

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
DECEMBER 8, 2010**

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

The Secretary read the Adequate Notice.

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

Approval of minutes: September 22, 2010 Meeting minutes were discussed. Two grammatical changes were made. Mr. Blanco made a Motion to approve as amended and Ms. Pinney offered a Second. Roll Call Vote: Blanco, Pinney, Pado Beck and Newman voted yes to approve.

WAIVER HEARING:

P10-12 NORTH PARK SOLAR ENERGY FARM – Block 16, Lots 2.01 located at N. Disbrow Hill Road consisting of 126.29 acres in the BP zone and Lot 9.05 located at 700 Rike Drive consisting of 4.93 acres in the BP Zone. Applicant seeks waivers from checklist items. If waivers granted, applicant shall proceed to the Board for Preliminary and Final Site Plan approval to construct a solar energy farm. Variances requested. Noticing required for the hearing.

Mr. Pado steps down due to a conflict.

Attorney Kenneth Pape representing the applicant Key Investments on the North Park Solar project. The applicant is before the Board for a waiver request from checklist completeness items. Mr. Pape provided a brief overview of the project to the Board.

The property encompasses 130 acres that is generally landlocked. The project is located 1,000 s.f off of Route 33, behind the Moto Industrial Park farmed property. He explained that a few stream corridors and wood rows exist. The aerial photograph of the property shows the property and a general concept of the solar farm. The process consists of installation of solar panels on metal frames with no foundation that are either hammered in or screwed into the ground. He explained that electricity is collected.

Mr. Pape offered that several laws impact solar energy. The State of New Jersey resolved to go green. The second was the stimulus bill has which made large grants available for these facilities. The Federal Government made a 30% grant available. That grant made solar farms make sense. In November 2009, these facilities were

deemed to be inherently beneficial now allowing solar panels to be erected any zone. They are permitted to be installed in any industrial zone.

The completeness waivers were addressed. The applicant advised that Checklist Items A and B are no longer waiver request items. Checklist Item C was to add tree protection fencing limits. The Board recognizes that this is an unusual project. Solar panels are built in the field. The Environmental Commission generated written guidelines on the use of a silt fence. The EC recommended that the applicant place silt fences in the fields and not into the trees. A silt fence buried in the ground should take care of this. Board Engineer Shafai advised the Board that the applicant is not grading and stated that at he has no problem of putting a silt fence up in the field. Mr. Pape stated that Freehold Soil has been working with the applicant for one year.

Waiver of Checklist Item D is to revise the plans to reflect the inclusion of the legend and applicant agreed to address that item. The last item was to show on the plans, all of the shade trees and all ornamental trees. The applicant asked for a waiver from that requirement since they do not have ornamental trees. They are only taking down secondary shrubs. The Shade Tree Commission had made a recommendation to have front landscaping at the entrance. Mr. Pape advised the Board that the Shade Tree Commission made no comment concerning tree clearing of the secondary shrubs.

Checklist Item E, a waiver from the applicant going into the field to survey the edge of trees and place them on the plans. Both the Board Engineer and Planner had no objection to the to the waivers request. The silt fencing is fine. There is to be no grading, no building and no parking lot.

Chairman Newman referred to the EC report and asked about the applicant's investigation of endangered species. Mr. Pape stated that the endangered species investigation was done in November but the breeding habits could not be completed due to the time of year. The applicant will return to the site at the time of year for the breeding investigation. For these reasons, the applicant would request that the Board defer that compliance item until the spring when the breeding investigation can be performed.

The Board asked what the number of solar panels would be that would be installed. The applicant advised thousands of panels would be installed.

Chairman Newman advised the applicant to keep the project construction crews away from the trees. They do not want any trees disturbed by this project.

Mr. Blanco stated his concerns if the investigation reveals that endangered species breeding is taking place. The Board would grant approvals for Phase I. The EC is comfortable with this until the species investigation is performed.

Mr. Pape offered that two specific species may inhabit the area, turtles and the red-headed wood pecker. They anticipate they will find turtles. The red-headed woodpeckers have not been seen in this county yet. They live in large dead trees. The applicant will go out in April to look for those birds. Mr. Pape advised that his client is aware of the ramifications should the species be found.

The Waiver items have been addressed. Mr. Pape reported to the Board that the public hearing on this application could not be heard this evening since there was a deficiency in the public notice. Mr. Steib advised that the Board could not take jurisdiction.

Mr. Pape provided the Board with the special reasons why they are asking the Board for a Special Meeting. The applicant is aware of the risk that the Board may not be able to achieve a quorum or complete its deliberation by the year end. The applicant offered its appreciation to the Board and its professionals.

Chairman Newman, considering the Board has not had a full year of meetings, polled the Board for a voice vote as to the member and professionals availability. The applicant will re-notice for Wednesday, December 22, 2010 beginning at 7:30 p.m.

Chairman Newman asked for a Motion granting the waivers. Mr. Blanco made the Motion and Mr. Kurzman offered a Second. Roll Call Vote: Blanco, Kurzman, Grbelja, Pinney, Beck and Newman voted yes. Mr. Masci abstained due to a potential conflict.

NEW APPLICATION:

P10-09 MILLSTONE PROPERTY INVESTMENTS, LLC. – Block 16, Lots 11.01, 11.02 and 11.03. Located at 1 Prodelin Way consisting of 9.87 acres located in the HC Zone. Applicant received approval to construct a one-story 9,900 square foot day care center along with a 6,000 square foot one-story office and storage building on 6-13-2007 and was granted a one-year extension of time through 6-13-2011. Applicant returns to the Board for an Amendment of Preliminary Site Plan approval to include access through Monroe Township. Waivers requested. No variances requested. Noticing required.

Attorney Aravind Aithal of Bob Smith & Associates, representing the applicant, gave brief overview of the project. He explained that the applicant was seeking a number of waivers and explained that the applicant was before the Board this summer for a one-year extension of time which was granted in Resolution dated August 11, 2010. Mr. Aravind went over the waivers that are being sought.

Attorney Steib had reviewed the noticing packet and found same to be in order and the Board accepts jurisdiction over the application.

Attorney Steib placed the following exhibits into Evidence as follows:

- A-1 Jurisdictional Packet
- A-2 Application dated 10-25-10
- A-3 Survey and Topography of property Prepared by Concept Engineering dated 11-20-03
- A-4 Aerial of Property prepared by Concept Engineering dated 10-21-10
- A-5 Amended Preliminary Site Plan prepared by Concept Engineering dated 6-20-06, last revised 10-5-10
- A-6 Traffic Report prepared by McDonough & Rae Associates, Inc. dated 11-19-10
- PB-1 Report of Board Engineer dated 12-3-10
- PB-2 Report from Planner dated 12-3-10
- PB-3 Staff Report from D&R Canal Commission dated 11-17-10

Attorney Steib swore in John Ploskonka, P.P., P.E. applicant's professional Engineer. He presented his credentials, has testified before the Board in the past and is accepted as an expert witness.

Mr. Ploskonka gave a brief overview of the project. In 2007, the applicant, in application P06-15, had received Preliminary Major Site Plan Approval to construct a day care center and a flex building with a road located off of Prodelin Way. The property encompasses approximately 10 acres.

An extension to time was sought and granted through June 13, 2011. The applicant went to Monroe Township to build on to the adjoining property. The applicants want to go back to the Monroe Township property to connect the two properties to allow them to have access for emergency vehicles between the two sites. Mr. Ploskonka had an exhibit that was an overlay of the Millstone approval and the Monroe approval.

Entered into Evidence, A-7 Aerial Photograph of subject property prepared by Concept Engineering.

Referring to Exhibit A-7, Mr. Pado expressed his concerns about the traffic, the parking and drop off area for the children at the day care center. He considers this to be a dangerous intersection off of Prodelin way.

The applicant formerly prepared an historic pesticide report and an LOI and the only change here is that they are taking out the cul du sac and making it into a straight road. Engineer Matt Shafai did not refer to these as waiver requests since we are in possession of these reports. His only issue is traffic.

Mr. Ploskonka went over the color rendering of the proposed buildings for Monroe Township with the Board.

Mr. Pado was concerned about traffic created by this project.

Attorney Steib swore in John Rae, traffic engineer for McDonough and Rea of Manasquan NJ.

Mr. Rae presented his credentials to the Board. He offered that he was an engineer specializing in traffic engineering. He has been in this field for 35 years. He received his BS from NJIT, and his Masters from Poly Tech in NY. He has appeared and testified before many boards and before this one as well. He is accepted as an expert.

Mr. Rae testified that he had visited the sites during peak hours to study the traffic flow on Route 33 and Prodelin Way. He is familiar with the application from a traffic standpoint.

Mr. Rae refers to the aerial photograph. The subject properties are located at the southwest quadrant of Route 33 and Prodelin Way. He stated that the Millstone proposed site plan and the two parcels in Monroe are presently not interconnected.

He explained why the interconnection makes sense from a traffic standpoint. He pointed out how Millstone residents must traverse four miles and travel through two intersections to get to the Monroe Shopping Center. Mr. Rae explained the benefit of the interconnection for emergency vehicles.

Mr. Rae explained the level of service on Prodelin Way is Level C and he explained what that meant. He explained the heavy traffic using Perrineville Road and Applegarth have access issues during afternoon rush hours.

Regarding the Riverside Center project, there is an improvement plan for the intersection being reviewed by the NJDOT at this time. Mr. Rae stressed the regional problem with Route 33 corridor. The applicant is trying to keep with the NJDOT access

code to spread traffic out if you have alternative side street access. Mr. Rae offered that this is good planning.

Mr. Rae addressed the day care center. There is no drop off area for parents. They will be required to park and bring the child inside the center. He feels this takes 5 to 6 minutes for that activity to occur. He made the recommendation that parents park along the Prodelin Way area. The employees would park in another area.

Truck traffic was discussed. Mr. Rae does not expect a lot of truck traffic in this area. Mr. Rae stated that the applicant would occupy space in the flex building. His recommendation to the applicant is to consider a sidewalk connection between the two buildings. Parking spot designation could be part of a lease agreement and in the Resolution and part of a deed restriction.

Mr. Blanco asked about the wetland issues in the redesigning of the road.

Ms. Grbelja is concerned about Prodelin Way. She feels that you cannot see. She reels that the road is a dangerous road when there is no extra traffic. Some icy conditions may make the road even worse. She feels Prodelin cannot handle the additional traffic. She advised that Millstone Township is not in a position to repave or change that road. She does not want this project to be a major thoroughfare for this road.

Mr. Masci asked Mr. Rae if he was aware of the number of vehicular accidents occur at the Route 33 and Prodelin Way. Mr. Rea anticipates 10 accidents per year.

The pros and cons were discussed of cross access from Monroe to Millstone. Traffic back-up issues were discussed. Mr. Pado asked about eliminating the Prodelin Way entrance/exit and consider having the entrance/exit in Monroe.

Mr. Rae offered that interconnecting properties is one of the NJDOT's centerpieces of the access code. It is a collective roadway and a main feeder for residents to get to Route 33.

The Board is concerned with traffic speeding down Prodelin Way and parents coming out of the driveway of the day care center having to deal with this traffic.

Mr. Kurzman asked what business is proposed on the Monroe side. Mr. Rae advised it would be neighborhood commercial business such as a bank, a dry cleaning business, pharmacy. The tenant would be limited to septic and well presently.

Ms. Pinney was concerned three years ago at day care center and where it was located. Now, the applicant is discussing a plan that would impact traffic further.

The client advised that they are willing to restrict truck deliveries. Mr. Blanco has safety concerns and asked Mr. Rae how do we make it safer? Mr. Rea he says they exceed the standards. He explained how he assesses a site. Site triangles will be on the plan and established so there would be an area where nothing planted or constructed for clear site.

The applicant can make it safer by restricting left hand turns out of the driveway on Prodelin Way. Mr. Rae stated that there is no benefit to cut through Monroe to go though the Millstone site to make a right on Prodelin and he explained.

Board Planner Richard Coppola has a concern with the compatibility of uses in Monroe and Millstone. A one-way road serving the flex building and day care may safeguard concerns of the Town and provide an inter-connection for emergency purposes.

Board Engineer Matt Shafai asked if the applicant considered any traffic calming devise such as a speed hump or speed bump. The applicant advised he is worried about liability.

The application was opened to the public at 9:30 p.m.

Pat Butch, 40 Prodelin Way. Attorney Steib swore in Ms. Butch. She explained that ditches are located on both sides of Prodelin Way. She is concerned about traffic and the safety of the road situation that could develop. She advised this is a dangerous road. The speed limit is 50 mph. She agrees with "IN" only access off of Prodelin Way. She asked that the applicant consider a Knox box for emergency vehicles. She is concerned about of safety of children.

At 9:40, seeing no further public comment concerning this application, at 9:40 p.m. the Board took a recess.

The Board returned from its recess at 9:50 p.m.

The applicant's attorney has a few proposals to offer the Board. Mr. Ploskonka advised that they can restrict the entrance to "No left turn out". They can install a traffic calming speed hump between the two buildings.

Chairman Newman's concern is if they are going to propose a different traffic pattern he would like the Board to have their own traffic expert consider the new proposal. The traffic expert would review the original plan and finds it to be fine or the plan that we come up with this evening at this meeting.

The next meeting of the Board is January 12, 2011. The Board was polled.

The applicant requested an additional recess to confer with the applicant.

NEW BUSINESS: During the break, Mr. Coppola provided an update to the Board of COAH. On October 8, 2010, the Appellate Division threw out the gross share portion. COAH was given five months within which to come up with new rules. They have not done anything with this. Today, COAH asked for an extension of time. Mr. Coppola advised that we had property we were looking at on Route 33 and that proposal is essentially dead.

Mr. Coppola advised that in the Appellate Decision, towns could request a stay from COAH pending adoption of new rules. Mr. Coppola advised that Millstone Township filed for the stay. Mr. Coppola stated that the Township wants it stated on the record that we have the stay. COAH has granted 6 stays. Millstone Township has done their prior rounds and stays we are scheduled for January 12, '2011.

On December 9, 2010, the Senate Committee will be hearing and discussing S1 and 337 assembly bill. Something can be enacted by this calendar year. It could go either way. The Republicans are against the bill.

Mr. Coppola advised the Millstone Township is in good shape. He advised that there will always be an affordable housing obligation even if COAH is gone. We may have worse rules to follow.

The Board returned to the application of Millstone Property Investments application.

Attorney Aravind Aithal asked if the Board would entertain granting an extension of time to the applicant so that the Board could engage a traffic expert, at the applicant's expense, to review Mr. Rae's report and the original and proposed amended site plan. An extension of time was granted to and including January 31, 2010.

Mr. Jerry Cantor of Horner and Cantor traffic expert would be contacted. Mr. Shafai would be in touch with him to facilitate his receiving the plans and reports, etc.

The hearing of the application was carried to January 12, 2011 meeting, without any further noticing required.

REVIEW AND RECOMMEND:

ORDINANCE NO. 10-31

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV
"LAND USE DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF
MONMOUTH AND STATE OF NEW JERSEY, BY ADDING NEW
SUBSECTION 16-7, "PRIVATE STORMDRAIN INLET RETROFITTING" AND
16-8 "REFUSE CONTAINERS/DUMPSTERS"**

Engineer Shafai provided an overview of the Ordinance. He advised that the NJDEP requires retro fitting storm drain inlets on private property. If a party paves, or resurfaces their parking lot, they have to retro fit drainage to comply with NJDEP standards.

Also, dumpsters and containers are required to be covered so that there is no overflow, spillage or leakage.

Mr. Shafai and Mr. Coppola offered that the Ordinance is consistent with the Township Master Plan.

Ms. Pinney made the Motion that the Ordinance is consistent with the Master Plan. Mr. Pado offered a Second. Roll Call Vote: Pinney, Pado, Grbelja, Masci, Blanco, Kurzman, Beck and Newman voted yes to the consistency.

See no further business, Mr. Blanco made a Motion to adjourn the meeting and Mr. Pado provided a Second and by unanimous roll call vote, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Pamela D'Andrea