

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
SEPTEMBER 10, 2008**

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

The Secretary read the Adequate Notice.

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

Salute to the Flag.

Approval of the August 13, 2008 Minutes: Tabled to the October 8, 2008 Meeting.

Open Public Comment Portion. Chairman Newman opened the Public comment portion of the meeting to the public at 7:36. Seeing no public comment, he closed same at 7:36 p.m.

RESOLUTION:

EXTENSION OF TIME:

P05-17 FIRST CHOICE – Block 16, Lot 9.10. Located on Rike Drive. 3.26 acres in the BP Zone. Applicant had received 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. Resolution Memorialized 4-6-06. On August 13, 2008, the applicant received an Extension of Time to April 6, 2009.

Mr. Blanco made a Motion to memorialize and Ms. Pinney offered a Second. Roll Call Vote: Blanco, Pinney, Grbelja, Pepe, Beck, Rundella and Newman voted yes to the memorialization.

EXTENSION OF TIME:

P08-12 HARTER FAMILY LTD PARTNERSHIP – Block 17, Lot 8. Located on Highway 33 in the HC Zone consisting of 9.39 acres. Applicant received preliminary and final site plan approval to create three (3) highway commercial lots for future development. Resolution memorialized on 6-14-06. Applicant seeks an Extension of Time.

Attorney Kenneth Pape representing the applicant. Mr. Pape explained that the applicant is asking for a one-year extension of time to perfect the 3-lot subdivision of the 9-acre parcel located on Route 33. The property is located between the PNC Bank and Harter Equipment. He advised that the Board granted Preliminary and Final approval 5/10/06. This was conditioned upon NJDOT approval. He advised that it took 18 months to ascertain that approval. The orchard within the woods had soil

contamination and the applicant entered into a Memorandum of Agreement with the NJDEP and ultimately had received a No Further Action letter.

Mr. Pape reported that all approvals have been secured and all technical comments have been received. Mr. Pape advised that although the applicant is ready to perfect at this time, the MLUL only allows one year as the shortest time for an extension request. Engineer Shafai stated that the plans are acceptable and all outside approvals are in. Only the monuments are to be bonded. The applicant is ready to perfect the subdivision. The extension of time would be one year from the memorialization of the Resolution.

Mr. Blanco made a Motion to approve and Ms. Pinney offered a Second. Roll Call Vote: Blanco, Pinney, Grbelja, Pado, Weintraub, Pepe, Beck, Rundella and Newman voted yes to grant the one-year extension to 6/14/09.

P08-07 ST. JOSEPH'S CHURCH – Block 41, Lot 1. Property located on Sweetman's Lane and Stillhouse Road, consisting of 30.38 acres located in the RU-P zone. Applicant seeks Preliminary and Final Major Subdivision approval to create two lots and a public street. No variance requested. Deemed Complete 7-11-08. Date of Action: 11-08-08. Heard in part on 8-13-08. Carried to 9-10-08.

Stepping down for the application are members Rundella, Pepe and Pado.

The Application is carried from 8/13/08. Attorney Michael Steib explained that the applicant has made a change to the plans and provided revised plans and has re-notice due to those changes.

Attorney Steib advised he had reviewed the re-noticing packet and found same to be in order.

Attorney Steib read the following additional exhibits into Evidence:

- A-10a Jurisdictional Packet
- A-11 Stormwater Management Report prepared by Crest Engineering dated 05/01/08 last revised 08/20/08
- A-12 Stormwater Management /Operation & Best Practices prepared by Crest Engineering dated 05/01/08 last revised 08/20/08
- A-13 Preliminary & Final Major Subdivision Plan prepared by Crest Engineering dated 04/18/08 last revised 08/29/08
- PB-5 Letter from Mr. Pape to Lt. Weltner, Millstone Fire Dept., confirming

site plan review meeting dated 08/22/08

Mr. Pape provided a brief overview of the last meeting. He advised there was considerable comment from the community and the Board and the plans have been revised. The cul-de-sac no longer crosses any steep slope areas. The application has been revised from a 3-lot subdivision to a 2-lot subdivision. The applicants met with Lt. Welter of the Fire Department who provided his input concerning the driveway. He asked that a boulevard be constructed separating the ingress and egress. The intent is for the Church to return to the Board at a later date with a site plan application.

Peter Strong previously sworn in as a applicant's engineer. Marked into evidence as Exhibit A-14, color rendering of the revised subdivision plan.

Mr. Strong gave a brief overview of the plan. The application has been revised from 3 lots to a 2-lot subdivision consisting of 13 and 15 plus acres. Previously, the cul-du-sac was twice as long but has now been shortened. The location of the roadway has been revised and is now centered within that strip of land. The applicant has modified the stormwater management area to make it smaller since the roadway was shortened. Mr. Strong advised that a smaller amount of grading is required.

Mr. Pape advised that the applicant requests that the road be a private roadway. The road would be maintained by the applicant and would be subject to Subtitle 1 of Title 39 traffic enforcement. He explained to the Board that a private road is considered a lot. Chairman Newman asked if the private road is a lot, would the plans be revised to show 3 lots with need for a variance. Mr. Pape advised that he designed the public notice to allow the Board to approve the third lot with any variances to be granted if the Board should deem them necessary.

Ms. Grbelja is concerned for the need for the road between the two residents. Mr. Pape reported that Sweetman's Lane is a County road and the County has a problem with a road off of Sweetman's Lane. The County would allow egress only. The County had indicated that there are no cuts onto their roadway. The access situation to the property was discussed.

Ms. Grbelja's concern is for the residents who will reside on either side of the proposed roadway. She stated that if there is a need to expand the church and for classroom space but she questions if we have the right to infringe on the residents who will have a road right next to their homes with lights and a parking lot behind their homes. She asked if there were other locations that would be good for the Church.

Mr. Pape stated that the roadway is not considered to be a noxious feature and fully conforms with the Township ordinance. Mr. Pape stated that there would be landscaping and buffering to the residents.

Mr. Blanco asked the applicant how they presented the application to the County, as a driveway or as a roadway.

Planner Richard Coppola asked if they County knew of the plan for the proposed project. Mr. Pape advised that the County knew it was for the church and we were coming in with church related buildings.

Sweetman's Lane is considered a scenic roadway and unsafe for access. The boulevard functionally creates two roads for emergency vehicles. This was Mr. Strong's recommendation. If you take out the median and thin it down, it sounds more like a driveway. Mr. Pape stated that as long as they have 40 feet, Lt. Weltner is satisfied. Engineer Matt Shafai stated that is because it is a boulevard. He stated that if it is just a street, 20 feet would suffice.

Mr. Shafai asked how much traffic would be using this road? Mr. Coppola made the comments that this almost like a bifurcated application. He is concerned that the Board should not be taking any action now that influences the design of the later applications. If this was a two lot subdivision, with two single- family homes, he feels there would be no denial by the County to access on Sweetman's Lane.

Ms. Pinney stated that although this is not a site plan, we know the Church hopes to place church related buildings on the property. That will generate an amount of traffic in and out and will need more roadway. She is concerned about the houses to the side of the proposed roadway. She offered her concerns if this land is appropriate for what it is projected for.

Mr. Pape advised there are safe means of ingress but the County is unequivocal about their decision. They will establish a meeting with the County and our professionals to discuss this matter.

Ms. Grbelja asked if we could sit down with the two homeowners on each side of the road. Not comfortable with granting a roadway that is this close to the homeowners.

Attorney Steib has no problem with the professionals and the applicant participating with the County representatives and communicating back to the Board.

Mr. Shafai stated that regarding the layout, there is no access to that lot where the detention basin is blocking. He advised that site triangle easements for road are not addressed.

The meeting would be carried to November 12th 2008 at 7:30 p.m. without any further noticing required.

P08-03 BEAVER CONCRETE - Block 16, Lot 9.09. Located on Rike Drive in the Moto Industrial Park consisting of 7.91 acres in the BP Zone. Applicant seeks Preliminary and Final Major Site Plan approval to construct a 22,400 s.f. building comprised of 6,400 s.f. office space and 16,000 s.f. warehouse for contractor. No bulk variances requested. Deemed Complete: 7-11-08. Date of Action: 8-25-08. Heard in part. On 8-13-08. Carried to 9-10-08. Applicant granted an extension of time to 9-30-08.

Members Pepe and Rundella return for the matter. Mr. Pado must step down.

The application is carried from the August 13, 2008 Meeting.

Attorney Steib reads the additional Exhibits which are entered into Evidence as follows:

- A-19 Letter from Mr. Pape to Lt. Weltner, Millstone Fire Dept. confirming site plan review meeting dated 08/22/08.
- A-20 Stormwater Management plan prepared by Crest Engineering dated 02/01/08; last revised 08/28/08.
- A-21 Preliminary & Final Site Plan prepared by Crest Engineering dated 01/25/089; last revised 08/28/08.
- A-22 Color rendering of Landscape Plan prepared by Crest Engineering dated 08/13/08.
- A-23 Architectural Elevation prepared by Leonard Martelli, AIA, P.A. dated 07/18/08; last revised 09/10/08.
- A-24 Material Board prepared by Leonard Martelli, AIA, P.A.
- PB-7 Millstone Township Environmental Commission Report dated 08/27/08.

Attorney Kenneth Pape representing the applicant. Mr. Pape addressed some concerns that were brought to light at the last meeting. He advised he met with Lt. Weltner of the Fire Department and he read Lt. Weltner's guidance into the record to include that a fire hydrant be located adjacent to the building, fire lane location with specific criteria, show the fire lanes on the front and side of the buildings, a knox lock for any gates on the driveway as well as installation of a knox box to the building, monolithic concrete poured slab for storage of chemicals. Mr. Pape advised that the comments of Lt. Weltner are acceptable to them.

The applicant is uncomfortable with removing the fencing but will make the fence see through black vinyl.

Mr. Peter Strong was previously sworn in on this application and presented Exhibit A-22. He advised that the lot is to be paved. They reduced the lot coverage by 25%. The proposed fence is to be a 6' black vinyl chain link fence. He advised that the site plan has been modified to include Lt. Weltner's recommendations. No combustible materials can be stored within 15 feet of the building. The applicant advised that no variances are needed. The total impervious coverage is 19% where 70% is permitted.

Mr. Pepe asked about the chemicals to be stored on the property. The applicant stated that they are stored in closed, sealed and shrink wrap containers and are ready for shipment to the job site for bridge and road construction projects. They contain epoxy and paint for steel.

Ms. Pinney advised that the EC has received the MDSD list provided by the applicant. They have a concern regarding the materials are going to be stored even though in sealed drums and encased in plastic. She asked the Board to consider if we want a warehouse that is filled with dangerous chemicals.

After much discussion, Mr. Rizzo, the owner of the company is sworn in. He explained that the contractors that paint the bridges bring their paint with them to the job. Liquid chemicals will not be stored in the warehouse.

Mr. Leonard Martelli AIA designed the building. He presented his credentials. He has been an architect for 30 years and has testified before many boards. He was sworn in by Attorney Steib.

Introduced into evidence is Exhibit A-23, mounted color elevations of the floor plan prepared by Leonard Martelli, dated 7-18-08, last revised 9-10-08.

Mr. Martelli stated that the building consists of two stories of office space. Mr. Martelli explained the floor plan to the Board. Beaver Concrete would occupy the first floor with room to grow. The building would be a fabricated metal building with the left side visible to the road. Where trucks enter, they added vertical elements to the loading area. Mr. Martelli advised that the entire building would be skirted with split face block. Mr. Martelli showed the Board the materials and color pallet to be used which was entered into evidence as Exhibit A-25.

There would be no signage on building other than numerals that identify the building.

Engineer Shafai advised that they took out the extra gravel and added grass. Planner Coppola stated that the architecture is much improved and meets the terms of the ordinance.

Planner Coppola voiced his concerns regarding a fenced area and outside storage. All deliveries are to be unloaded and stored inside the building. He does not want the applicant to create the appearance of outside storage at the facility. He stated that given the location of the property at the end of the Park, he suggested adding a berm to the rear of the property.

Chairman Newman asked if the applicant could put up a fence next year and they would not have to come back to us. Mr. Coppola suggested that this may be a consideration for the Master Plan re-examination.

The applicant feels that they would not be setting a precedent with the fencing since there are other uses in the Park that have black chain link fencing such as Ditch Witch, and the School.

The applicant would stipulate in the Resolution and in the Developers Agreement that there is to be no outside storage. Mr. Coppola advised that the fence should follow the contour of the paved area and would be landscape accordingly. Messrs. Shafai and Coppola are satisfied with the black chain link fence as stipulated.

Mr. Weintraub asked about the office space upstairs that is earmarked for growth and potentially for leasing. The warehouse is not to be leased out.

Mr. Rundella asked about both sides of the building having a stucco finish. Mr. Beck is concerned if any trucks spill diesel fuel and suggested that a lip be constructed at the entry way.

Chairman Newman opened the meeting to the public at 9:25. Seeing no public comment, the application was closed to the public at 9:25 p.m.

Mr. Pape waived summarization.

The Board discussed the fence.

Attorney Steib went over the Conditions of Approval including but not limited to:

Revised plans that include the reduction of truck loading area to be paved, no liquid chemicals to be stored on site, the architectural details in accordance with Exhibits A-23 and A-24, the placement of an interior lip at entry doors and loading areas, the fence to be set five feet off of pavement area and landscaped, numeric signage on the building, no interior lit monument sign, door sign, door sign in gold leaf, lights are to be shielded and fixtures to match with others within the Park, applicants agree to the technical comments of Mr. Shafai, applicant to comply with Subtitle 1 of Title 39 traffic enforcement, no outdoor storage of materials or vehicles and the like, black PVC coated

6' see through fencing, security lighting with motion detector to be installed, no vehicle maintenance on the site.

Mr. Blanco made a Motion to approve as conditioned and Mr. Pepe offered a Second. Roll Call Vote: Blanco, Pepe, Pinney, Beck, Rundella and Newman voted yes.

Seeing no new Business the meeting adjourned at 9:30 p.m. by Motion of Chairman Newman and a Second offered by Mr. Pepe and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea