

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
NOVEMBER 12, 2015**

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

The Secretary read the Adequate Notice. Salute to the Flag.

Roll Call: Present: Bailey, Kinsey, Beck, Ziner, Kocur and Newman

Absent: Pado, Pepe, Grbelja and Kurzman.

APPROVAL OF REGULAR MEETING MINUTES: October 14, 2015

The Board having reviewed the Meeting Minutes and the requested changes having been made, Mayor Kinsey made a Motion to approve the Minutes and Mr. Beck offered a Second. Roll Call Vote: Bailey, Beck, Kinsey, Kocur and Newman voted yes to approve the Regular Meeting Minutes.

APPROVAL OF EXECUTIVE MEETING MINUTES: October 14, 2015

The Board having reviewed the Executive Minutes and the requested changes having been made, Mayor Kinsey made a Motion to approve the Executive Minutes and Mr. Beck offered a Second. Roll Call Vote: Bailey, Beck, Kinsey, Kocur and Newman voted yes to approve the Executive Minutes.

PUBLIC COMMENT PORTION: Chairman Newman opened the public comment portion of the meeting at 7:37 p.m. Seeing no public comment, he closed that portion of the meeting at 7:37 p.m.

**ORDINANCE REVIEW AND RECOMMENDATION:
ORDINANCE 15-18**

An Ordinance Amending Chapter XXXV (Land Use and Development Regulations), Article II (Definitions) Section 2-2 (Specific Definitions) and Article IV, (Regulations Applicable to all Zoning Districts), Section 4-1 (General Regulations) of the Revised General Ordinances of the Township of Millstone, County of Monmouth and State of New Jersey.

The Ordinance amends Section 2-2 and 4-1 by adding the definition of municipally sponsored affordable housing construction and by adding municipal uses to be permitted principal uses in all zoning districts.

Overview includes as permitted uses in all zones municipal buildings and municipally sponsored affordable housing constructions to permit streamline approval and remove need for variances will ease critical path when town submits.

The Board discussed the Ordinance. Planner Heyer finds it to be consistent with the Master Plan.

Chairman Newman Made a Motion finding the Ordinance consistent with the Master Plan and Ms. Pinney offered a Second. Roll Call Vote: Newman, Pinney, Bailey, Kinsey, Beck, Ziner and Kocur voted yes finding the Ordinance consistent with the Master Plan.

NEW APPLICATION:

P15-05 - VJS Holdings, LLC. - Block 16, Lot 9.09. Located at 1500 Rike Drive consisting of 7.91 Acres in the Business Park (BP) zoning district. Applicant seeks preliminary and final site plan approval to construct a second building and related site improvements to include 1,831 s.f. office space, 5,769 s.f. assembly area and 1,654 s.f. Mezzanine storage. No variances requested. Deemed Complete 10-9-15. Date of Action: 11-23-15. Noticing Required.

Attorney Freiburger had reviewed the noticing packet and finds same in order to accept jurisdiction over this application.

Attorney Freiburger read the following exhibits into evidence:

- A-1 Jurisdictional packet
- A-2 Application dated 9-14-15
- A-3 Web Notice
- A-4 Aerial prepared by Crest Engineering dated 6-25-15
- Survey of Property prepared by Crest Engineering dated 8-8-14
- A-6 Statement of EIS prepared by Crest Engineering dated 6-25-15
- A-7 Stormwater Management Plan prepared by Crest Engineering dated 6-25-15
- A-8 Stormwater Manual Operation Manual prepared by Crest Engineering dated 6-25-15
- Declarations of Covenants and Restrictions for Moto Industrial Park Association, Inc dated 2-14-101, recorded 2-20-01

A-9	First Amendment to Declarations of Covenants and Restrictions for Moto Industrial Park Association, Inc., dated 11-24-04 recorded 12-13-04
A-10	Conservation Deed of Easement dated 7-21-14, recorded 7-22-14
A-11	Conservation and Maintenance Agreement with the DRCC dated 2-7-14
A-12	Grant of Conservation Restriction Easement (Transition Area and Adjacent Wetlands) dated 4-14-14
PB-1	Engineer's Report dated 10-9-15
PB-2	Planner's Report dated 11-2-15
PB-3	Shade Tree Commission's Report dated 10-19-15
PB-4	Environmental Commission's Report dated 10-28-15
PB-5	Monmouth County Planning Board's Request For Information dated 10-13-15
PB-6	Freehold Soil Conservation District Certification of Revised Plans dated 10-20-15

Attorney Mark Vincent representing the applicant.

Entered into Evidence is Exhibit A-13, the Traffic Report of McDonough and Rae dated 12-16-14.

Mr. Vincent provided an overview of the proposed project. The applicant seeks to construct a 7,600 s.f. building, consisting of office space and mezzanine storage on the site where a previously approved building is nearly constructed. The property is located in the Business Park (BP) Zoning District.

Attorney Freiburger sworn in Mr. Spiezio. Mr. Spiezio explained the purposed of the new building is due to his son's involvement with the service business, which has grown, and additional space is needed. He offered that the site lends itself to the construction.

He explained that a small administrative office handles service calls and billing. The storage on the mezzanine level is associated with the commercial HVAC business. Commercial storage in the commercial warehouse is associated with Phase I of the project, which is light manufacturing. Mr. Spiezio stated that the materials stored are in the prefabrication stage. Fabrication takes place on site and then the fabricated item is

brought to the sites where it is then installed. Deliveries received on site are UPS deliveries. There is no outdoor material storage and one freestanding sign and no additional signage is proposed.

Attorney Freiberger sworn in architect David Collins. Mr. Collins presented his credentials. He is a graduate from Roger Williams Univ. and is licensed in both New York and New Jersey. The Board accepted Mr. Collins as an expert.

Mr. Collins explained that the mezzanine is located above the office space and is a double high open space. No chemicals are used in fabrication. He stated that it is a very clean process.

Mr. Freiberger entered the following three exhibits into evidence:

Exhibit A-13, Color Rendering of a view of both buildings on the site.

A-14 Color Rendering street view of the site.

A-15 view of proposed building

Mr. Collins referring to the exhibits explained the proposal. He advised that the building materials would match each other.

Board Planner Fred Heyer commented that if the uses change a little bit, that might drive the need for a variance since the space is low for storage space but high for office space.

Attorney Freiberger swore in John Rae, PE.

Mr. Rae presented that he is a principal at McDonough & Rae Associates. For 35 years, he has been an engineer specializing as a traffic engineer. He has been before this Board in the past. He graduated from NJIT and received his Masters from Poly Tech of NY. He is accepted as an expert witness.

Mr. Rae explained how he calculated the traffic projections for the project. He had looked at the site and evaluated present roadway conditions within the Business Park and Prodelin Way and Route 33. Mr. Rae conducted traffic counts in the a.m., the p.m. and during peak times. He stated that accordingly, projected traffic of new building is low. The site access will operate safely and efficiently. Mr. Rae stated that there are 66 parking spaces provided so adequate parking is available.

Chairman Newman asked if the traffic measure for the project is B or C in this application. Mr. Rae stated that it is still B and C and he explained that there is a small

incremental increase of delay but it will still be B and C. Mr. Rae took into account the approved day care center facility on Prodelin Way in preparing his calculations.

Board Engineer Shafai and Planner Heyer asked about clarification as to four parking spaces.

Sworn in is Peter Strong Crest Engineering, accepted as a PE. Mr. Strong has appeared before the Board in the past and is accepted as an expert.

Mr. Strong provided a brief overview of the proposed project using Exhibit A-4.

He stated that there are 44 parking spaces where 42 are required. They now have 66 parking spaces where 56 are required. He advised that they meet the setbacks and coverage requirements. The impervious coverage increases and the building coverage increases but they are still under the allowable percentages for the BP Zone.

Mr. Strong stated that they have provided onsite groundwater recharge. The septic system is designed and has been approved for both buildings by the MCBOH and they have a permit to construct that.

Mr. Strong addressed the four parking spaces and how they function. He explained that the driveway runs through the back and the initially approved parking spaces are off that location. They removed the curb along the back of those spaces to allow circulation to get to the new spaces. Cars can face either direction. Mr. Strong explained how the site is traversed.

No variances or waivers have been requested in this application.

Mr. Vincent goes over the professionals' reports. For engineer, the stormwater has been designed to meet the NJDEP and The Township regulations with the increase in impervious areas. Mr. Strong explained how this was achieved. They will have one well will service both buildings on the site. The water treatment will be on the first phase building. Mr. Strong explained how the second building would be serviced. Mr. Strong advised that the trash enclosure is the same as the one approved in the first phase. They will be exactly the same masonry enclosures, six feet high dumpsters for trash pickup and recycling of cans and bottles, etc. He explained that there is one presently and at the end, there will be three.

The new building roof drains will be connected to the existing dry wells as opposed to a new dry well.

Stop signs and stop bars are proposed with the new entrance.

Mr. Heyer advised that his comments have been addressed.

The Shade Tree Commission had requested three changes in the landscape notes and they are acceptable to Mr. Strong.

Mr. Strong addressed the report from the Millstone Township Environmental Commission. He stated that they had requested an expert perform a threatened and endangered species review for this site. He feels it is not necessary. Mr. Strong explained that the area is 7.9 acres. The wetlands and wetland buffers have already been deed restricted by the NJDEP and the DRCC and those areas cannot be touched. Mr. Strong stated that the remaining area of $\frac{3}{4}$ acres is under construction that was previously approved. The entire area has been disturbed and there are no threatened and endangered species there if there ever were.

Mr. Strong explained that the resource value of the wetlands on the site and offered that they have 50 foot buffers. Mr. Strong offered that if there were any threatened and endangered species on the site, the buffers would have been larger.

Planner Heyer has no problem with this.

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

The Board having discussed the application, and the applicant complying with the reports of the Board Engineer and the Board Planner, Mr. Beck made the Motion to approve the application and Mr. Bailey offered a Second. Roll Call Vote: Beck, Bailey, Kinsey, Pinney, Ziner, Kocur and Newman voted yes to approve the application.

P14-18 BLACK BEAR DAY CAMP, LLC. - Block 35, Lots 17.01, 19, 19.01, 19.02 and 20. Located at 457 Stage Coach Road consisting of 30 acres in the Recreational Camp (RC) Zone. Application submitted 11/25/14. Deemed incomplete 12/12/14. Waiver Hearing 6-24-15. Deemed Complete 10-9-15. Date of Action: 11-23-15. Application is for preliminary and final site plan approval to add a 2,500 s.f. addition to an existing pavilion; construct a new 3,200 s.f. pavilion, add a 3,200 s.f. in-ground pool with 2,800 s.f. concrete decking, 300 s.f. filter and 200 s.f. pool house; further request approval for previously installed baseball field, shed, dugout, fencing and scoreboard on Lot 20. No variances requested. Noticing Required.

Attorney Freiburger has reviewed the noticing packet and finds same in order to accept jurisdiction over this application.

Attorney Freiburger read the following exhibits into evidence:

A-1 Jurisdictional Packet

- A-2 Application dated 11-20-14
- A-3 Web Notice
- A-4 Preliminary and Final Major Site Plan prepared by Crest Engineering dated 3-31-14, last revised 11-6-14
- A-5 500 foot Aerial, Black & White, prepared by Crest Engineering dated 2-16-14
- A-6 Reduced Color Aerial prepared by Crest Engineering dated 2-16-14
- A-7 Grading Plan showing Existing Ball field prepared by Crest Engineering dated 6-1-15
- A-8 Partial Topography Survey of Block 25, Lot 20 prepared by Crest Engineering dated 7-7-15
- A-9 Stormwater Management Report for New Pavilion, Pavilion Addition and Pool Area prepared by Crest Engineering dated 3-31-15
- A-10 Cursory Wetland Investigation Report Prepared By Crest Engineering dated 3-29-14
- A-11 EIS for New Pavilion, Pavilion Addition and Pool Area prepared by Crest Engineering dated 8-20-15
- A-12 Statement of Environmental Impact and Assessment and Critical Area Calculation prepared by Crest Engineering dated 9-18-15
- A-13a-f 6 -Color Photos of existing buildings - undated
- PB-1 Resolution granting submission waivers memorialized 7-8-15
- PB-2 Engineer Report dated 10-19-15
- PB-3 Planner's Report dated 11-2-15
- PB-4 Environmental Commission's Report of No Concern dated 10-28-15

Attorney Vince Halleran representing the applicant.

The previously requested waivers were addressed at the June meeting and some of the completeness submission waivers were granted. The waivers that were not granted were submitted and the application had been deemed complete.

Engineer Peter Strong of Crest Engineering has appeared before the Board and is accepted as an expert witness. Attorney Freiburger swore in Mr. Strong.

Mr. Strong explains the project, which consists of a 2,500 s.f. addition to an existing pavilion where they will be adding 40 ft. x 80 ft. pavilion on the asphalt. The existing basketball court is to be removed and replaced with an in ground pool. There will be a baseball field constructed on Lot 20.

Mr. Strong using the Aerial Exhibit A-6 to explained the site.

Mr. Strong refers to the Grading Plan Exhibit A-7 and explained the proposed project.

Referring to Exhibit A-8, the partial topography survey, Mr. Strong explained the project of the baseball field with dugout and small shed to store equipment.

No variances being requested in this application.

Mr. Strong goes over the reports. The Environmental Commission has no concerns with this project.

Mr. Strong referring to the Board Engineer's report. Engineer' Shafai's question concerning the corner of Red Valley Road and Stagecoach Road is located in the Neighborhood Commercial (NC) zone while the rest of the property is located in the RC Zone. Mr. Strong clarified that that building that occupies that corner is used for the nursing station for the camp.

Lot 20.04 along Red Valley Road is owned by the camp and occupied by employees of the camp and is not used for camp purposes. Mr. Strong clarified that the aforementioned lots are not part of the application.

Concerning the corner lot, Mr. Strong advised that nothing is being proposed there. He stated that it is a pre-existing, non conforming lot but nothing is being proposed.

Mr. Strong advised that there will be no impact on the parking because the campers come on the bus and counselors come with the campers.

Chairman Newman asked about the existing swimming pools on the site. Mr. Strong advised that there are three pools on site, located behind the firehouse.

Regarding the storage containers next to the ball field, the containers are not permanent. They hold maintenance materials and equipment.

Regarding the ball field, Mr. Ziner asked if there is appropriate protective fencing around the ball field. Mr. Strong advised that there is fence around the ball field.

Engineer Shafai asked if the containers are located outside of the side yard setback and Mr. Strong advised that they are located outside of the side yard setback and on the property itself. The containers are fifty feet from the side yard.

Mayor Kinsey stated that Code Enforcement has been out there assessing the issues. Engineer Shafai stated that there is a drainage issue on the south portion of the baseball field onto the adjoining field.

Mr. Strong uses the Aerial Exhibit A-6 and explains the drainage. He explained the drainage problem is not due to the baseball field. He feels it drains to the north causing erosion by the barn. It is his understanding that the area of ball field has been in that condition for quite some time.

Chairman Newman asked what the solution is to the drainage problem would be. Mr. Strong is looking for a solution has been looking at taking some of the water into the paddock or arena area and re-routing the water putting dry wells into that area. At the same time taking areas on either side of the barns and putting up a berm to divert water from that area.

Mr. Halleran advised the Board that they will work with the Board Engineer and the Board.

Chairman Newman commented any approval would have a condition that the above issues be resolved at the beginning of the process.

Mayor Kinsey stated that the Board is being asked, as part of this application, to approve a structure that has been constructed and he clarified that he wants any site issue to be addressed in this approval.

The Board asked if any steep slope areas are being disturbed and Mr. Strong responded that they were not. There are steep slopes located in the area behind the swimming pool, to the south that are exhibiting some erosion and the applicant proposes to construct a retaining wall around the swimming pool to stabilize the area.

The area along the westerly side of the steep slopes is a dirt roadway area of slope that cuts back from the driveway, which has been exacerbated by Storm Sandy. The applicant will take down dangerous trees and stabilize that slope 3 to 1 by vegetating or by use of retaining walls or a combo of whatever it takes to stabilize the area.

The applicant will work with the Board Engineer to make sure everything is stabilized to his satisfaction.

The applicant stated that, other than Lot 19.01, they would consolidate the lots.

The applicant advised that they now own the Clarksburg Inn property, which is located in a different zone. Chairman Newman stated that the Board wants a final survey that shows everything on the property. That was waived for purposes of the hearing.

Ms. Pinney asked if the applicant has any expectation that the ball field will be utilized by teams outside of the campers. Applicant clarified that the ball fields are used by two teams of 18 kids and no visitors or spectators are permitted. There is no PA system. They will not hold any events on the ball fields. Concerning noise, the kids will make noise playing baseball. The ball field is limited to the use by the campers.

The applicant is not requesting the installation of any new lighting or proposing any new landscaping. Except for the dangerous trees that will be removed for safety, tree removal will be Planner Heyer advised that his comments have been addresses.

There have been many changes to the Camp since 2007. If the application is approved, the Board professionals would like to see an updated complete current survey of the property, after construction is completed. Chairman Newman advised that the waiver of the complete survey was for the completeness submission only. A new survey would be a condition of approval and would have to be provided after the completion of construction.

Engineer Shafai has map of existing wells and septic.

Chairman Newman opened the application to the public at 9:05 p.m.

Carol Birnbaum, lives next door to Black Bear Day Camp where the existing ball field is located. She resides at 71 Red Valley Road. Attorney Frieberger swore Ms. Birnbaum in.

She advised the Board that she is having problems that stem primarily from the ball field, which was just built. She stated that the applicant has not used that field this summer. The field is the cause of massive erosion affecting her paddock. She explained that she raises and runs thoroughbred horses on her property.

Mr. Birnbaum stated that since the applicant had taken down the hill, that changes the whole course of the water flow. Using the Aerial Exhibit A-6, she points to the significant erosion area.

Mr. Strong has seen that area that Ms. Birnbaum is referring to and he advised that would fix that problem.

Ms. Birnbaum also has concerns regarding the storage next to her property. Chairman Newman stated that Board Engineer Matt Shafai would be looking at it to make sure it meets the Town's satisfaction.

Chairman Newman discussed a timing question. Any Board approval would permit the property owner to move ahead with these facilities but the new facilities cannot be placed into operation until this drainage issue is taken care of. Engineer Shafai offered that we need a design to resolve the problem and before a certificate of occupancy is issued, these concerns are to be resolved.

Attorney Freiburger swore in Cathleen Duffy residing at 75 Red Valley Road. Referring to the Aerial Exhibit A-6, Ms. Duffy, explained that she has lived there for 20 years. Her home is surrounded by the camp. The ball field is behind her. She has no problem with the field behind her. It originally was a horse farm. She explains that applicant had a barn or shed blocking the view of the field but that was removed and when the trees lose their leaves, the field can be seen. Ms. Duffy would not want the public back there playing baseball.

Attorney Freiburger swore in Owen O'Neil, 453 Stagecoach Road who has resided there for 31 years. He stated that years ago, loud music and loud speakers were problematic. That affected the neighborhood negatively. That has been remedied. He wants to make sure that if camp development proceeds, they will have more people but loud parties make it difficult for residents. He asked for assurance that they will not revert and affect the neighborhood negatively.

Chairman Newman advised that the Township has a noise ordinance in place, which would take care of that should it arise. Chairman Newman asked if the Township has a noise meter. Engineer Shafai advised that the County has one.

Attorney Freiburger, Mark Magid, a representative of the owner is sworn in.

Chairman Newman asked what they could do to be sensitive to the noise as it relates to the neighbors. Mr. Magid advised that they wish to be a good neighbor and past noise problems resulting from the use of outside DJ's had prompted Black Bear not to use them. Subsequently, they only use in-house DJ's.

Carol Birnbaum wanted to add pertaining to issues with corporate parties, she stated that a lot of time there is noise or parking issues. This had not occurred this season, but in the past, cars from the corporate parties are parked on the ball field and it is filled with cars.

Chairman Newman announced that the Board would take a five minute break at 9:35 p.m.

The Board returning at 9:40 p.m. Chairman Newman asked if any Board member would like to make a Motion on the application. Mr. Ziner asked that a condition of approval would be that the water and drainage issues be repaired prior to any building permits being issued.

Chairman Newman stated that a Motion to approve would contain all of the conditions discussed along with the Mr. Ziner's suggested condition that the drainage be repaired prior to any building permits being issued. The Board Engineer confirmed that he would enforce this condition.

Mr. Ziner made a Motion to approve as conditioned and Mr. Kocur offered a Second. Roll Call Vote: Ziner, Kocur, Bailey, Kinsey, Pinney and Newman approved the application as conditioned.

Seeing no new or old business, the meeting adjourned at 9:45 by Motion of Mr. Kocur and a Second offered by Mr. Beck and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea