

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MNUTES
FEBRUARY 13, 2013**

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

The Secretary read the Adequate Notice.

Salute to the Flag.

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

Vice-Chairman Pepe presented Chairman Newman with award of recognition for his perfect attendance for 2012.

Chairman Newman thanked the Board for electing him to serve as Chairman for 2013.

APPROVAL OF MINUTES: January 9, 2013

Mayor Grbelja mad a Motion to approve the January 9th meeting minutes and Mr. Beck offered a Second. Roll call Vote: Grbelja, Beck, Blanco, Pepe, Masci and Kurzman voted yes to approve the Meeting Minutes.

PUBLIC COMMENT PORTION: At 7:40 p.m., Chairman Newman opened the Meeting to entertain any public comment. Seeing none, he closed that portion of the meeting at 7:40 p.m.

RESOLUTIONS:

P12-07 BENTON FIBRE AND DRUM – Block 16, Lot 9.12 – Located on Rike Drive in the Moto Industrial Park in the BP Zone. The Lot consists of 10.04 Acres of property. The applicant received Preliminary and Final Major Site Plan approval to construct an additional one-story 8,435 s.f. building for office space memorialized in Resolution dated July 9, 2008. No zone Change. Applicant sought and received his fourth one-year extension of time, pursuant to 40:55D-70.

Everyone having read the Resolution and having no comments, Vice-Chairman Pepe made a Motion to memorialize and Mr. Kurzman offered a Second. Roll Call Vote: Pepe, Kurzman, Blanco, Grbelja, Masci and Beck voted yes to memorialize the Resolution.

P13-01-MILLSTONE COMMONS WEST (Bridar West) – Block 17, Lot 8.04. Located on Route 33 consisting of 3.00 acres in the HC zone. Applicant seeks Preliminary

Major Site Plan approval to construct two (2) one-story retail/office buildings; the main building consisting of 13,560 s.f. and the second building consisting of 2,400 s.f. Approval granted and Resolution memorialized on 11-23-09. Applicant sought and was granted first one-year Extension of time. No Zone Change.

Everyone having read the Resolution and having no comments, Mr. Kurzman made a Motion to memorialize and Committeeman Masci offered a Second. Roll Call Vote: Kurzman, Masci, Blanco, Grbelja, Pepe and Beck voted yes to memorialize the Resolution.

P13-02-MILLSTONE COMMONS EAST (Bridar East) – Block 17, Lot 8.05. Located on Route 33 consisting of 3.39 acres in the HC zone. Applicant received Preliminary Major Site Plan approval to construct two (2) one-story retail/office buildings; the main building consisting of 13,200 s.f. and the second building consisting of 2,400 s.f. Approval granted and Resolution memorialized on 11-23-09. Applicant sought and was granted first one-year Extension of time. No Zone Change.

Everyone having read the Resolution and having no comments, Mayor Grbelja made a Motion to memorialize and Committeeman Masci offered a Second. Roll Call Vote: Grbelja, Masci, Pepe, Kurzman, Blanco and Beck voted yes to memorialize the Resolution.

CARRIED APPLICATION EXTENSION OF TIME:

P12-08 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 Resolution Memorialized 4-11-07. Applicant is seeking the fifth one year extension of time running through 4-11-13. Zone is presently RU-P. Applicant seeks an additional Extension of Time pursuant to 40:55D-70. Jurisdiction accepted on 12-6-12 and carried to 1-9-13 and heard in part and further carried without any further noticing 2-13-13.

Attorney Kenneth Pape representing the applicant.

Mr. Pape provided an update of the matter from the January meeting of the Board. On January 17, 2013, he met on at the Municipal offices with applicant David Perlman,

OSFP Chairperson Pat Butch and Renee Jones of NJDEP, the Green Acres Team Leader. Mr. Pape confirmed the intention of the applicant to participate in the preservation program and asked for guidance, direction and timelines.

Mr. Pape stated that Ms. Jones reported that the appraisals are on an expedited basis deadline for delivery to the State in April. The State will be then do an environmental preliminary audit and title inspection internally.

Mr. Pape advised that the reports received are private and reviewed internally to decide what offer is to be made. M., Pape stated that sometime in April, May or perhaps June, an offer would be made. The offer would be verbal and not put into a contract until the State has all of its funding in place. He advised that the State is seeking one or more partners. Once the numbers are in place, Ms. Jones state that she will work with other agencies to secure partners and then a written offer can be made. Mr. Pape advised that the Perlman family is on board with this.

Mr. Pape stated that the timeframe is difficult to pinpoint. He offered that it could be three months but realistically, more than that. There are no documents to sign or contract in place until the State has the funds and its partners in place.

Mr. Pape reported to the Board that the applicant has memorialized in correspondence that they are all of one voice to go forward with this. Presently, the applicant is awaiting the State's response. Mr. Pape stated that the applicant would like the subdivision approvals to be protected. He advised the Board that it would take him 75 days to work with the Board professionals and the Township to perfect the subdivision.

Mr. Pape stated that they are within the provisions of the land use law. Board Attorney Steib stated that because this property encompasses an area greater than 150 acres, it creates flexibility with the Board and he advised that the Board is not locked into granting a one year extension of time.

The Board asked if the applicant could perfect the subdivision and then preserve the property. Mr. Pape stated that it would be expensive and the applicant would need a partner. It would be over a million dollars to bond the project and he discussed the expense involved.

Mayor Grbelja stated that in order to make this preservation happen, Green Acres is seeking a funding partner. The Township is out of the loop and is not a funding partner at this point in time.

Mayor Grbelja stated that if the applicant is going to expend money to perfect the development to try to protect their rights then this would be added to the cost of what the property is worth. She explained that if they expend funds then they would want to recoup those funds. This may put the property out of the reach of Green Acres to preserve the land.

Mayor Grbelja stated that once you are in a partnership, it is more difficult to get out. Board Planner Coppola stated that this is a pretty attractive property to develop versus maybe 12 homes the midst of already preserved farmland. Mr. Coppola's concern is that this property will be an attractive development if the market opens up. The Board has to balance extending it or have it developed by another party.

Committeeman Masci asked how the property assessment is being done. Attorney Pape stated that the property is assessed as an approved 43 residential lot subdivision and the monetary number is based on the value of the lots. Mr. Pape explained how the appraisers appraise the property. He further stated that if the extensions of time are not in place, then the appraisals would be on farmland and not a 43-lot subdivision.

Mayor Grbelja advised that it is her understanding that the State will offer a value based on what the appraisals are on the date the appraisals were taken. If the zoning changes on April 11, 2013, then Green Acres is committed to honoring those numbers.

Planner Coppola stated that his concern is that the zoning has already changed. He is not certain what rule would apply. As soon as the applicant loses vesting, the property would revert back to the farmland. It would be one lot because the approvals would be gone.

Mayor Grbelja stated that would be sometime in April. She discussed an extension of time of not one year but perhaps three months. She would like to be able to preserve the land versus development.

Attorney Pape advised that his client is one hundred percent (100%) committed to placing this property into the preservation program. He advised that if the extension of time is not granted, he has no choice but to record the developer's agreement and have all of the final documents in place. He reiterated that they do not want to do this. They are asking for a three month extension of time to get them closer to preservation.

Mr. Pape advised the Board that the State of New Jersey has the ability to forgive roll back taxes and more and that is why there are a lot of reasons to talk to them.

Board Engineer Shafai stated that it would cost 2.7 million to bond with a \$600,000 cash portion to be posted.

The three month extension of time would take them to July 11, 2013.

Chairman Newman opened the application to the public at 8:09 p.m. Seeing no public comment, he closed that portion at the same time.

Mayor Grbelja stated that nothing has changed until April when the appraisals come back. An extension will provide the applicants time to fully exam what offers are being given by Green Acres. She stated that if the Board does not give them the option today, they it is 100% sure that they will develop. If we give them the extension then it changes to 50%.

Mr. Pape offered that if the appraisals are going to be similar to the numbers that they would get for lots he feels this is very likely preservation will take place.

Mr. Pepe made the Motion to grant a three month extension of time with applicant providing monthly updates to the Board and a Second was offered by Mr. Kurzman. Roll Call Vote: Pepe, Kurzman, Beck, Grbelja voted yes to the Extension. Blanco, Ziner, Masci voted no. The Motion carried 4 to 3.

EXTENSION OF TIME APPLICATION:

P13-03 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 on 1-14-09 to create a 3 lot subdivision. Applicant sought and received first one-year extension of time which ran on 1-14-11; Second one year extension of time was sought and granted and ran through 1-13-13. Applicant seeks its third one-year extension of time in order to perfect the subdivision. No zone change has occurred. No noticing is required. Several members must step down from the application due to a conflict of interest:

Messrs. Pado and Kocur are not in attendance this evening. Mr. Pepe steps down.

Attorney Kenneth Pape representing the applicant.

Mr. Pape explained that Father Lang was holding Mass since it was Ash Wednesday and would not be available this evening.

Mr. Pape explained the project. It is a three lot subdivision of the property donated by the Halka family. The zoning has not changed. He explained the reason that the Church has not moved forward with the subdivision is strictly financial. Father Lang is waiting until he is comfortable that the parish can handle the additional finances.

Attorney Pape advised that this is the last Extension of Time they expect to request.

Board Engineer Shafai asked for an update concerning the two neighbors who were in

the process of signing Agreements with the Church. Mr. Pape advised the Agreements have been signed. The Board requested copies of those two agreements. The prior extension of time compliance items included the provision of the signed agreements with the neighbors.

The Board had questions regarding trailers on the Church property. Mr. Pape advised that classes are presently held in the trailers and that once the Parrish Hall is built, the trailers will be removed.

Chairman Newman opened the application to the public at 8:25 p.m. Seeing no public comment, the public comment portion was closed at 8:25 p.m.

Seeing no old business or new business, Mr. Blanco made the Motion to Adjourn and Mr. Zinner offered a Second and by unanimous vote, the meeting adjourned at 8:29 p.m.

Respectfully submitted,

Pamela D'Andrea