

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MNUTES  
JANUARY 14, 2015**

At 7:31p.m., Mitch Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Attorney Steib swore in appointed Members as follows: Committeewoman Nancy Grbelja, Class III Member, Dave Kurzman, Class IV Member, and Edward Kocur, Alternate II member.

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

**Election of Officers:**

**Chairman** - Nominations for the Chairman were open. Mr. Pepe made a Motion to nominate Mr. Newman as the Chairman and Ms. Pinney offered a Second. Seeing no other nominations for Chairman, by unanimous vote, the nominations for Chairman are closed. Roll Call Vote: Pepe, Pinney, Pado, Grbelja, Bailey, Beck, Kurzman and Kocur voted yes to elect Mr. Newman.

Mr. Newman thanked the Board

**Vice-Chairman** - Nominations for Vice-Chairman were open. Committeewoman Grbelja made a Motion to nominate Mr. Pepe as the Vice-Chairman and Chairman Newman offered a Second. Seeing no other nominations for Vice-Chairman, by unanimous vote, the nominations for Vice-Chairman are closed. Roll Call Vote: Grbelja, Newman, Pado, Pinney, Bailey, Beck, Kurzman and Kocur voted yes to elect Mr. Pepe.

Mr. Pepe was unable to attend the meeting this evening.

**Board Secretary** - Nominations for Secretary were open. Chairman Newman made a Motion to nominate Pam D'Andrea as Secretary and Vice-Chairman Pepe offered a Second. Seeing no other nominations for Secretary, by unanimous vote, the nominations for Secretary are closed. Roll Call Vote: Newman, Pepe, Kurzman, Grbelja, Bailey, Beck, Pado, Pinney and Kocur voted yes to appoint Ms. D'Andrea as Secretary.

Ms. D'Andrea thanked the Board.

The Board next considered nominations for its professionals. The Board has a fair and open bidding process. Chairman Newman advised he has reviewed all bids received from the RFQ submissions.

**Board Attorney** - Chairman Newman made a Motion to nominate Michael B. Steib and Committeeman Grbelja offered a Second. Seeing no other nominations for Board Attorney by unanimous vote, the nominations for Attorney are closed. Roll Call Vote: Newman, Grbelja, Pinney, Pado, Beck, Bailey, Kurzman, Pepe and Kocur voted yes to appoint Attorney Steib of Michael B. Steib, P.A.

Mr. Steib thanked the Board. Mr. Steib is in his 11th term serving the Board.

**Board Engineer** - Chairman Newman made a Motion to nominate the Engineering firm of Leon S. Avakian, Inc. with Matt Shafai as the principal engineer for the Board Engineer and Ms. Pinney offered a Second. Seeing no other nominations for Board Engineer, by unanimous vote, the nominations for Board Engineer were closed. Roll Call Vote: Newman, Pinney, Pepe, Grbelja, Bailey, Beck, Pado, Kurzman and Kocur voted yes to appoint Engineer Shafai of Leon S. Avakian, Inc.

Mr. Shafai thanked the Board.

**Board Planner** - Chairman Newman advised that the Township Committee, Board of Adjustment and Planning Board would be working hand in hand in the selection of a Planner. He advised that meeting would be taking place in two days. He offered that they want to make the right decision and have reviewed the RFQ's that have been provided. Accordingly, this will be tabled until the next meeting.

**Court Reporter** – Chairman Newman made a Motion to nominate Angela Buonantuono as the Board Court Reporter and Vice-Chairman Pepe offered a Second. There were no other nominations for Board Court Reporter. Roll Call Vote: Newman, Pepe, Bailey, Kurzman, Pado, Beck, Grbelja, Pinney and Kocur voted yes to appoint Angela Buonantuono as the Board Court Reporter.

**Official Newspapers** - Chairman Newman made a Motion to nominate the Asbury Park Press and The Messenger Press as the official Board Newspapers and Mr. Kurzman offered a Second. Seeing no other nominations for official newspaper designations, by unanimous vote, the nominations were closed. Roll Call Vote: Newman, Kurzman, Pado, Pinney, Pepe, Bailey, Beck, Grbelja, and Kocur voted yes to the designations.

**Regular Monthly Meeting Schedule** - The Board having reviewed the proposed monthly meeting schedule, Chairman Newman made a Motion to adopt the regular monthly meeting schedule and Mr. Kurzman offered a second. Chairman Newman read the meeting dates into the record. Roll Call Vote: Newman, Kurzman, Beck, Bailey, Grbelja, Pado, Pepe, Pinney and Kocur voted yes to adopt that Regular Monthly Meeting Schedule to be held on the following dates in 2015 and the first meeting date in 2016 beginning at 7:30 p.m. in the Municipal Meeting Room located at 215 Millstone Road, Millstone Township, New Jersey as follows:

January 14, 2015	August 12, 2015
February 11, 2015	September 9, 2015
March 11, 2015	October 14, 2015
April 8, 2015	November 12, 2015 (Thursday)
May 13, 2015	December 9, 2015
June 10, 2015	January 13, 2016
July 8, 2015	

**APPROVAL OF MINUTES:** The Board having reviewed the Minutes of December 10, 2014 and all eligible members voting on the meeting minutes, Ms. Pinney made a Motion to approve the

minutes and Mr. Beck offered a Second. Roll Call Vote: Pinney, Beck, Bailey, Pepe, Kurzman, Newman and Kocur voted yes to adopt.

**PUBLIC COMMENT PORTION:** Chairman Newman opened the meeting to the public for any comments or question they may have at 7:53 p.m. Seeing no public comment, he closed that portion of the meeting at 7:53 p.m.

**RESOLUTION:**

**P14-15 MILLSTONE COMMONS EAST (BRIDAR EAST)** – Block 17, Lot 8.05. Located on Route 33 consisting of 3.00 acres in the HC zone. On 11-23-09, 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. Extensions of Time granted through 11-13-14. Applicant returned to the Board for Final Major Site Plan Approval. Approval Granted 12-10-14.

The Board had reviewed the Resolution and Ms. Pinney Made a Motion to memorialize the Resolution and Mr. Kurzman offered a Second. Roll Call Vote: Pinney, Kurzman, Kocur, Pepe, Pado, Beck, Bailey and Newman.

**EXTENSION OF TIME:**

**P14-11 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 extensions of time, pursuant to 40:55D-70, through 7-12-14. Applicant returns for additional extension of time. Zone is presently RU-P. Carried from 8-13-14; 9-10-14; 11-12-14; 12-10-14. Carried to 1-14-15. No additional noticing required.

Attorney Jeffrey Chang appearing for the applicant. Mr. Chang explained why the applicant is seeking a 180-day extension of time. He offered that the contract was signed on 12-19-14. The survey of the 3.5-acre exception area had not been completed due to the winter weather, which has caused a delay in performing the survey He stated that an additional 35 days would be needed to complete the survey. The applicant has items to take care of before the closing can take place.

Committeewoman Grbelja stated her concerns with granting the 180-day extension. She was not certain the cause of the delay in the closing. She wanted to make sure that the approvals are contingent upon the preservation.

Committeewoman Grbelja stated that the outstanding items go back to September or October of 2014 and questioned why they have not been resolved by now. She understands how the pace of the State in getting things done but she wants to see the preservation take place.

Committeewoman Grbelja advised that she does not want to grant a six month extension off time and have a breakdown in the preservation She felt that either a two month extension or for the applicant to continue as they have .

Attorney Michael Steib advised that he has not seen the documentation in order to make an assessment. He would not want to see something put in place that may mess up the process. Attorney Steib advised the Board that he spoke to Attorney Chang earlier in the day about this application. He stated that the month to month is difficult on the applicant who has been trying to get something in writing from the Deputy Attorney General either that the State needs the extension in place or that they do not. They have been unable to get that letter.

Attorney Steib had viewed the contract and advised the Board that the Perlmans signed the contracts on September 8 and 9, 2014 and by the time all partners had signed it was December 19, 2014.

Mr. Chang had a brief conversation with Renee Jones this date and she advised him she hopes to have the closing by late spring. Mr. Chang was seeking an extension through to the end of April in light of Ms. Jones information. Mr. Chang advised the surveyor is scheduled to go to the property on 1-15-15 to begin surveying the 3.5 exception area. The property owner must go out and clean up the property, cap the wells, demolish buildings, remove the existing septic, etc.. They are in a difficult position since the State has not made the determination if they do or do not need the extension.

Chairman Newman had the contract in front of him that contain all of the parties' signatures. He felt that the signed document was a representation that all parties are sincere in preserving the property and are going in that direction and for him that takes away a bit of concern that are we not giving something away from the Board by granting an extension.

Committeewoman Grbelja offered her concern about granting a 180-day extension. She stated that they were moving toward preserving the property when the idea of constructing a solar farm on the property came up. Dave Perlman put the representative from the solar farm company from Pennsylvania in touch with Committeewoman Grbelja. She advised the representative that the property was not zoned for solar and a variance would have to be granted in order to construct a solar farm. This preservation was delayed because the applicant was looking into the solar farm avenue. She explained the time and energy that it has taken to get to this point and she does not want to see it fall apart now.

The Board discussed the matter. Committeewoman Grbelja's concern is that everyone is coming to the table with their funds and the applicant has not done the work that they should have done by now.

Mark Perlman is sworn in. He stated that his surveyor laid out the exception area in October 2014 and provided that to Renee Jones. They went to the property to mark the property. He advised that the State surveyor and his surveyor are one-half acre off. They have to work that out which may take three months.

Committeewoman Grbelja stated that these open ended issues that existed in September or October. She would like to have a conversation with Renee Jones. Chairman Newman advised that Attorney Steib must review the documentation to see what the binding nature of the contract is, is there an escape clause, something that talks about an extension or the value of an extension. Chairman Newman asked that Mr. Perlman's attorney send a copy of the contract so that Attorney Steib properly advise the Board.

Attorney Steib advised that the application is carried to the February 11, 2015 meeting beginning at 7:30 p.m. without the need for any further noticing.

There is no old business to discuss.

**NEW BUSINESS:** Attorney Steib updated the Board on the Permit Extension Act of 2008 advising that it has been extended several times and one additional time through December 31, 2015. He explained that this does not apply to Millstone since we are in the Planning areas designated as 4A and 4B, which are environmentally sensitive areas, and does not benefit by the extension act. Attorney Steib explained how it works.

Committeewoman Grbelja gave credit to the Board for working diligently for protecting Millstone and making it the kind of community that we all want to live in. She offered that the Board embraces the importance of the Master Plan and what we are governed by and they enforce it.

Attorney Steib had provided to the Board, a copy of an article concerning the FCC Issues Report published in the November/December 2014 Issue of the *New Jersey Planner*, a copy of which has been provided to the Board. He suggested that pursuant to the last paragraph of the article, the Board might want to discuss at its next meeting making recommendations to the governing body who may want to look at some ordinance amendments that address these issues.

Seeing no further business, Chairman Newman made a Motion to Adjourn, Committeewoman Grbelja offered a Second, and by unanimous vote, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Pamela D'Andrea