

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
AUGUST 14, 2019**

At 7:30p.m., Mr. Newman called the meeting to Order.

The Secretary read the Adequate Notice and the additional Noticing required by the Township.

Salute to the Flag.

**Roll Call:** Present: Arpaia, Beck, Curtis, Ferro, Grbelja, Newman, Pinney  
and Ziner

Absent: Oxley, Pado and Pepe

**APPROVAL OF MEETING MINUTES: May 8, 2019**

The Board having reviewed the Meeting Minutes and any changes having been made, Chairman Newman asked for a Motion from an eligible member and a Second.

Mr. Ziner made the Motion to approve the Meeting Minutes and Mr. Beck offered a Second: Roll Call Vote: Ziner, Beck, Arpaia and Newman voted yes to approve.

**PUBLIC COMMENT PORTION:** At 7:35 p.m., Chairman Newman opened the Meeting to the public for any public comment they may have for the Board to consider this evening. Seeing none, he closed the public comment portion at 7:35 p.m.

**P18-03 BLACK BEAR DAY CAMP** - Block 35, Lots 17, 17.01, 19, 19.01, 19.02, 19.04, 20 & 20.04. Located in the RC Zoning district. The applicant reached out to the Township Committee to request a Modification of Certain Terms and Conditions of the Millstone Township Land Use and Development Regulations Chapter XXXV for Black Bear Day Camp regarding a rezoning. The Township Committee, at their March 6, 2019 Meeting, considered the request and referred the matter to the Planning Board for their review and comment.

Kenneth Pape, Esq. representing Black Bear.

Mr. Pape provided a brief overview of the uses on the property. He explained the process whereby the Township Committee has requested that the Planning Board review the request for the zone modification. The Planning Board will make their recommendation to the governing body. If an ordinance recommendation is in order, then that is generated from the governing body.

Mr. Pape would ask Attorney Steib to prepare a letter setting forth the Board's comments directed to the Township Committee. Mr. Pape offered that the applicant had started this process two (2) years ago. Mr. Pape explained that Black Bear went through an ownership and management change.

Mr. Pape reported that there was a limit to the intensity of the use in the present zoning ordinance. The building coverage is 5% and the impervious coverage is 10%. He explained Black Bear would like

10% to 25% primarily for parking needs. He stated that items not perceived as impervious years ago, such as tent coverage are now considered impervious.

Black Bear is proposing rezoning and has prepared a zone overlay plan, broken down into three (3) areas. Mr. Pape advised that they are seeking overlay opportunity with no residential housing permitted. There are three pre-existing residential houses there but no new residential housing is proposed. Mr. Pape stated that they just want the Neighborhood Commercial (NC) zone overlay on the Recreational Camp (RC) zone that includes all of the restrictions.

Planner Mertz proposed two item changes in the standard of the RC zone implementation of an overlay on three properties. She provided that it makes sense to change the RC Zone to expand the use of the camp and make it simpler for both the Town and the Camp. The Camp wishes to change the lot coverage and building height coverage. They are seeking a change to 40 in height. Planner Mertz sees that these increases make sense. The Camp is not requesting any changes for the uses in the RC zone and they will remain the same.

Planner Mertz explained that the two other camps, YMCA and Frogbridge, will not be negatively impacted by the changes in the zone.

Mr. Pape advised that the Camp has no specific plans for the Stage Coach Road property at this time.

Chairman Newman inquired as to the reason for the change in height to 40 feet. Mr. Pape explained the taller ceiling is to accommodate indoor recreation.

Deputy Mayor Grbelja asked about the setback on Stage Coach Road. Her concern is having something very large on the road. She offered that the Camp has always been an outdoor activity camp and asked why the change. She feels that they are giving up the essence of what they are about.

Planner Mertz recommended not calling the 4,000 s.f. an overlay. They want to keep it consistent with what is on the Camp. Planner Mertz explained that Black Bear just wants to expand the Camp and the 4,000 s.f. is to be removed because they are not going to have those small stores and that is why she suggested renaming it.

Deputy Mayor Grbelja does not want to see something rather large located on the corridor of Stage Coach Road, offering that it would not be appropriate since this area is as close to a town center that we have. She further discussed her concern over traffic coming in and out of that location.

Ms. Curtis asked if the buildings would be utilized seasonally or year round.

Chairman Newman referred to the Planner's report, page 7, item 3 and asked Planner Mertz to clarify that the overlay will be relevant to Camp uses not retail or shopping and allow for the uses that support the Camp.

Mr. Pape stated that the largest building is 16,000 s.f. building due to septic and well.

Chairman Newman discussed the goal is to discuss the matter and have Attorney Steib to put a memorandum together and provide that the Township Committee.

The Board had concerns about the intensity being located so close to Stage Coach Road. The ROW is 40 feet from centerline. Engineer Shafai added that would be 95 feet from the edge of the pavement.

Mr. Ziner feels that having such a large building on our country roads to include parking is a great deal. The building height of 40 feet, coupled with the existing building and lot coverage with a facility that could be used year round.

Chairman Newman suggested that the Board take into account this information that is being evaluated.

Planner Mertz went over the overlay plan wherein Area 1 is existing zoning that would allow fairly intense use if they want to develop the area using today's ordinance. Ms. Curtis asked the applicant if they have an anticipated use for Area 2 and 3. Mr. Pape has none at this time.

Engineer Shafai remarked that the lot coverage existing is over 10% since they are seeking 25%.

Planner Mertz' report asked if the applicant is planning to subdivide. Deputy Mayor Grbelja asked if the applicant would be amenable to deed restrict further subdivision.

Mr. Pape stated that the Camp's facilities in 2019 are new and unique and remain relevant and competitive. He stated that the parking requirements are different from the past requirements.

Deputy Mayor Grbelja wants the Camp to be able to do something with the property but is not sure that she likes what they have presented and asked for member feedback.

Chairman Newman asked if a portion of the parking could be paved and not completely gravel. The Board discussed fine tuning the impervious coverage to have the Camp provide asphalt and not gravel.

Chairman Newman asked the members to provide Attorney Steib with items that he can focus on.

The change in impervious coverage and height will impact the other RC zones.

Mr. Ziner inquired as to building size.

Deputy Mayor Grbelja is concerned about the appropriateness in how it will be perceived by parties coming into Town and seeing those large structures.

Chairman Newman advised that there is a balance to have the Camp be successful and to protect the view shed and the corridor.

Mr. Pape advised that they have no plans at this time. Any structure would be consistent with the architectural standards that the Township has in place. Chairman Newman offered that the Camp would come back to the Board to file and have those architectural standards reviewed.

Mr. Pape asked for a 5 minute break to confer with his clients at 8:26 p.m.

The Board resumed the meeting at 8:31 p.m.

Mr. Pape advised that he appreciated the comments and they will be taking the Board's suggestions and working with them.

The matter has been carried to September 11, 2019 beginning at 7:30 p.m.

**P19-08 ESTATE OF ELSIE HALKA** - Block 41, Lot 1 known as 244 Stillhouse Road consisting of 30.22 acres located in the Rural Preservation (R-UP) Zone. Applicant seeks Minor Subdivision approval to create two lots. Proposed Lot 1.08 consisting of 8.226 acres and proposed Lot 1.09 consisting of 21.595 acres. Variance need for lot frontage for Lot 1.08 where 250 ft. is required, 96.64 can be provided. Deemed Complete 7-8-19 Date of Action: 11-22-19 Noticing required.

Board Attorney Michael Steib advised that he has received and reviewed the noticing packet and finds same in order to accept jurisdiction over the application.

Attorney Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 6-17-19
- A-3 Survey of Property prepared by Crest Engineering and dated 3-13-08 , last revised 1-15-09
- A-4 500 foot color Aerial prepared by Crest Engineering dated 5-31-19
- A-5 Minor Subdivision Plant by Crest Engineering dated 9-21-17
- A-6 EIS dated prepared by Crest Engineering dated 6-3-19
- PB-1 Engineer Report dated 7-8-19
- PB-2 Planner's Report dated 7-8-19
- PB-3 Monmouth County Planning Board Conditional Final Approval dated 6-24-19
- PB-4 EC Report dated 7-10-19

Attorney Jared Pape representing the applicant. Mr. Pape advised that the estate has chosen to sell certain properties at this time. The property consists of 30 acres with two (2) proposed building lots located in two zones with the vast majority of the property being located in the Rural Preservation (RU-P) zone and a portion in the Rural Residential R-80 zone.

Attorney Steib swore in Peter Strong, P.E., P.P. of Crest Engineering. Chairman Newman advised that Mr. Strong has testified before the Board and he is accepted as an expert witness.

Entered into evidence as Exhibit A-4, Color Aerial of property outlining 500 foot radius.

Entered into Evidence Exhibit A-7, Copy of subdivision plan with highlights in green.

Mr. Strong provided a brief overview of the plan referring to Exhibit A-4 stating that the property consisted of 30 acres that borders Sweetmans Lane and Stillhouse Road. The property is surrounded by a nursery used by the Halka family. All of the property is located in the RU-P zone except for an area on Stillhouse Road. Mr. Strong advised that a variance is need for lot frontage on proposed lot 1.08, where 94 feet is provided, 250 ft. is required.

Deputy Mayor Grbelja's recollection that when this property came to the Board for the Rec Center for St. Joseph's Church, that little entrance was negotiated with the contiguous landowners to give additional room for the Church to have access to the property.

Mr. Pape stated that the parcel is a pre-existing, non- conforming parcel. He stated that the 8-acre lot can be accessed from wither Sweetmans Lane or Stillhouse Road. The other parcel can only be accessed via Sweetmans Lane.

Mr. Strong advised that the soil tests performed percolated for soil suitability for septic. He has a letter from the Monmouth County Board of Health. The wetland delineation reflects that the Millstone River pond is located in the lower area with a 50-foot buffer. Mr. Shafai advised that if a home is to be built, an LOI would have to be provided.

Mr. Pape confirms that the project will conform to the zone except for the variance requested.

There was a discussion as to how the County would see the driveway working on Sweetmans Lane.

Chairman Newman discussed the history of the property and does recall the concept. Secretary D'Andrea was instructed to provide to the Board and its professionals the prior Resolution and meeting minutes with the meeting date and the video link of the meeting. He feels that this would benefit the members.

Deputy Mayor Grbelja explained the reason behind the granting of the 94-foot piece of land.

Engineer Shafai advised that this was placed on the approved plan but it never came to fruition. Engineer Shafai advised the Board that the wetland delineation did expire and the applicant would have to provide an undated plan as a condition of approval. He further stated that the soil testing was performed 10 years ago and at that time, they showed high levels of arsenic in 2008. The property has been a nursery since then and he asked for more soil tests are performed.

Mr. Strong stated that once location ad high arsenic levels. Mr. Strong is willing to perform more soil testing for everything, not just arsenic. He advised that he will take a couple of samples to see if it is clean.

The steep slope area will be placed in a conservation easement as a condition of approval.

Planner Mertz offered from a planning perspective the Stillhouse Road placement makes sense since there are homes located on that road already.

Attorney Steib had sworn in both Engineer Shafai and Planner Mertz.

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

Attorney Steib swore in John Valdez, 88 Stillhouse Road. Mr. Valdez is concerned about the location of the home that will be built behind his home on lot 1.05.

Attorney Steib swore in Greg Rosta, 251 Sweetmans Lane. He explained that he is located at Lot 5. He voiced his concerns about the configuration of Sweetmans Lane regarding the placement of the driveway..

Seeing no further public comment, Chairman Newman closed the public portion at 9:10 p.m.

Chairman Newman asked the applicant to be prepared to address the stormwater runoff to potential neighbors.

Attorney Steib made an announcement that the application would be carried to the September 11, 2019 meeting beginning at 7:30 p.m without any further noticing being provided..

**OLD BUSINESS: MT. LAUREL**

Chairman Newman made a motion to go into Executive Session to discuss litigation matters and Ms. Curtis offered a Second and by unanimous roll call vote, the Board left the regular meeting.

The Board returned to the regular meeting at 9:57 p.m.

Seeing no further new or old business, Chairman Newman made a Motion to Adjourn and Mr. Beck offered a second and by unanimous vote the meeting adjourned.

Respectfully submitted.

Pamela D'Andrea