

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
AUGUST 13, 2014**

At 7:31p.m., Class IV member Dave Kurzman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Bailey, Beck, Grbelja, Kocur, Kurzman and Pinney.

Absent: Kinsey, Newman, Pado, Pepe and Ziner.

APPROVAL OF MINUTES: June 25, 2014

Ms. Pinney made a Motion to approve the Meeting Minutes and Mr. Beck offered a Second. Roll Call Vote: Pinney, Beck, Grbelja, and Kocur voted yes to approve the meeting minutes.

PUBLIC COMMENT PORTION: 15-Minute Limit

At 7:31 p.m., Mr. Kurzman opened the public portion of the meeting for any public comment. Seeing none, he closed that portion at 7:31 p.m.

RESOLUTIONS

EXTENSIONS OF TIME:

P10-12 KEY INVESTMENTS, LLC d/b/a 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 received Preliminary and Final Site Plan for Phase I and Phase II to construct a solar energy. Resolution was memorialized 3-9-11. Applicant sought and received first one-year extension of time concluding 3-9-14. Applicant returned to the Board on 6-11-14 for second one-year extension of time. Extension granted through 3-9-15. No Zone change. No noticing is required.

Ms. Pinney made a Motion to memorialize and Committeewoman Grbelja offered a Second: Roll Call Vote: Pinney, Grbelja, Bailey, Beck and Kocur voted yes to memorialize.

P13-07-MILLSTONE COMMONS WEST (Bridar West) – Block 17, Lot 8.04. Located

on Route 33 consisting of 3.00 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 13,560 s.f. and the second building consisting of 2,400 s.f.

Approval granted and Resolution memorialized on 11-23-09. Applicant sought and received first one-year extension of time through 11-23-13 . Applicant requested and received second one-year extension of time through 11- 23-14. No Zone Change. No noticing is required.

Mr. Beck made a Motion to memorialize and Committeewoman Grbelja offered a Second: Roll Call Vote: Beck, Grbelja, Bailey, Pinney and Kocur voted yes to memorialize.

P14-08 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 received first one-year extension of time through 11-23-13 . Applicant requested and received second one year of extension of time through 11-23-14. No Zone Change. No noticing required.

Committeewoman Grbelja made a Motion to memorialize and Ms. Pinney offered a Second. Roll Call Vote: Grbelja, Pinney, Bailey, Beck and Kocur voted yes to memorialize.

CAPITAL IMPROVEMENT:

P14-09 MILLSTONE TOWNSHIP FIRE COMPANY – Block 35, Lot 19.03 Located at 461 Stage Coach Road consisting of 1.894 acres on Township Public land. Applicant appeared before the Board to present a proposed sign plan for installation at the Fire Company.

David Markunis, Chairman of the Board of Fire District, presented a proposal to improve an existing sign at the Fire House replacing a 30 year old sign that is in deteriorating condition. They wish to modernize the sign using an LED Screen. The sign will be used for Fire Department business as well as a function as a community message board during emergency situations. The message board would be connected to a generator. He explained the community benefits.

Mr. Coppola asked if the sign would remain static and the bottom portion would contain the message board. Mr. Markunis advised yes.

Mr. Markunis discussed that they would use red, green and blue colors. There was discussion of the message board scrolling the messaging. The Fire Department wants the message to be easy to read at a glance.

Board Engineer Matt Shafai asked about the potential location of the sign. Mr. Markunis advised it will be in its present location. The planter will be outlined with bricks and the existing bollards will be replaced with new ones. The sign will not be any closer to the road.

The hours of operation were discussed so that the sign does not disturb the neighbors. Mr. Markunis will reach out to the neighbor and work the hours of operation with them to find a mutually agreeable time.

Board Planner Coppola had a question about the intensity of the light. Mr. Markunis advised that the sign will be programmed to be more intense during the day and less at night. The sign spec sheet provided to the Board states that the sign would have automatic brightness change. A chip installed in the sign allows for control over the intensity.

Mr. Markunis reiterated that the sign is to be used for Fire Department activities, events, and public awareness in emergency situations. They are not selling advertising on the message board. The Board asked Mr. Markunis to connect with the School to see what they are doing to have a standard. He advised that he would.

The Board made a recommendation to use larger letters as opposed to the size the school is using which may be unreadable. It was discussed that scrolling messages are difficult to see. The Fire Department wants to provide the public with a snap shot of message for drivers passing by.

Committeewoman Grbelja agreed that scrolling may make drivers slow down to read the sign and create an unsafe situation.

Committeewoman Grbelja offered that the sign would be good for the community in getting information out to the public in an emergency situation. They must make sure the intensity of the light does not disturb the residential neighbors.

Attorney Steib stated that this application is a Section 31 review for the capital project and the applicant has received that Board's advice and shall abide by the suggestions that the message board shall not have any scrolling sign, they shall test readable colors, primary colors are preferred, they shall have a brightness control chip installed and the sign shall be in the same location as it presently is in.

NEW APPLICATION:

P14-10 PETRELLA/BARBER - Block 29, Lot 49 located at 1 Old Oak Court consisting of 22,930 s.f. and Block 29, Lot 50 located at 18 Running Brook Lane consisting of 27,744 s.f. both located in the R-20 Zoning District. Applicants seek minor subdivision approval (lot line adjustment) with no new lots being created. Deemed Complete 7-24-14. Date of Action 9-7-14. No variances requested. No noticing required.

Board Attorney Michael Steib read the evidence into the record as follows:

- A-1 Application dated 7/6/14
- A-2 Survey of property prepared by Robert S. Yuro Associates, Inc. dated 4-25-14
- A-3 Minor Subdivision - Lot Line Adjustment Plan prepared by Robert S. Yuro Associates, Inc. dated 5-12-14
- A-4 Aerial of property

Attorney Gary Kay representing the applicants, is sworn in.

Mr. Kay explained that the Petrellas of Block 29, Lot 49, had an overlap of a fence and deck on the Barbers property, Block 29, Lot 50. The Barbers agreed to adjust the property line between the two properties so that the fence and deck would not be on the neighboring property. He stated that the shed belongs to lot 49 and has been there for a long time.

Board Engineer Shafai advised that this takes away one variances and no new variances are created and no new improvements proposed. Board Planner Coppola stated that by seeking this lot line adjustment, they are eliminating a variance.

Mr. Kurzman opened the application to the public. Seeing no public comment on the application, he closed the public portion at the same time.

Mr. Kurzman asked the Board if they had any questions, seeing none, he asked for a Motion on the application.

Committeewoman Grbelja made a Motion to approve the lot line adjustment and Mr. Beck offered a Second. Roll Call Vote: Grbelja, Beck, Pinney, Kocur, Beck, Bailey and Kurzman voted yes to approve the application.

EXTENSION OF TIME:

P 14-11 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 and Resolution Memorialized 4-11-07. Applicant requested and received extension of time, pursuant to 40:55D-70, through 7-12-14. Applicant returns for additional extension of time. Zone is presently RU-P. Noticing is required.

Board Attorney Michael Steib advised that he had read the noticing packet and found same to be in order.

Attorney Kenneth Pape representing the applicant is sworn in.

Mr. Pape offered an update since the applicant was before the Board in February 12, 2014. He advised that the State had received all reports needed to offer a contract to the applicants. He advised that on May 15th they received the first draft of the contract. It was a comprehensive contract whose contents were not to be released pending further review by the State.

Mr. Pape made a list of changes and returned the contract back to the State. They solely work with Renee Jones of the NJDEP and on June 16th, Ms. Jones met with the applicants at Mr. Pape's offices. He explained that after that meeting, Ms. Jones had a scheduled vacation and also a personal issue that arose which waylaid progress.

Mr. David Perlman contacted Mrs. Butch who assisted him in contacting Renee Jones' supervisor, Fawn Magee and on July 15th, Mr. Perlman drove to meet with Ms. Magee at her offices.

Mr. Pape advised that on July 23rd they received the next draft of the contract. Mr. Pape met with his clients, he then sent a letter to Ms. Jones setting forth two open items. He received a response from Ms. Jones this afternoon, August 13th.

He read in part, the letter. He offered that the State's turnaround time is the most controlling timeline. There are minor legal issues to resolve. The Deputy Attorney General must review all revisions. The State advised all funding partners are in place. Mr. Pape stated that the price offered by the State is based on an appraisal and the appraisal is based on there being an approval in place and if the approval is not in place, the appraisal is no longer valid. He needs to sign the contract when the approvals are in place. He offered that they are not going in any third direction, they are just working with the State

Committeewoman Nancy Grbelja advised that she has been intimately involved with the applications from the beginning on both the Perl Acres North and the Perl Acres South properties.

She advised that a meeting was set up with Fawn Magee, Renee Jones' supervisor, with both Mrs. Butch and Committeewoman Grbelja present to help facilitate the preservation. She stated that Renee Jones made it clear that it was important to get a price on the property and they now have that. Ms. Jones advised Committeewoman Grbelja that the State is not going to withdraw the dollar amount at this point, whether applicant's have an effective approval or not and if it lapses, the price stays there.

Committeewoman Grbelja did receive this afternoon, the same correspondence that Mr. Pape had, from Ms. Jones. She recommended to the Board that they do not grant the extension because there are two minor points that are outstanding in the contract, the price will not change and there is no reason for this Board to grant the extension. She offered that the reason the extensions were granted was in order for the applicant to get the price under the three acre zoning which is what they were offered. She does not feel that the State will renege on the price that is offered at this point.

Mr. Pape stated that he is afraid of that as a ruling and he would like written verification of that from the State. He is afraid that the State will not honor an appraisal that was based on an approval that has lapsed.

Ms. Pat Butch advised that she had never experienced on any application that they have been involved in with the State had never reneged on an offer made. She advised that she is not an attorney and cannot offer any advice.

Attorney Steib stated that if the Board takes action now and say no to the extension, then they are denying the extension and that may adversely impact the negotiation, we cannot undo it. If the applicant comes back and he seals the deal, the Board does not have to take any action.

We will carry this until next month. Committeewoman Grbelja stated that she does not have any problem not taking any action tonight. Mr. Pape offered that they are working toward a common goal.

Attorney Steib advised that the application is carried to the September 10th Meeting without any further noticing required.

Seeing no public comment, the matter was carried to the September 10th Meeting.

NEW BUSINESS:

Mr. Coppola issued a Memorandum to the Township dated July 2, 2014. That was supplied to the Board via email from the Board Secretary in July.

He offered the highlights of the Memorandum. The time table was sent by Supreme Court March 14, 2014.

On April 30th proposed rules were to be published by COAH. This was done and they were sent around.

On June 2nd set of rules published substantially different from the April 30th rules. Mr. Coppola offered the reason for the difference was that mistakes were found and corrected.

On October 22nd, COAH is to vote on the rules, which will be different from the April or June rules because they will contain the comments that everyone provided to the group.

November 17th the Rules that were adopted on October 22nd will be published in the Trenton Register and will be in effect.

By May 15th of 2015, all municipalities must submit a new Fair Share Housing Plan.

Mr. Coppola advised that a lawsuit has already been filed by the Fair Share Housing Center in South Jersey who accurately contends that the new rules do not follow the appellate division and state that the new rules mirror the 2005 rules.

Mr. Coppola cited that the new rules contain many differences:

- New rules trim down what you can do to comply with your obligation.
- The new rules trim down what you can do to satisfy your obligation.
- Goes back to 1983 Mt. Laurel decision. Inclusionary developments with a set aside was a 20% set aside - new rules now 10%. Huge difference. Very clear that the home developers in the state have an active voice.
- Group homes limited to developmentally disabled
100% affordable units
- No requirement for rentals but bonus for rental units
- Accessory apartments are gone
- Converting market rate units into affordable units are gone
- Affordable Housing Veteran preference is gone
- Special needs housing is gone
- Assisted living residents are gone

Three components:

Rehab component existing units that are found to be physically efficient. Mr. Coppola explained how these units are identified not by US Census but by a survey that he had

not heard of before entitled the American Community Survey. the survey was taken between 2008 to 2012.

Millstone's number is 27. He advised that people have to volunteer for that rehabilitation and we work with Monmouth County.

Respective need: 2014 – 2024.

Mr. Coppola advised that Millstone presently has a 15 unit obligation because there is an Appendix D "Buildable Livable Capacity" and this is critical to Millstone. COAH looked at things such as does the Township have water and sewer. He advised that Committeewoman Grbelja fought for that. He stated that there is a lack of updated data advising that they used the State development and redevelopment plan last updated 3-10-01. He advised that we are entirely 4B. We have already complied with the 15.

Mr. Coppola addressed the unanswered prior obligation which goes back to 1987. We have had our certification every time and at the forefront even when we do not have water and sewer. Referring to Appendix "C". Mr. Coppola advised that what is clear is that no regional contribution agreement was credited. Millstone had a 46 unit regional contribution agreement that were transferred to Asbury Park City at a cost of \$920,000.00. They were not deducted from the Township's unanswered prior obligation. Asbury Park received the credit but contributing municipalities were not. The final number is 195 Units. Committeewoman Grbelja advised that the County had us down to zero.

After going over different scenarios, Mr. Coppola advised that things will change in October. When the rules are adopted in October it will change again. Towns must provide affordable housing.

The Supreme Court made it clear in their March 14th decision unless COAH adopted Rules by the certain dates they will consider going back to builders remedy lawsuit they could do that and build inclusionary developments. That is opening the gates for litigation.

Mr. Coppola advised that they are not nearer a resolution. The Township has no action to take at this time.

Committeewoman Grbelja advised that she is a member of the Monmouth County Planning Board who is currently looking into redoing its master plan and we have a component that deals with affordable housing. She knows that they have been sending comments to COAH.

Mr. Coppola has not seen those comments. Mr. Coppola did send a letter to Mayor Kinsey to send out to COAH.

Mr. Coppola advised that we will have to wait and see what happens.

Mrs. Pat Butch of 40 Prodelin Way asked if labor housing will count as it use to . We have a agricultural element in the Towns. Mr. Coppola advised that it does not count anymore. Only three things count: inclusionary developments, 100% affordable housing units and group homes for mentally disabled persons.

Seeing no further new business or old business, Mr. Kurzman asked for a Motion to Adjourn. Mr. Beck made a Motion to Adjourn and Mr. Kocur offered a Second and by unanimous vote the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Pamela D'Andrea