicant. Mr. Steib advised no noticing is required. Mr. Steib reads the exhibits into evidence as follows:

- A-1 Resolution Granting Preliminary Major Subdivision Approval memorialized 1/10/07.
- A-2 Letter from Faith Hahn of Monmouth County Parks to Phyllis Harrington of Monmouth County Planning Board, dated 4/23/07 regarding the proposed linear park.
- A-3 Attorney Mehr's letter to Faith Hahn dated 4/25/07, clarifying the easement.
- A-4 Preliminary Major Subdivision Plan prepared by Crest Eng. Dated 1/6/06 Last Revised 4/10/07
- A-5 Final Plat Plan prepared by Crest Eng. Dated 3/1/07
- PB-1 Board Engineer Report dated 4/25/07
- PB-2 Report of Board Planner dated 3/23/07
- PB-3 Traffic Report prepared by Jerry A. Canter dated 4/6/07
- PB-4 Freehold Soil Conservation "Certification Letter" dated 3/9/07
- PB-5 MCPB Preliminary Approval dated 4/25/07

Mr. Peter Strong is sworn in as applicant's professional engineer. Having testified before the Board in the past, Mr. Strong is accepted as an expert. Mr. Strong designed the project for preliminary approval. He had made revisions to plan as required by Board professionals' reports. Technical items have been corrected per Mr. Coppola except for notes that should be provided on the cover sheet regarding the conservation easement. A Note was added to plan regarding lighting change. The Plat conforms to preliminary.

Engineer Shafai's report addressed cleaning up the preliminary items. Mr. Mehr addressed Chairman Newman's concerns regarding the conservation easement and the Monmouth County Parks System. Mr. Mehr stated that the Linear

Easement should be accessed via Monroe Township. He had asked the County to clarify the easement. Mr. Mehr will file the Map to solidify the easement. Mr. Mehr advised they would comply with all of the professional's reports and clean up final map. Mr. Shafai asked the applicant which permits would take the longest to ascertain. Mr. Mehr felt the NJDOT would take 6-9 months. Mr. Shafai advised the approval from NJDOT is all-inclusive.

Mr. Kucziniski asked about eliminating the island and perhaps constructing a bridge to elevate the problem. Mr. Mehr has been working on a set of plans to submit to the NJDOT. He advised that the NJDOT has control over what we can do.

Jay Troutman, applicant's traffic expert is sworn in by Attorney Steib. He is accepted as expert and has testified before the Board previously. He gave a status update on the outside approvals with the NJDOT. Offsite intersection improvements were concentrated on. Mr. Cantor's comments were included in the plans that would be going to the NJDOT. Mr. Troutman is working with Board traffic expert Jerry Cantor regarding the traffic issues. He stated that a package would be submitted to NJDOT next week. Crest has prepared permit plans for NJDOT. All of Mr. Cantor's requests have been placed on the plans that are to be submitted to the NJDOT.

Mr. Mehr addressed Item 17 of the Preliminary Resolution concerning architectural uniform design. Mr. Mehr advised that he would show samples of materials in the Ideal Tile application. They would prepare a sample board to present to Mr. Coppola for future tenants in the site. Chairman Newman was concerned that it would be a written narrative standard. Mr. Coppola advised that this is correct and this can be a condition of approval. Have this a condition of subdivision approval and further subject to Mr. Coppola writing a report. Chairman Newman would like it submitted this evening. The Board wanted to see a standard this evening to be used in the park.

Mr. Pado stated that the Board should treat each property as its own entity but we should have architectural continuity in the Park. Mr. Coppola feels unless this condition is locked in, there is a concern. The course of action was discussed. Mr. Coppola explained what architectural elements were looked at. He stressed the need for compatibility but diversity due to the nature of the buildings. This would give the Board the parameters of the architecture. He stated that the Board would still have to deal with each architectural design as each site is visited. The Board would like to carry the final. Attorney Steib explained that the Ideal Tile application would have to be carried to next month since the Board cannot consider an application on a lot that does not exist.

The Board discussed that there are presently too many loose ends to approve the Final application this evening. Mr. Troutman can place Mr. Cantor's comments on the plans.

The application is carried to the next meeting of June 13, 2007 without any further noticing required. The Applicant had granted an extension through the end of June 30, 2007.

P06-11 IDEAL TILE – Block 18, Lot 2.03 Located on Old Route 33 and Farrington Blvd. 14.93 Acres located in the PCD Zone. Applicant seeks Preliminary and Final Site Plan approval to construct a 94,500 s.f. warehouse/storage area, a 4,000 s.f. showroom and 4,000 s.f. of administrative offices.

Attorney Steib advised that he has reviewed the noticing on the application. There are properties in Monroe Township. The Applicant has produced proof that property owners have been served. Based upon that information, he finds service is in order. Jurisdiction is acceptable. Two of the property owner's have signed waiver consents; the post office lost one and the second property owner in Monroe was approached and signed consent.

P07-03 TOTAL STONE – Block 53, Lot 4. Located at Red Valley Road and Trenton-Lakewood Road. 28.7 acres in the BP Zone. Applicant received Preliminary Major Subdivision approval granted on 8/9/06 for a 7-lot subdivision for existing building, private road and 5 new building lots 9/13/06. Applicant returns for Final approval.

Chairman Newman Steps down for the application.

This is an application for Final Major Subdivision approval. Kenneth Pape, Esq. representing the applicant. Attorney Steib read into evidence and made part of the record, the following exhibits:

- A-1 Application dated 2/1/07
- A-2 Resolution Granting Preliminary Major Subdivision Approval
Memorialized 9/13/06
- A-3 Final Plat prepared by Crest Eng. Dated 1/11/07
- A-4 Final Major Subdivision Plans prepared by Crest dated 6/30/05
Last Revised 4/20/07
- PB-1 Board Engineer Report dated 3/16/07
- PB-2 Report of Board Planner dated 5/7/07
- PB-3 DEP Stream Encroachment Permit 3/2/07
- PB-4 DEP Reissuance of LOI dated 2/1/06
- PB-5 NJDEP MOA Approval dated 4/18/07

Mr. Pape advised the Board that he would prefer to send the architectural elements to Mr. Coppola in writing. He has prepared a Draft of the Industrial Park Association Declaration of Covenants, Restrictions and Maintenance Agreement.

Exhibit A-4. Drainage basin design was to be modified and would be a wet basin for fire fighting purposes. Landscaping along the roadway and property perimeter is placed on the plan. Mr. Strong would address those items. The applicant has pursued an NFA letter from the NJDEP. The Brinkerhoff firm has been hired regarding pursuing and securing the NFA.

Mr. Peter Strong is sworn in as professional engineer and professional planner has previously testified and his credentials are accepted. Mr. Strong referred to Exhibit A-9 of the Preliminary application, aerial of site, as he explained the location of the property to the Board. Exhibit A-10 of Preliminary, color rendering showing the original layout of the project. The Final plat reflects the conservation easements and changes made. Regarding the drainage requirements along Red Valley Road, he met with Engineer Shafai and as a result of Mr. Shafai's concerns, additional structures would be added. Mr. Strong explained the remedies made to alleviate the water problem.

Mr. Pape advised when this becomes an industrial park, the gates would be removed and each site will provide its own security. Lighting issues would be resolved by taking the five large lights existing down and replace them with two lights; one at entrance and at the end. The wet basin has a permanent water feature (6' of water at all times). Mr. Strong explained how water is drained and strained. The applicant met with the fire department to come up with this management practice.

Attorney Steib swore in Doug Harm, the Vice-President of Brinkerhoff Environmental Services. He has worked with Brinkerhoff for the past 14 years. He is a registered geologist. The Board accepts his credentials. Mr. Harm's responsibility is to prepare the Memorandum of Agreement. He has submitted a site investigation report to NJDEP. He advised that various metals were detected. He offered that they appear to be naturally occurring throughout the area. Nothing in sampling that there is a source related to a discharge. He advised the Board that if you don't clean it up, you could ask the DEP to classify it as a naturally occurring and not a classified as a remediation scenario. The metals are not volatile, but rather a condition of ingestion. If the property were residential, there may be a concern. He advised that the levels are low and consistent throughout the site. They are not concentrated as if a discharge scenario. All wetlands have all been delineated. Mr. Harm anticipated that an NFA would be received from the NJDEP within 60 to 90 days.

Mr. Coppola addressed the proposed signage. Three signs are proposed and only one sign is technically permitted, this would be a variance situation. He suggested where signs could be located. One sign agreed upon. Mr. Coppola asked about parking of trucks, trailers on property, lack of trash enclosure, lack of any significant landscaping on site. The applicant would return with some architectural suggestions for Mr. Coppola to look at ahead of time.

The matter was carried to the June 13, 2007 meeting. The applicant granted an extension of time through June 30, 2007. The applicant will notice for that meeting since they are asking for variances for the signage.

At 10:29 p.m., Mr. Pepe made a Motion to go into Executive Session to discuss pending litigation and Ms. Pinney offered a Second and by unanimous vote the Courtroom was cleared and the Board and went into Executive Session.

At 10:35 p.m., the Board returned to the regular meeting and seeing no further business and by Motion of Mr. Pado with a Second offered by Ms. Pinney and by unanimous vote, the Board meeting adjourned.

Respectfully submitted,

Pamela D'Andrea