

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

At 7:35 p.m., Chairman Newman called the meeting to Order.

The Secretary read the Adequate Notice.

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

Approval of the October 8, 2008 Minutes: Ms. Pinney made a Motion to approve and Mr. Beck offered a Second. Roll Call Vote: Pinney and Beck voted yes to approve the Minutes.

The approval of the October 22, 2008 meeting minutes was tabled to December 10, 2008 Meeting.

P08-08 GUTTRIDGE, Michael and Christine – Block 60.01, Lots 21.02 and 2. Located in the RU-C (6 acre) Zone. Lot 21.02 consisting of 4.19 acres and Lot 2 consisting of .037 acres. Applicant proposes a Minor Subdivision for a lot line adjustment to transfer .032 acres from lot 21.02 to lot 2. No new lots being created. Bulk variance needed.

Ms. Pinney made a Motion to memorialize the Resolution and Mr. Beck offered a Second. Roll Call Vote: Pinney and Beck voted yes.

"HOUSING PLAN ELEMENT AND FAIR SHARE PLAN"

Discussion and public comment regarding the Millstone Township's "Housing Plan Element And Fair Share Plan" document, prepared by Coppola & Coppola Associates. No formal Action will be taken at this time.

Mr. Coppola advised that the Plan is to be adopted with a public hearing on December 10, 2008. Mr. Coppola offered that the rules have changed since his October 22, 2008 open public informative session with the Township Committee and the Planning Board.

He gave a brief overview of what has occurred this year, including but not limited to:

- COAH threw out the regional contribution
- Age restricted units are not considered family units, i.e. group homes, assessor apartments, supported housing for disabled veterans. Only family units with unrestricted access to eligible households.

- No longer 2:1 credits. The Township must fulfill its need (25%)

Mr. Coppola reported that the Township has entered into a lawsuit against COAH, along with 18 other municipalities. He advised that the deadline to adopt and file this report with COAH is December 31, 2008.

Mr. Coppola explained that the Township went from having to provide 69 unit to having to provide 169 units. Mr. Coppola explained the Builders Remedy Lawsuit that the Township would be open to if they do not file their report by December 31, 2008.

Mr. Coppola explained the purpose and responsibilities of a Court Appointed Master. The Master adheres to the COAH rules and the Court rulings. He offered that it is a no win situation.

Mr. Coppola advised that we must protect the basic zone plan of the Town

On October 30, 2008, COAH modified their requirement. Mr. Coppola has had to revise the Township plan to accommodate those recent changes.

He offered that there are three (3) components of need: rehabilitation component for a need of 15 units for Millstone that have a physical deficiency (i.e. plumbing, septic systems, etc.); prior round obligations – 1987 to 1999 affordable housing obligation of 81 units is completely satisfied with 84 units, providing us with a three unit credit; there is a 46 unit RCA credit with Asbury Park. There are minimum and maximums that COAH prescribes. This plan maximizes the credits that Millstone gets. Our Maximum is 43 units and that is what is in the Plan .

Fifty (50%) percent of the actual units have to be family units; 25% have to be rental housing units (which computes to 43 units); no more that 42 units can be for age restricted. Thirteen (13%) percent for of the 169 unit obligation must be provided to very low income household and at least 11 of those units must be family units. No more that 16 units can be assessor apartments.

Mr. Coppola explained how the Township had to work around the septic/well issue within the Township. He explained that the PCD zone located on Route 33 is for non-residential development. The proposal is to build less square footage then is permitted by ordinance, move away from the residential community to the rear and add to the plan a total of 85 family units for rent. By doing this it affords the Township to get the full credit needed.

He explained the configuration of the units. He explained that it is not an easy item for the COAH work group to come to grips with but there is no other way. Mr. Coppola offered that the Plan tries to meet the COAH rules and get the benefits of the bonuses.

Mayor Grbelja explained that they have done everything they possibly could regarding our COAH obligation. Ms. Grbelja spoke about the lawsuit the Township is a litigant in. She explained that it is a specific group of municipalities that are in the lawsuit. We still must submit a bonafide plan. She advised that any town that does not submit a viable plan will find themselves in Court.

Chairman Newman opened the discussion to the public at 8:19 p.m.

Evan Maltz explained that the developer of the Plan has been interested in this plan since 1999. He explained the problems in that area. There are concerns that a fire department has no substation there. He asked the Board to consider the location and how it affects the homeowners there.

Jim Whitney of Indian Path is concerned about the havoc it will cause back there.

Elaine Vrable of Indian Path stated that the land is forested and a pond exists on the property the Board is considering for this housing.

Mr. Coppola explained that this is an opportunity to have an area designated as having a hard edge. The sewage facility is a sealed system so that it cannot expand. No zoning change will take place in that area. The key is the number of units and the rules as they stand now. Mr. Coppola explained that clean tax ratables make your COAH obligation go up.

The Town is not accepting the presumptive number set forth in the plan of 179. The Town always has the right to amend the plan.

Mr. Maltz voiced his concern that we protect our interests and Mr. Coppola stated that this is an inclusionary development. If it is not done together then it is not done. Mayor Grbelja stated that this is not a sewage treatment plant. The headwaters are a concern. Homes there have septic failure rates in the development there. The water supply has issues there.

Jeff Smith, Bergen Mills Road. He voiced his concerns that these structures change the profile of the Township. He feels property values would plummet by building the 85 units in this highly visible, high profile area.

Richard McDonald of Bergen Mills Road. Asked what will be established at the December 10, 2008 meeting. He asked if there is a Plan B?

Ms. Grbelja stated that it is the Towns' concern to keep its quality of life. Mr. Coppola stated that part of the lawsuit was to try to get an extension of time to submit the plans. He advised that the League of Municipalities filed a lawsuit as well.

David Demonte asked about filing an appeal with the Supreme Court or Court of Appeals.

Ms. Grbelja explained how ridiculous the COAH Rules are. She stated that COAH cannot even answer how they came up with the formula. The Governor mandated the number of affordable houses needed. Our litigation group has the same concerns, i.e. we have paid our RCA's, we have built our affordable housing and we have environmental constraints. Mr. Grbelja will try to put something on the website to put some pressure on the Governor and the legislators.

Attorney Michael Steib stated that any members of the public who have recommendations of properties available should submit them to the Board and the Board Secretary so that they can get to the Planner Richard Coppola for consideration. He explained the process.

Municipal land, farmland and open space are not eligible for consideration as possible COAH housing. Mr. Coppola advised that land has been obtained via planning board applications.

Vincent Digugliamo voiced his concerns about traffic and they are being trapped where they live on Bergen Mills Road. The property is impacted.

At 9:20 p.m., the matter was closed to the public.

The Board took a break returning at 9:45 p.m. to the next application.

CARRIED APPLICATION:

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 and 9-10-08. Carried to 11-12-08.

Messrs. Sico and Pepe are absent. Messrs. Rundella and Pado step down for the continuation of the application.

Mr. Kenneth Pape, representing the applicant. He explained that the lands were donated by the Halka Family and are located on Sweetmans Lane and Stillhouse Road. It was modified from three lots to two lots.

He stated that the roadway is now shorter and it would be a private roadway. The applicant would comply with Title 39 enforcement. There was a concern that the new roadway would have an impact on the owners on either side of that private drive. The Board had asked the applicant to meet with the Monmouth County Planning Board (MCPB) and Engineer Matt Shafai. Mr. Pape advised that the meeting took place. The MCPB would entertain access on Sweetmans Lane with excel and decel lanes. When the applicant presents the site plan, they will incorporate this into the plans. A right in and right out driveway would be on the plan. The site plan is subject to the approval of the MCPB review and approval.

The residents on either side of the driveway met with Board Engineer Shafai and the Engineer Peter Strong and Attorney Kenneth Pape and have reached an accord. They are present here this evening. Land would be dedicated to each resident. They will gain 14,000 s.f. and the applicant will landscape that property. Mr. Pape would memorialize a contract with each party prior to the Board memorializing any Resolution.

Mr. Pape will address the site triangle easements on both of those properties on each side of the private driveway.

Chairman Newman asked that the landscaping be bonded. Mr. Pape clarified that the landscaping would be subject to the same bonding and maintenance bond.

Attorney Michael Steib enters into Evidence the following exhibits:

PB-6 Report of Board Engineer dated 11/4/08

PB-7 Report of Board Engineer dated 11/7/08

The two residents who will have the roadway in between them, offered their comments to the Board. Mr. Hershafft feels that Stillhouse Road is unsafe and he explained his observations concerning the problem on that road. He feels that the configuration of Stillhouse Road is dangerous and unsafe.

Mr. Marques, 88 Stillhouse Road, advised that he is satisfied with the landscaping arrangements made.

Peter Strong has been previously sworn in and under oath as the applicant's engineer.

Introduced into evidence is Exhibit A-15, color rendering of driveway design.

Mr. Strong explained the exhibit. The roadway has been reconfigured. Landscaping has been introduced to the two neighbors. There will be sidewalks per Mr. Shafai's comments. For the site triangle, Mr. Marquez' trees would be removed and the fence on the Hershaft property would be removed also.

Ms. Grbelja has concerns regarding the impact to the residents from car headlights as cars turn into the proposed driveway. Headlights illuminating into the front windows of the houses on each side of the driveway is problematic.

Mr. Pape advised that he would work with the neighbors and have this in place at the site plan portion of the project.

Mr. Pape stated that all technical requests made by professionals can be met.

Mr. Shafai asked for clarification if the roadway is a private road or a Township road. The applicant would like to maintain the roadway as a private road. Mr. Coppola wants to see the landscape plan. Mr. Shafai asked what party would be responsible for maintaining the screening berms. There will be a strip of grass adjacent to the roadway and at the point of site plan the decision will be made of the sidewalks.

Engineer Shafai advised that no church identification sign would be located at the entrance of the roadway. He also advised that there would be no street light at the corner.

Engineer Shafai had a question regarding the landscaping plan that was put in place when the temporary trailers were placed on the St. Joseph Church property. Planner Coppola stated that this is an issue to be looked at site plan review.

Chairman Newman opened the application to the public. Attorney Pape asked the packed audience for a show of hands to let the record show that the majority of the audience raised their hands in support of the church.

Jason Reese (Lot 1.04) - has concerns that no one came to him to explain what the Church was planning to do. He is concerned about his privacy as it is impacted by this application. The proposed project would abut the rear of his property

Edward Hershaft does not want sidewalks there. He is concerned about screening.

Robin Parker of Stillhouse Road is sworn in. She asked how would any future building be built without affecting the existing slopes? She would like to know what the applicant is proposing to build behind her home.

Chairman Newman advised that drainage, parking and stormwater management issues would be addressed at the site plan phase and he further advised that the applicant would not receive any site plan approvals until all outside approvals have been met.

Mr. Pape explained that the building that was approved for the Church is now inadequate in size (9,000 s.f.) to build the parish center. This application is for a subdivision of the donated Halka property that will handle the parish size.

Mr. Pape will have an open house for the public to see the proposed site plan.

Richard Hanlon of Sweetmans Lane. He stated that he is the largest landowner next to this property. His is an active parishioner but is opposed to this project. He does not want the building next to his home. He feels the church has not been clear with the neighbors as to how the project is going to impact his property. He explained his concerns about the flow of traffic on the road. He would like to have his property buffered from the project with either trees, berming or both.

Chairman Newman stated that at site plan the Board would look for appropriate screening.

Chairman Newman closed the public portion at 10:35 p.m.

Attorney Pape summarized that the subdivision is for the creation of two oversized lots. They offer that the roadway be privately owned and maintained. The site plan for parish center is to follow. They would reach out to the members of the community. The private road is an additional lot with variances needed.

Attorney Steib read the following conditions as conditions of approval, including but not limited to:

Propose a private road with Title 39 enforcement, offer to enter into a Memorandum of understanding with the NJDEP, will comply with the technical comments of the Engineer's report, work out the location of a horse trail at site plan, right in and right out does not apply to single-family homes, each adjacent property owner would be given property annexed to their parcels as shown on Exhibit A-15 along with the associated landscaping to be moved back 5 feet for potential sidewalk that will be decided at site plan, site triangles across the two properties, landscaping adjusted accordingly, the two owners would provide confirmation of those agreements to be reviewed by the Board

professionals prior to the memorialization of this Resolution, consent to the landscape 50 feet along the rear of properties, no street light at the intersection of the new roadway, landscaping to existing property on Stillhouse Road must still be addressed, no lighting at the intersection and only one light located at the end of the cul-du-sac, landscaping around the detention basin.

Ms. Grbelja advised that she is happy that some agreement came between the parties.

Father Lang thanked the Board.

At 10:51 p.m. the application ended.

EXTENSION OF TIME:

P08-010 PERL ACRES NORTH – Block 54, Lot 5.01. Located on Route 526. Previously Zoned R-130 consisting of 44.69 Acres. Applicant received Preliminary Major Subdivision approval to subdivide 11 residential lots received 4-23-03. Applicant Received Final Approval 3-14-07. Resolution Memorialized 4-11-07. Applicant seeks and Extension of Time to perfect the Subdivision. Zone presently RU-P. No Noticing Required.

P08-11 PERL ACRES SOUTH – Block 55, Lot 2, - Located on Route 526. Previously 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 Approval granted 3-11-07. Resolution Memorialized 4-11-07. Applicant seeks an Extension of Time to perfect the Subdivision. Zone presently RU-P. No noticing required.

Mr. Kenneth Pape representing the applicants. Mr. Pape stated that the applicants have been diligent in pursuing the outside approvals and all outside approvals have been secured. The purpose of this extension is to allow the applicant to continue communicating with Township representatives to place the smaller property, Perl Acres North, into a land preservation program and to avoid forcing the perfection of the subdivision. This would further allow the greatest amount of time to allow the Perlman to pursue preservation. The applicant requests a one-year extension to keep the properties open to allow them to pursue preservation.

Mr. Shafai stated that the three acre zoning will return to 10 acre zoning if the subdivision is not perfected.

Funding is the problem. Ms. Grbelja explained that the current funding is dedicated to the purchase of the one Perlman property and the Township is seeking additional revenue sources. The Township Open Space and Farmland Preservation Council

(OSFP) has slated this property as a desirable piece to preserve. The applicant explained that perfecting the subdivision is a great expense and would like to avoid that. They ask the Board to cooperate since all that is left is the posting of the bonds. Other approvals will last through the extension granted by the Board. If the extension is granted, the applicant would install two drainage structures that would have to be placed in the fields since there is no extension from the DEP regarding the stream encroachment permits.

Pat Butch, Chairperson of the OSFP was sworn in. She stated that the OSFP was behind the project and has received funding to preserve one piece. She explained the limited funding available and this time. It will be a fee simple purchase and allow for public access in the future into the waterway (Green Acres piece). Ms. Butch explained that they are working with the State who is preserving about 600 acres in this area. They are going after a Monmouth County Open Space Grant that would be applied toward this property. Ms. Butch explained that this has been a well thought out process. She explained we need time to get this work done in order to make the landowners an offer. Ms. Butch advised the Board that it takes approximately 1 ½ years to work out a project.

Chairman Newman closed the public portion at 11:05 p.m.

No further business on the agenda. The meeting adjourned at 11:07 p.m. by Motion of Mr. Rundella and a Second offered by Mr. Weintraub and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea