

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
SEPTEMBER 11, 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, Curtis, Grbelja, Newman, Oxley,
Pado, Pepe, Pinney and Ziner
Absent: Beck and Ferro,

APPROVAL OF MEETING MINUTES: August 14, 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.

Ms. Curtis made the Motion to approve the Meeting Minutes and Mr. Ziner offered a Second: Roll Call Vote: Curtis, Ziner, Arpaia, Grbelja, Pinney 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.

Mr. Patricia Butch advised the Board that the Township is applying for a \$250,000.00 Monmouth County Open Space Grant to install an ADA compliant bathroom, parking lot and a bicycle repair station for the property known as the Clarksburg Cultural Center. She is seeking support from the Planning Board. The Board unanimously gave her support and would generate a letter regarding same. Mrs. Butch thanked the Board.

Chairman Newman seeing no further public comment, closed that portion of the meeting at 7:40 p.m.

P19-05 PATEL, YOMESH - Block 24, Lot 6 known as 455 Route 33 consisting of 1.28 acres in the Highway Commercial (HC) Zone. Applicant seeks approval to construct an 8,820 s.f. retail building. Variances requested for lot area, 3 ac. required, 1.28 ac. exists; lot width and frontage, 250 ft. required, 187.95 exists; lot depth 450 ft. required, 237.52 exists; front yard setback 100 ft. required, 77 ft. proposed, setback both sides 100 ft. required, 70 ft. proposed, parking 55 stalls required, 44 proposed, 1 loading stall need, 0 proposed. Board Attorney announced Applicant's notice deficient for Manalapan and must re-notice for Manalapan properties only. Noticing sufficient otherwise. Deemed Complete 7-8-19. Date of Action 11-5-19.

Attorney Steib made an announcement that the Patel application number Z19-05 would be carried

without any further noticing to the Millstone residents to the October 10, 2019 meeting. Applicant will notice the Manalapan properties as per their certified list.

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

CARRIED APPLICATIONS:

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. Heard in part and carried to the 9-11-19 Meeting without further noticing required.

Attorney Steib entered into evidence Exhibit PB-5, Memorandum to the Board prepared by Michael B. Steib, Esq.

Attorney Jared Pape representing the applicant.

He advised that this is a continuation of the application presented at the 8-14-19 meeting. He provided a brief background of the application for minor subdivision. He stated that St. Joseph's Church applied to the Planning Board for Major Subdivision Approval. The Halka Family was going to transfer property to the Church for those purposes. The Church did not move forward on the approved application. The current buyer wishes to subdivide the property to create two lots.

Mr. Pape reported that they had met with the property owners of Lots 1.05 and 1.06 to make observations of the land. He offered that there are substantial trees upwards of 40 ft. that create a large canopy with little understory. The applicant will preserve the tree line and understory would be of indigenous species to provide a buffer.

Attorney Steib marked into Evidence, Exhibit A-7 Highlighted A-5.

Mr. Pape referring to Exhibit A-7 explained that the understory to 20-feet on each side will create a barrier to each resident. The driveway will provide an entrance to serve only this lot.

Mr. Pape stated that the applicant has agreed to build home a minimum 250 feet from the neighbors' lot line. Dry wells will assist in stormwater management.

Chairman Newman asked if this home will have an entrance off of Sweetman's Lane. Mr. Pape advised that this lot will utilize the entrance off of Stillhouse Road.

Chairman Newman asked Attorney Steib how the Board would officially memorialize that the Church will not seek finalization of their application. Attorney Steib advised that the prior application dies.

Peter Strong is sworn in and is familiar to the Board and accepted as an expert. Mr. Strong reported that additional soil samples were taken. The soil has arsenic present. He explained

that the lead levels go with what is naturally occurring. He advised that the probable cause is not chemical.

Mr. Pape advised that the property owner will seek a Response Action Outcome (RAO) when the house is constructed. Prior to the issuance of a Construction permit, they applicant will have the RAO. This would be a condition of Resolution Compliance. The applicant will have this in the recorded Developers Agreement that contains the Resolution or recorded in the Deed.

Chairman Newman opened the application to the public at 8:00 p.m.

Attorney Steib swore in John Valdez 88 Stillhouse Road. He stated that he is in agreement with the representations made and has no concerns.

Seeing no further public comment, Chairman Newman closed the public portion of the application at 8:00 p.m.

Attorney Steib read conditions of approval should the Board vote positively on the application, including but not limited to, applicant is seeking minor subdivision approval, the trees located to the rear of the property shall be 250 feet from Stillhouse Road and the neighbors, the applicant will install downspout to a dry well to avoid stormwater impacts, sight triangle in favor of the municipality, if need be, the applicant will go thru the RAO process, the steep slopes will be placed in conservation easement, as well as wetlands and all other conditions in the professionals' reports, etc..

Chairman Newman asked for a Motion. Mr. Pado made a Motion to approve as conditioned and Ms. Oxley offered a Second. Roll Call Vote: Pado, Oxley, Grbelja, Pinney, Ziner, Curtis, Arpaia and Newman voted yes to approve as conditioned.

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. Continued from 8-14-19 Meeting.

Attorney Kenneth Pape representing the applicant.

Mr. Pape was before the Board in August to present the zoning modification request. He advised that Architect, Steve Radosti, came up with substantial changes in their request in order to comply With the Board's concerns/questions.

The have removed the Zone overlay from the plan and the only change to the Recreational Camp (RC) zone is that the permitted buildings include the word recreation buildings. Black Bear was seeking an increase in building height to 40 feet. Mr. Pape advised that in working with Mr. Radosti, 35 feet for an indoor sports arena would work. The impervious coverage is presently 10% and they are seeking an increase of 25%. Building coverage that is permitted is 5% and

they are seeking to increase that to 10%.

Mr. Pape explained that he wrote a letter to the Township Committee one and a half years ago. They are now following the Land Use Act and presenting this request to the Planning Board. Mr. Pape advised that they are looking for the Board to review and send a recommendation to the Governing Body.

Deputy Mayor Grbelja stated that the Township does not want to get rid of the Neighborhood commercial (NC) Zone. She explained that the township has a senior community and a senior center and for those reasons are still looking to have some neighborhood commercial businesses there. She advised that she was glad to see what they are doing.

Mr. Steve Radosti prepared what the architectural ordinance would look like on a 16,000 s.f. building.

Attorney Steib swore in Steve Radosti, who presented his credentials as a licensed architect in the State of New Jersey.

Mr. Radosti advised that the location of the trampoline will be located at the site of the former Clarksburg Inn. They will put construct a building that would fit in the area as well as meet the architectural ordinance.

Mr. Pape advised that the building would meet the ordinance without looking like a Sportico-type building.

Attorney Steib advised that Peter Strong is still sworn in. Mr. Strong explained that the building would be located 140 feet from the centerline of Stage Coach Road.

Deputy Mayor Grbelja advised that she does not want to see a monster building overshadowing the area.

Mr. Strong advised that the building would be located behind where the present building is located.

Mr. Pape offered that the septic system regulates the size of the building. Engineer Shafai asked if the building would be one story or two stories. The applicant advised that they do not intend to have a second story. The height is for a clear span for indoor recreation.

Regarding the zone where the various lots are located, Lots 19.01, 17 and 16.01 are located in the NC Zone. Planner Mertz sited that they are located in the NC Zone but are currently being used with RC activities. Lot 19.02 is located in the RC Zone and is staying the RC Zone.

Deputy Mayor Grbelja is concerned that the larger building would be next to a plan the Township has in place to build affordable housing for seniors. Attorney Steib read aloud from the NC Zoning ordinance what could be built in that zone.

Deputy Mayor Grbelja' concern is that this would eliminate the opportunity to have those small

business in the NC Zone.

Planner Mertz stated that the overlay had issues with the building setbacks. She suggested having an option for the applicant or future applicant. Deputy Mayor Grbelja does not want to give up the NC Zone. She does not want an intrusion in the NC Zone and wants to see strong guidelines.

The Board took a break at 8:50 p.m. returning at 9:00 p.m.

Mr. Pape advised that Black Bear summarized their request and asked the Board for their thoughts.

Deputy Mayor Grbelja is seeking landscaping to buffer this property from the senior housing. She does not want to lose the NC Zone.

P19-02 BLACK BEAR LAKE REAL ESTATE CO., LLC - Block 35, Lots 17.01, 19, 19.01, 19.02 & 20. 34.88 acres located at 457 Stage Coach Road in the RC Zone. Applicants received Preliminary and Final Site Plan approval to construct a 4,780 s.f. building, 31.56 ft. in height trampoline building. Variance granted for building height and Lot coverage where maximum lot coverage 10.87% where 10% is allowed. Resolution memorialized 5-8-19. Applicant returns to the Board for a modification of the Resolution. Noticing required.

Attorney Steib advised that he has read the noticing packet and finds same to be in order to accept jurisdiction over the application.

Attorney Pape provided a brief overview of the application. He advised that an accurate survey revealed that the impervious coverage added up to 11.43%. They cannot eliminate anything to make up for the overage and are returning to the Board to seek a variance for the impervious coverage.

Attorney Steib swore in Peter Strong of Crest Engineering who is known to the Board and accepted as an expert witness.

Mr. Strong advised that nothing else being added on the property, just measured incorrectly.

Chairman Newman asked if Engineer Shafai or Planner Mertz had any issues with this request. Planner Mertz stated that from a planning perspective, there is not much of an issue, just calculation issue. In the original application, the applicant has asked for this but thought that they could fix it.

At 9:10 p.m., Chairman Newman opened the application to the public, seeing no public comment, he closed that portion at 9:10 p.m.

The Board discussed that anything that they wish to place on the property may be a variance.

Chairman Newman asked for a Motion and a Second. Mr. Arpaia made a Motion to approve the variance and Mr. Ziner offered a Second. Roll Call Vote: Arpaia, Ziner, Oxley, Pado, Pinney, Curtis, Grbelja, Pepe and Newman voted yes to approve.

Attorney Steib advised that the Court has our settlement. He will keep us apprised.

Seeing no New Business or Old Business, Chairman Newman asked for a Motion and a Second to adjourn the meeting. Deputy Mayor Grbelja made a Motion to Adjourn, Mr. Arpaia offered a Second and by unanimous vote, the matter adjourned at 9:15 p.m.

Respectfully submitted,

Pamela D'Andrea