

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
APRIL 8, 2015**

7:32 p.m., Chairman Mitch Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

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

Attorney Steib sworn in Mayor Kinsey as the Class I representative to the Board.

APPROVAL OF MINUTES: March 11, 2015

The Board having reviewed the meeting minutes and recommended changes having been made, Committeewoman Grbelja made a Motion to approve the meeting minutes and Mr. Ziner offered a Second. Roll Call Vote: Grbelja, Ziner, Bailey, Beck and Newman voted yes to approve the Minutes.

DESIGNATION OF A SECOND OFFICIAL NEWSPAPER:

The Messenger has gone out of publication as of April 1st. The Board has selected an additional official newspaper. At its reorganizational meeting, the Board had selected the Asbury Park Press as one of its official newspapers. Chairman Newman made a Motion to adopt the Times of Trenton as the Board's additional newspaper and Ms. Pinney Offered a Second. Roll Call Vote: Newman, Pinney, Beck, Bailey, Grbelja, Kinsey, Ziner and Kocur votes yes to the designation.

PUBLIC COMMENT PORTION: 15-Minute Limit

Chairman Newman opened the meeting to the public at 7:37 p.m. Seeing no public comment, he closed the session at the same time.

ORDINANCE REVIEW AND RECOMMENDATION:

ORDINANCE 15-02:

ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE III (ADMINISTRATION AND PROCEDURES) SECTION 3-9 (FEES AND FEE SCHEDULE), SUBSECTION 3-9.4 (FEE SCHEDULE) OF THE

REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY EXPLANATORY STATEMENT.

Both Attorney Steib and Planner Heyer advised that it is a very simple ordinance to amend our fee schedule. The Ordinance amends the Fee Schedule portion of the ordinance to include the fee for in-house site plan review, which is set forth under that section of the ordinance but is now included in the Fee Schedule. They stated that it is consistent with the Master Plan.

Committeewoman Grbelja made a Motion finding the Ordinance consistent with the Master Plan and Mayor Kinsey offered a Second. Roll Call Vote: Grbelja, Kinsey, Bailey, Beck, Pinney, Ziner, Kocur and Newman voted yes finding the Ordinance consistent with the Master Plan.

OLD BUSINESS:

COAH UPDATE

At the last meeting, Attorney Steib provided the Board with a synopsis from the Court Ruling concerning COAH. He reported to the Board the upcoming schedule and suggested that they consider forming a subcommittee to work with the governing body. Attorney Steib discussed items that the Township should be doing to prepare.

Attorney Steib put a list of items together that the Town should be doing including, sending a request to COAH to adopt new valid regulations which would allow us to get away from the Court system. Keeping a record of the Townships' actions that reflect we are trying to push toward compliance.

The Township must have its Planner begin work on a defensible round three on what the affordable housing regulation is for the Township.

Attorney Steib reiterated the importance that the Township works on this ASAP rather than waiting. He also advised that in addition to calculating the obligation, we should look at the current plan to see if it needs tweaking in order to bring it into compliance.

Attorney Steib stated that Planner Heyer should look at the round three calculations from the Fair Share Housing Center's methodology and come up with credible attacks. He stated that we have to give them notice and have to assume that they will jump in as an adversary.

He suggested looking at the Fair Share Housing Plan to see what is reasonable particularly confirming what Mt. Laurel credits we have and making sure the credits are still valid.

He suggested setting up a Mt. Laurel subcommittee to speak to the Planner and have a plan that is credible, approvable and acceptable to the community.

He advised that we should continue with our current projects and positively continue to push COAH to do what they should be doing so that we can bring our numbers down. Prior to July 7, 2015, we should file our declaratory judgment action showing that we have been actively engaged in the process to show the Judge that we are moving forward.

Planner Heyer explained the difference in this situation in terms of where we are with things. He began his career prior to COAH. The rules of the game were clear initially. He stated that now we are almost back to where we were prior to COAH, offering that there is no predictability in the numbers which is problematic.

Planner Heyer stated that there are groups waiting to pounce on municipalities who have not complied. Planner Heyer explained how it worked initially.

Planner Heyer stated that the draft numbers out there are incredibly diverse. Dr. Brushell of Rutgers, estimated our numbers, using the prior methodology, which are approximately 13. The numbers are higher from David Kinsey, who works for the Fair Share Housing Center, giving Millstone a number of 668. Mr. Heyer explained the numbers are influx if not endorsed by the Agency. David Kinsey's numbers across the board are high. He felt that the Builder's Association numbers will be high as well.

Planner Heyer stated that he wished COAH would have stepped up and done something. This process becomes extremely expensive because everything is litigation.

Planner Heyer advised that the Township of Millstone has done a great job. The first step is to demonstrate the number for the Township is realistic. He stated that the old rules say there is a durational adjustment for lack of infrastructure. We would not have the water and sewer and do have the environmental constraints to make it happen. Planner Heyer does feel this is a difficult situation and could be expensive to defend.

Committeewoman Grbelja stated that the Township is and will continue to be proactive and cover our bases. Procedurally, she stated that we will do exactly what we have to do. We had met our first and second round obligations and when they came out with the initial numbers for third round, Committeewoman Grbelja stated that we had a plan. When COAH adjusted those numbers, we again created another plan and were in the process of getting that approved when everything fell apart with COAH. She stated that is why we are in the middle group of municipalities.

Committeewoman Grbelja advised that the Monmouth County Planning Board has been looking at the numbers throughout the County and Millstone's numbers are next to nothing. Planner Heyer advised that the County is probably looking at the Rutgers research numbers, which are in the ballpark. We will have a problem if we drop the ball. We feel we are certified and should be protected from any builder's remedy lawsuit. Planner Heyer advised we must stay the course.

Attorney Steib discussed important dates to get the Fair Share Housing Plan together. By July 7th, the Township must file a letter to tell the Judge advising that we want protection and we have been doing what we should have been doing.

Mayor Kinsey advised that the initial third round number was 72. We were well within those numbers. As part of its obligation, during the last two years, the Township has built on the Novad Court property and the Allen House property and he provided the numbers. He advised that even in a terrible economy, we are moving forward.

The Board discussed the variables if someone should challenge us.

Talking about Commercial Development, Committeewoman Grbelja stated that in the last rules, all of the sudden commercial development was causing us to have an obligation far greater than the residential component. This is reversed. She explained how building out all of our commercial properties would not have a significant reduction of our tax rate. She stated that it is important when speaking about COAH, Commercial development for a community like ours is not going to be positive. She explained that more people moving into Millstone will not cause the taxes to be divided among more residents because now your responsibilities have increased. Committeewoman Grbelja stated that commercial development for a community like Millstone has 4-5% of commercial ratables, which is not going to be positively impacted for large commercial development.

Planner Heyer stated that the number we have attempted to address is in the realm of realty. He advised that he did not think we would have to make gross changes in the strategy.

Committeewoman Grbelja explained the lawsuit was filed initially due to changes in round three because COAH incorporated land into our numbers that was not available due to environmental constraints. We were one of the few communities to be included in that lawsuit.

Chairman Newman asked if it would help if the Board sent a letter to the governing body. Attorney Steib would write the letter listing the deadline dates. Initially, immunity is presumptively a 5-month period.

Attorney Steib explained that if there is opposition, the judge will appoint a master and there will be a third piece to the puzzle.

Planner Heyer explained why the Township is in the best position. Mayor Kinsey advised that our number was good until 2024.

Planner Heyer stated that the at one time the number was the number. That is not the case anymore we are back to the beginning again.

NEW BUSINESS:

2015 Financial Disclosure Statements must be filed online. The filing date begins April 1st and ends April 30th. Attorney Steib advised that time penalties are being imposed.

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

Respectfully submitted,

Pamela D'Andrea