

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
NOVEMBER 9, 2016**

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

The Secretary read the Adequate Notice.

Salute to the Flag.

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

Attorney Steib announced that two Board members have moved up, Mr. Ziner is now a Class IV member and Mr. Kocur has now taken the Alt 1 position. Also sworn in is new member Stacie M. Curtis who now occupies the Alt 2 position, formerly held by Mr. Kocur. All members have been sworn in by Attorney Steib.

The Board welcomes Ms. Curtis to the Board.

Mayor Kinsey is congratulated on the outcome of the recent election as he continues serving Millstone Township on the Township Committee.

APPROVAL OF MEETING MINUTES: September 14, 2016

The Board having reviewed the Meeting Minutes, Committeewoman Grbelja made a Motion to approve the Minutes and Ms. Pinney offered a Second. Roll Call Vote: Grbelja, Pinney, Beck, Kinsey, Pado and Ziner voted yes to adopt.

PUBLIC COMMENT PORTION: 15-Minute Limit

Chairman Newman the meeting to public comment at 7:34 p.m. Seeing no public comment, he closed the meeting at the same time.

RESOLUTION:

P16-01 - VASHISHT, AVINASH - Block 59, Lot 11 located at 508 Monmouth Road consisting of 2.24 acres in the Highway Commercial (HC) Zoning District. Applicant sought and received Preliminary and Final Major Site Plan Approval to remove an existing gasoline station and construct a 14,443 s.f. mixed use retail building. Applicant sought and received variance relief for an undersized lot where 3 acres is required applicant could provide 2.24 acres., front yard setback where 100 ft. is required, applicant could provide 96 ft., property depth where 450 ft is required, applicant could provide 284.50 ft., lot coverage where 50% is required applicant proposed 63%, building height where 30 ft. is maximum, applicant proposed 32.9 ft. Deemed Complete 7-25-16. Heard in part on 8-10-16; carried to 9-14-16 without the need for further noticing. Date of Action: 11-22-16. Approval granted on 9-14-16.

Attorney Steib announced that the Resolution has been tabled to the December 14, 2016 Meeting. He explained the applicant's counsel and engineer are reviewing some of the language of the Resolution and rather than asking for a deviation, they have requested it be postponed.

EXTENSION OF TIME:

P16-04 512 Route 33, LLC - Block 22, Lots 7 & 8 - Located at 512 Route 33. Property consists of 9.940 Acres in the Highway Commercial Zoning District. On 12/10/14, Applicant received Minor Subdivision approval to reconfigure two existing lots. Applicant received Preliminary and Final Site Plan approval to construct a 12,740 s.f. retail building and a 3,200 s.f. bank. Variances requested were granted. Applicant seeks a one-year extension of time for both approvals. No Noticing Required.

Attorney Kenneth Pape representing the applicant. Mr. Pape advised that on December 14, 2014, the Board granted minor subdivision approval as well as a preliminary and final site plan approval to construct a 12,720 s.f. retail building and a 3,200 s.f. bank. Mr. Pape provided a brief overview of the project. He advised that since securing the approvals, the Lucas Family had purchased the property. Mr. Pape informed the Board that the zone has not changed. He stated that this extension would allow the Lucas Family to finish perfecting the approvals. He stated that they are actively marketing the property for purchase or lease. One additional year will help them to actively perfect the approvals. Mr. Pape stated that they are securing the two septic system approvals. The extension will take them to December 10, 2017.

Attorney Steib advised that there are four approvals are being extending. He explained the first is the subdivision itself. He advised the Board that under the statute, the Board could extend the time that the applicant has been delayed which is one year 11 months. He stated that the septic approval is what they are working on now. Attorney Steib felt that the Board could run all of the approvals at the same time. He explained the preliminary and final site plan could be extended two years and proceeded to explain how the extensions of time work.

Chairman Newman opened the application to the public 7:30 p.m. Seeing no public comment, he closed the extension the public at the same time.

Mayor Kinsey made a Motion to grant the extension and Mr. Ziner offered a Second. Roll Call Vote: Kinsey, Ziner, Beck, Grbelja, Pinney, Kocur, Curtis and Newman voted yes to grant the one-year extension of time. Mr. Pado recused himself due to a conflict.

NEW BUSINESS: Master Plan

Secretary D'Andrea advised the Board that they would be working on the Master Plan, which is due 2018. She explained that a non-quorum subcommittee would be created in 2017.

OLD BUSINESS: Mt. Laurel Update

Attorney Steib advised that the status is public record and there is nothing being discussed that would require the Board to enter into the Executive Session. He provided a brief overview. Mr. Steib stated that the Supreme Court has taken on the GAP case with oral argument at the end of November. The Supreme Court would be making a decision in December or early January.

Attorney Steib advised that the Attorney General has entered into the case as an intervener interested amicus curiae and they have submitted their brief that supports the municipal position. There are two lead counsels for the builders' side and two for the municipal side. Lead attorneys will have 30 minutes each for oral argument and others have just 5 minutes.

Attorney Steib reported that Monmouth County is doing nothing until that ruling is in. Ocean County was forcing a trial of the towns that did not settle. The towns requested that the case be carried and the Judge denied that request. All of the towns ultimately settled on the verge of trial. Attorney Steib advised that he has made a request to receive copies of those settlements and to date, has received two of those settlement agreements.

Attorney Steib provided that only one town in Middlesex County went to trial and that town is appealing that decision.

Attorney Steib advised that presently we are in a holding pattern. The Township's Committee is actively working on the Township's plan. There are no numbers yet but once we get the numbers, we can proceed with putting the Master Plan's Housing Element and Fair Share Plan together.

Mayor Kinsey advised the Township Committee adopted a Resolution to support Bills S2254 and A3821, two bills making their way through the Senate and the Assembly. This legislation supports the plain language of the Mt. Laurel doctrine, which is present and prospective need is a 10-year period moving forward not 16 years, which have passed. Mayor Kinsey stated that this was a big push by the NJ Conference of Mayors as well as the League of Municipalities. He offered they are getting positive reviews.

Attorney Steib stated the Gap period is a 16-year period where COAH did nothing. No town had a number. He stated that they did adopt two sets of regulations that were thrown out by the courts and a third set that was never passed. Regarding the Gap decision in Ocean County, Judge Troncone made a ruling that every town must calculate what their housing need would have been over the 16-year Gap period. This decision was appealed to the Appellate Division stating that the Fair Share Housing Act says that you use three things in calculating your need. One would be prior round obligations, which we have satisfied. Second is present need, which has always been interpreted as substandard units, but no retroactive looking back. Prospective need is taking that date certain and looking forward 10 years. The Appellate Division agreed with this. He stated that the Fair Share Housing Act is clear.

The Builders' lobbyist took the phrase determined need in the Appellate Court Decision, took it out of contents and said determined need is what was the last 16 years and that should be a new component of the present need. The Builders' appealed the Appellate Court Decision to the Supreme Court and they accepted the case. Attorney Steib stated that when you read the whole context, present need is on a date certain, substandard units and future need.

Attorney Steib stated that currently, the component of present need is as of July 15, 2015. We calculate how many low and moderate-income persons are living in units that are substandard;

living in homes that are bad condition. Attorney Steib discussed how this information is gathered. He stated it is a complex process.

The Board discussed that legislation is saying we must calculate the need by present need which is as of a date certain, prospective need which goes 10 years ahead and we do not look backwards.

Seeing no further old or new business, asked for a Motion to Adjourn the meeting. Committeewoman Grbelja made the Motion to Adjourn, Ms. Curtis offered a Second and by unanimous vote, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Pamela D'Andrea