

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
MAY 11, 2011**

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

The Secretary read the Adequate Notice.

Salute to the Flag.

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

APPROVAL OF MINUTES: March 9, 2011

One change was made to reflect that the meeting was opened by Mr. Kurzman and not Chairman Newman. Ms. Pinney made a Motion to approve the Meeting minutes and Mr. Ziner offered a Second, Roll Call Vote: Pinney, Ziner, Grbelja, Macsi, Pepe, Kurzman, Beck and Kocur approved the minutes and amended.

At 7:35 p.m., Chairman Newman opened the meeting to the public for any comment that they may have outside of the applications that are before the Board this evening. Seeing no public comment, he closed that portion of the meeting at 7:35 p.m.

RESOLUTIONS:

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 returned to the Board for an Amendment of Preliminary Site Plan approval to include access through Monroe Township.

The Board having reviewed the Resolution, Ms. Grbelja Made a Motion to memorialize the Resolution and Mr. Masci offered a Second. Roll Call Vote: Grbelja, Masci, Pinney, Beck, Ziner and Kocur voted yes to the memorialization.

EXTENSION OF TIME:

P11-04 33 ASSOCIATES (RIVERSIDE CENTER) – Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant received Preliminary Major Subdivision approval in Resolution Memorialized 1-10-07 and Final Major Subdivision Approval in Resolution Memorialized 7-11-07. In Resolution memorialized on 6-8-09 applicant sought and was granted a one-year extension of time to 6-8-10. On 8-10-11, applicant sought and received their second one-year extension of time concluding on 7-11-11. Applicant sought and received a third one-year extension of time through 7-11-12. No Zone change. No noticing required.

Attorney William Mehr representing the applicant. In his letter to the Board dated April 21, 2011, he set forth the status of the project. There has been no change to the zone. The applicant had received final major sub and approval in 2009 with an extension of time received through July 2011. Mr. Mehr explained to the Board that the project had received NJDEP, NJDOT, Delaware and Raritan Canal Commission (D&RCC) and Freehold Soil Conservation (FSC) approvals over a period of eight years. Mr. Mehr explained that the applicant has posted bonds to remove the soil on the site. He explained that all plans were to proceed this spring.

The applicant discovered that the NJDEP had changed their regulations that impact this project. Mr. Mehr stated that percolation tests were performed and approved on all lots. The applicant had received a letter from the NJDEP advising them that the new rules are based on common owner/common development, as opposed to individual lots, for the 2000/gal usage per day. The rules states that the applicant is only entitled to one septic system for one lot in the development and it does not matter the size of the lot. In light of this new ruling, the applicant can no longer proceed because they have lost their financing. Mr. Mehr explained that they are currently contesting this ruling with the NJDEP. He continued to explain their dilemma. This will not be resolved by the July 11, 2011, the extension deadline. He explained that the NJDEP are reviewing the regulations and that may take some time.

Mr. Mehr offered that the regulations changing have impacted the detention basin they were putting in Millstone. They are now required to revise the plan. Mr. Mehr advised that over 4 million dollars has gone into this project. He went before the Township Committee to enlist their support of a wastewater management plan but the NJDEP did not approve. Mayor Grbelja offered that the Monmouth County Planning Board and Monmouth County officials did not have a problem; it was the NJDEP that had the problem. Mr. Mehr stated that the applicant is caught in the middle at this point.

Chairman Newman asked about the bond. Engineer Matt Shafai confirmed that the applicant has a bond for restoration. He inspects the soil as does Freehold Soil Conservation.

The matter was discussed by the Board.

Board Attorney Michael Steib advised that the applicant can take a third one-year extension in accordance with N.J.S. 40:552A rather than use the extension related to relief from governmental agencies N.J.S.40:552D. Mr. Mehr would prefer to save the extension under 2D.

Mr. Blanco made a Motion to grant the one-year extension of time and Mr. Masci offered a Second. Roll Call Vote: Blanco, Masci, Grbelja, Kurzman, Pinney, Pepe, Beck, Ziner and Newman voted yes to the extension.

P11-05 IDEAL TILE - Block 18, Lot 2.03 Located on Old Route 33 and Farrington Blvd. 14.93 Acres located in the PCD Zone. Applicant received 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 in Resolution memorialized 7- 11-07. On 8-11-10 Applicant received a two-year extension of time to allow for the creation of the subdivision which this application is part of (Block 18, Lot 2.02) which ends on 7-11-11. Applicant seeks third one-year extension of time. No Zone change. No noticing required.

Mr. Mehr representing the applicant advised that this application, is subject to the same circumstances as 33 Associates. Although Ideal Tile is no longer in the picture because it has taken so long to perfect this subdivision, they had an option to back out. The applicant wishes to preserve the approvals and secure the extension. They are not proposing any changes to the approved plan and there has been no zone change.

Mr. Shafai advised that he nothing to add. The project cannot begin until the subdivision is created.

Extension granted under N.J.S. 40:552A.

Mr. Blanco made a Motion to grant the one-year extension of time and Ms. Pinney offered a Second. Roll Call Vote: Blanco, Pinney, Masci, Grbelja, Kurzman, Pepe, Beck, Ziner and Newman voted yes to the extension.

P11-02 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 received Preliminary and Final Major Subdivision approval 1-14-09. Applicant seeks a one-year Extension of time to perfect the subdivision. No noticing is required. Members Pepe and Kocur stepped down due to a conflict of interest and left the meeting room.

Attorney Peter Klouser appeared on behalf of St. Joseph's Church. There has been no change in zoning that would impact this application. Mr. Klouser explained the land that is the subject of this application, was donated by Halka Farm. The time ran to perfect this subdivision in January 2011. Mr. Klouser stated that any extension granted would retroactive. He explained that the purpose for the need for an extension is an economic one. He applicant wishes to preserve its protection of any zone changes that may affect this application.

Engineer Matt Shafai reported that the two neighbors on each side of the entrance to the property were involved in land swaps with the applicant. He advised that he has signed paperwork from one neighbor but not the other and he would need that for his records. Attorney Steib has both in his possession and would provide that to Engineer Shafai.

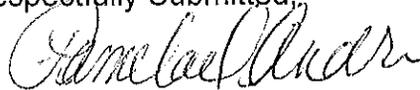
Mr. Klouser also has the NJDEP clean-up information and will provided to Mr. Shafai as well. Mr. Shafai reported to the Board that a condition of the approval was that the applicant enter into a Memorandum of Agreement with NJDEP and obtain a No Further Action letter with respect to the arsenic condition on the property.

The Board had discussed the matter. Chairman Newman asked for a Motion. Mr. Kurzman made a Motion to grant the one-year extension of time and Mr. Blanco offered a Second. Roll

Call Vote: Kurzman, Blanco, Grbelja, Masci, Pinney, Beck, Ziner and Newman voted yes to granting the extension of time.

Seeing no new business or old business, Chairman Newman asked for a Motion to Adjourn. Mr. Beck made the Motion, Mr. Masci offered a Second and by unanimous vote, the meeting adjourned at 8:00 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Pamela D'Andrea".

Pamela D'Andrea