

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 9, 2009**

Both the Chairman and Vice Chairman are not in attendance this evening. Ms. Grbelja made a Motion to appoint Class IV member Mr. Blanco as acting Chairman and Mr. Kurzman offered a Second and by unanimous vote, Mr. Blanco would oversee the meeting this evening.

At 7:35 p.m. Mr. Blanco called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Blanco, Grbelja, Masci, Kurzman, Pado, Pinney, Weintraub and Beck.  
Absent: Newman, Pepe and Rundella.

**APPROVAL OF MINUTES: July 8, 2009**

Mr. Masci made a Motion to approve and Mr. Beck offered a Second. Roll Call Vote: Masci, and Beck voted yes.

**RESOLUTION:**

**SOIL REMOVAL APPLICATION:**

**P06-02 33 ASSOCIATES (RIVERSIDE CENTER)** Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant seeks a soil removal permit associated with the preliminary and final subdivision approval. Permit application approved.

Mr. Masci made a Motion to memorialize and Mr. Beck offered a Second. Roll Call Vote: Masci, and Beck voted yes to memorialize.

**NEW APPLICATION:**

**P09-02 KENNEY, JAMES AND BEVERLY** – Block 48, Lots 3 & 10.03. Located at 377 Stage Coach Road in Millstone Township. 53.56 acres in the RU-C zone. The applicant has preserved 50.55 acres through the State Farmland Preservation Program and seeks to set aside a 2-acre residential area pursuant Millstone Township ORD 06-29. Deemed Complete 8-24-09. Date of Action: 10-8-09.

Attorney Kenneth Pape representing the applicant.

Attorney Steib read the following exhibits into evidence:

- A-1            Jurisdictional Packet
- A-2            Application dated 2/19/09
- A-3            Web Notice posted on 8/25/09
- A-3a          Deed dated 7/2/04; recorded 7/20/04
- A-4            EI &A dated 6/16/09
- A-5            Historic Pesticide & Soil Contaminant Report dated 6/22/09
- A-6            Minor Subdivision Plan prepared by Richard Heuser, PC dated 1/30/09; last revised 6/22/09
- PB-1          Report of Board Engineer dated 8/24/09
- PB-2          Monmouth County Planning Board Report dated 3/23/09
- PB-3          Monmouth County Board of Health letter dated 1/29/08
- PB-4          Ordinance 06-29 allowing two acre Homestead

Mr. Pape provided a brief overview of the application before the board. The Applicant is before the Board for a minor subdivision of 50 plus acres of preserved farmland. A provision has been established to create the second homestead and consistent with the preservation easement placed on the site. The Township Ordinance requires that the applicant comply with the R-80 zoning.

Mr. Pape advised that there is an application pending before the NJDEP for wetland approval.

Historic pesticide testing has been done in coordination with Engineer Matt Shafai. It has no historic pesticide that would prevent it from being used as a residence.

Attorney Steib swore in Richard K. Heuser of Matawan, New Jersey. He is a land surveyor and professional engineer licensed in the State of New Jersey. His credentials are presented and accepted by the Board.

Mr. Heuser stated that the tract of land is located on Stage Coach Road consisting of approximately of 53 acres, consisting of a house, barn and some outdoor buildings. The property is mostly cultivated with corn and rye. Woods are located to the back portion of the property and there is a development located to the east. Mr. Heuser explained the topography of the property.

The applicant performed a soil log and sent that to the Monmouth County Board of Health who found the subject lot is acceptable for a septic system. Mr. Heuser further advised that the NJDEP has been requested for an LOI determination. He advised that no wetlands exist on this part of the tract where the homestead would be subdivided. The wetlands are located to the east and south. They are seeking confirmation as to this lot but Mr. Heuser does not feel this tract is encumbered by wetlands. Mr. Heuser stated that the water table is below ten feet.

The existing residence is roughly in the westerly portion of the site and located 326 feet from the next property division line.

The County will require some minor additional right of way for road widening which was taken into consideration when designing the plan.

Mr. Shafai's 8-24-09 report reflects that the applicant must comply with the R-80 zone requirements. Applicant will comply with the Engineer's request.

Board Planner Richard Coppola's report was next addressed. He had a question that the plan provided indicates that 51 acres has been placed into farmland assessment. He asked for clarification of the non-severable preservation area. Mr. Heuser explained that is for Dr. Kenney's veterinary business. The preservation took place prior to this minor subdivision.

Mr. Coppola refers to the landscape ordinance. Mr. Pape requested that if tree planting for that lot could be part of the building permit. Ms. Grbelja stated that she understands the ordinance and currently that land is being farmed and will continue to be farmed until the applicants decide to sell or provide the homestead piece for their family members. She stated that we would be taking agriculture away from that property. Mr. Coppola agrees. Deferring the landscape plan until a construction permit is requested and Mr. Coppola has no problem making the suggestion that a condition be placed in the Resolution that the landscape plan is subject to review by the Shade Tree Commission at that time.

Engineer Shafai asked that a note be placed on the plan that the 20 trees will be provided at the time of the plot plan. Also a note should be placed on the plan concerning the 2 acre piece is to be part of landscaping there and that there will be compliance at the time of pulling construction permits for Shade Tree to review. The applicant should request a waiver from the street planting.

At 7:53 p.m., Mr. Blanco opened this application to the public.

Kathy Marabella, 9 Cindy Court, Millstone asked about the environmental impact study.

Mr. Pape explained that the environmental impact study is completed. The NJDEP's Letter of Interpretation is pending and that is what the applicant is waiting for. This will reflect that the land is high and dry where a house can be located.

Roy Marabella, 9 Cindy Court, Millstone asked about the overlap. Mr. Pape advised that they struck a common boundary line and now there is no area of overlap.

Terry Mesh of Stage Coach Road. She has a question about water that flows onto her property. Mr. Heuser asked where the culvert is located. She is concerned any construction on the homestead piece may impact her property. The road is a County road and the residents on that road should notify the County that it is not functioning properly. Mr. Heuser does not anticipate any change in the property to impact that area.

Pat Butch, Prodelin Way was sworn in. She advised as Chairman of the OSFP, that the OSFP is happy that the Kenney family put their farm into farmland preservation and she wanted to make clear that the 2 acres was not paid for by farmland funds and that 2 acres was designated prior to the preservation and so that this could take place at a future date.

Seeing no further public comment on this application, Mr. Blanco closed that portion at 8:00 p.m.

Mr. Steib read the conditions of approval to include but not limited to:

The applicant agrees to comply with the technical comments of Engineer Shafai's report, compliance with those comments in Planner Coppola's report, provision of landscaping shall be part of the building process; for the 2-acre piece, a waiver is granted for the street tree planting, etc.

Mr. Pado made a Motion to approve as conditioned and Mr. Kurzman offered a Second. Roll Call Vote: Pado, Kurzman, Blanco, Grbelja, Masci, Pinney, Weintraub and Beck voted yes to approve.

**P09-05 MILLSTONE COMMONS WEST (Bridar West)** – Block 17, Lot 8.04. Located on Route 33 consisting of 3.00 acres in the HC zone. Applicant seeks Preliminary Major Site Plan approval to construct two (2) one-story retail/office buildings; the main building consisting of 13,560 s.f. and the second building consisting of 2,400 s.f. Variances previously granted at the time of subdivision approval (Harter Application). Noticing is required.

Attorney Michael Steib advised that the Application number P09-05, Bridar West, had a problem with the clarity of the notice and that matter will be carried to the October 14, 2009 and the applicant will renote.

**P09-06 MILLSTONE COMMONS EAST (Bridar East)** – Block 17, Lot 8.05. Located on Route 33 consisting of 3.39 acres in the HC zone. Applicant seeks Preliminary Major Site Plan approval to construct two (2) one-story retail/office buildings; the main building consisting of 13,200 s.f. and the second building consisting of 2,400 s.f.. Variances previously granted at the time of subdivision approval (Harter application). Noticing is required.

Attorney Steib advised that he had reviewed the noticing packet and finds same to be in order to accept jurisdiction over the application before the Board this evening.

Attorney Kenneth Pape for the applicant. Mr. Pape provided a brief overview of the application.

Mr. Steib reads the following exhibits into evidence:

- A-1            Jurisdictional Packet
- A-2            Application dated 3/31/09
- A-3            Web Notice posted 8/27/09
- A-4            Freehold Soil Conservation Initial Application Review dated 3/31/09
- A-5            Traffic Report prepared by McDonough & Rea dated 4/2/09
- A-6            E.I.S. prepared by Crest Engineering dated 3/15/09
- A-7            Storm water Management Manual prepared by Crest Engineering dated 3/4/09
- A-8            Storm water Management Plan prepared by Crest Engineering dated 3/4/09
- A-9            Survey of property prepared by Crest Engineering dated 2/2/09; last revised 6/12/09
- A-10          Half Mile Radius Map prepared by Crest Engineering dated 3/15/09
- A-11          Crest letter reflecting changes in response to incompleteness

memo of 04/24/09

- A-12 Stormwater Management BMPs prepared by Crest Engineering dated 3/4/09; last revised 6/15/09
- A-13 Stormwater management Plan prepared by Crest Engineering dated 3/4/09; last revised 6/15/09
- A-14 Architectural of the Proposed New Retail/Office Building prepared by Perez- Radosti Associates, P.C. dated 3/18/09; last revised 7/21/09
- A-15 Preliminary Major Site Plan prepared by Crest Engineering dated 3/15/09; last revised 6/16/09
- A-16 Applicant letter dated 8/28/09 in agreement to comply with the Fire Bureau recommendations
- A-17 Letter from Crest Engineering complying with the requests of the Fire Bureau's water volume needs dated 8/28/09
- A-18 Final Plat and Major Subdivision dated 5/16/08 and filed 2/2/09 case 308, map 8.
- A-19 Landscape Color Rendering
- A-20 Dimensional rendering of the east & western sites
- A-21 Dimensional rendering of the east site
- A-22 Floor Plan & Front Elevation prepared by Perez & Radosti Associates, P.C. dated 3/18/09; last revised 7/21/09
- PB-1 Report of Board Engineer dated 8/19/09
- PB-2 Report from Planner dated 8/24/09
- PB-3 Monmouth County Planning Board Report dated 4/13/09
- PB-4 M.C.B.H. Soil suitability letter dated 12/4/08
- PB-5 D&R Canal Commission Report of incompleteness dated 4/22/09
- PB-6 Freehold Soil Conservation District Review Revisions dated 7/6/09
- PB-7 Letter from Millstone Township Environmental Commission dated

7/29/09.

- PB-8 Landscape Architectural Report prepared by Daniel Dobromilsky & Associates dated 8/5/09
- PB-9 Millstone Fire Prevention Bureau Report dated 8/25/09
- PB- 10 Shade Tree Commission dated 9/22/09

Mr. Pape advised that the following experts will be testifying on behalf of the application: Peter Strong, P.E., P.P. Stephen Radosti, AIA and John Rae, P.E., traffic engineer. Two of the four owners are present as well. He advised that the major subdivision application created the three lots. The driveway locations were determined by this Board and placed on the subdivision maps and lots 8.04 and 8.05 share a single driveway.

An environmental contamination arose out of farmland activity. An extensive and expensive clean up took place and an NFA letter was a requirement of the subdivision approval. Bulk variances were granted at the time of the subdivision for depth total building size just under 16,000 s.f.

Attorney Steib swore in Peter Strong of Crest Engineering as a professional engineer. Mr. Blanco announced that his credentials are known by the Board and he is accepted as an expert.

Mr. Strong gave a brief overview of the property. Block 17, Lots 8.03, 8.04 and 8.05 located on the south side of Rt. 33. Lot 8.05 is the most easterly lot of the three created. The property is located in the HC zone and applicant has complied with all bulk requirements except for depth granted at time of subdivision. Access was shown on recorded subdivision plat.

Entered into evidence:

Exhibit A-18 final plat and major subdivision dated 5/16/08 and filed 2/2/09 case 308, map 8.

A-19, Landscaping plan color rendering .

Mr. Strong refers to A-19 explaining the site. Delivery trucks traverses through the rear. He explained the proposed circulation. The two buildings are serviced by a single septic system located on the southwest corner of property. The stormwater management has three components to it. Mr. Strong explained how water is recharged from the building and parking lot. Mr. Strong advised that the detention basin is a

permanent pond with an aerator on southeast corner. Storm filters, grass swale will help in stormwater management on the property through the various methods.

Mr. Strong advised that the site is higher than the grade on Highway 33. The site itself is relatively flat. The basin is a wet basin with water approximately 6- feet deep with all of the safety elements in place. This would be isolated behind the two buildings in order to be unobtrusive. He explained that it would keep children out, but not disallow a parent from going into it.

Firefighters can use the basin to fill tankers or fight fire on site by providing a dry hydrant on site. The applicant's professionals worked with Lt. Weltner in this regard. This pond is approximately 70,000 gal.

Lighting for the building, parking lot and signage were next discussed. The parking lot lighting was designed as standard shoe box lighting to provide adequate lighting of parking areas to allow for safe passage for vehicles or pedestrians. It would not interfere with traffic on the highway. The lights are 14- feet in height serviced by 175 watt bulbs.

Lighting for the build was discussed briefly to illuminate signage along front façade and underneath the soffit which overhangs the building. The rear of building would be serviced by a 100 watt florescent bulb. Signs would be illuminated by goose neck lights facing the sign itself on both sides.

Site Circulation was discussed, the parking field in between the two buildings. There is access to the site off of Rt. 33. There are 4 handicapped parking spaces meeting the code. The isles are 25- feet in width. Deliveries to the rear of the building are made via a 20- foot wide driveway narrowing to 15-foot wide behind the building. The applicant worked with Lt. Weltner who asked that the driveway be 20-foot wide to accommodate emergency vehicles.

Mr. Strong advised that if a driveway type business such as a bank, comes on board, they can accommodate. The applicant can accommodate a variety of vehicles. Mr. Pado asked for clarification regarding the traffic pattern.

Board Planner Richard Coppola stated that at the outset this 2,400 s.f. building would not be constructed and the landscaping would have to be looked at. If there is a bank , then there will be no dumpster needed.

Mr. Coppola asked if the applicant wants the Board to review an alternate plan, then there should be two plans for the Board to see. Ms. Pinney asked if the applicant knows who the tenants would be. The applicant advises that the building is designed to accompany all permitted uses in the zone. Food uses place a greater burden on the

septic system with the MCBOH in charge. The applicant is reserving the opportunity to be able to accommodate a number of potential occupants. There will be alternate A and alternate B concerning if a bank is to be a potential use which does not require an outside dumpster.

The traffic issue in terms of panel trucks coming around would not be a problem and there would be less delivery traffic if a bank were to occupy the space.

Mr. Masci seeing no loading docks, asked how deliveries would be made and if they would be made by less invasive trucks.

Mr. Coppola asked for clarification for 14 and 16 foot shoe box lighting from Mr. Strong. The 14 is low profile and attractive but he must take a look at the landscaping.

Applicant would like to offer a security lighting plan. Due to the traffic on Route 33, they do not want an unlit area. Mr. Strong offered to leave soffit lighting on as well as the 100 watt compact florescent in the back. Mr. Coppola stated that this should be submitted as part of security lighting plan. Applicant clarified the light count was 18.

Landscaping for five separate categories was discussed. Comments from Mr. Shafai's office, Shade Tree and Dan Dobromilsky were considered.

1. Landscaping along the highway
2. Through parking lot
3. Around basin
4. Along outside border
5. Around the building

Front -variety hedgerow of scrubs would block headlights of cars in parking lots. Evergreen shrubs and deciduous trees and ornamental trees would enhance the islands.

The evergreens and shrubs should be placed around the basin permanent water feature. The applicant should address the geese problem as well. Additional shrubbery should be planted in the back around the trash enclosure and buffer to the south that is in the PCD zone

Planters around the building under the soffit containing small shrubs and annuals to change with the seasons. The applicant may add benches for potential shoppers.

The Plan includes revisions as requested by the Board's professionals.

Dan Dobromilsky, CLA PP and certified tree expert. Has a consulting firm in Jamesburg NJ. He is on staff with West Windsor Township. He has been a CLA for 22 years and received his degree from Rutgers.

He was asked by the Board to review this application. He provided input of the Township's recently adopted landscape ordinance. Ms. Grbelja clarified how this came about.

He is sworn in by Attorney Steib.

Mr. Dobromilsky went through his report. He explained there are ten points in the report and he went through his report. (Marked into evidence as Exhibit PB 8)

He wanted to see some street trees along the highway that would not impact the utility lines. He offered that they should be placed in an informal pattern to create an overall canopy effect and should be of 3-inch caliper initially. This is not on the revised plan.

He made some suggestions for the pond.

Mr. Dobromilsky suggested creating attractive seating spaces or a promenade. They must work with the uses. He suggested that the introduction of pavers even at front door to spice it up. Benches and planters which must be maintained could be added. Since there is very little room, he leans towards planters and decorative pavers.

He suggested initially putting in some larger trees (3' caliper)

There should be a nuisance buffer to screen the back of property. This may assist with lessening dust from the farm behind the property. Evergreen buffers may help buffer the security lighting from residents as well. He asked for tighter spacing of evergreens in front.

Some of his suggestions were; use of canopy trees in the parking lot, raising lights to work with tree canopy and placement of decorative pavement for crosswalk areas.

The Board took a five minutes break at 9:30 p.m. returning at 9:35 p.m.

Mr. Pape advised the Board that Mr. Dobromilsky's report was beneficial to applicant. He offered that implementation is very expensive. They will meet and continue with the landscaping dialogue before the October 14, 2009 meeting. Ms. Pinney asked the applicant about who would be responsible for the landscape maintenance?

Attorney Steib swore in John Rae of McDonough and Rae Associates in Manasquan New Jersey. He is a PE and received his master's degree and has been in the traffic

engineering field for 35 years and has appeared before many boards on both sides of the dais.

Mr. Blanco advised that the Board accepts Mr. Rae as an expert. Mr. Rae explained that the best way to function on the site was through shared access. He stated that although they are two parking lots, they function as one site.

Mr. Rae advised that the turning radii and isle widths are generously laid out giving service, delivery vehicles and customers ample room to traverse the site. The 86 parking spaces are sufficient. There is excellent sight distance to Rt. 33. There is a right in and right out of the site and all left turns are made at jug handles on Route 33. Mr. Rae stated that over all, the site is very well designed to operate well and efficient. He explained how an acceleration lane functions and finds it not appropriate for this site.

Mr. Rae offered that this site is laid out and designed well. There are no dead-end parking islands. He advised that we can post signage to have trucks use the proper isle to exit the property. He felt it is always good to segregate the truck traffic from the patron's vehicles.

There was discussion regarding the stop sign location.

Attorney Steib swore in architect Stephen Radosti of East Windsor. He advised he is a licensed architect in New Jersey and Florida. He has been in New Jersey since 1996. He attended the New Jersey Institute of Technology. He has testified before many Boards. He was accepted as an expert.

Mr. Radosti introduced the project. Referring to:

Exhibit A-20 Dimensional rendering of the east and western sites.

Exhibit A-21 Dimensional rendering of the east site

Exhibit A-22 Floor Plan & Front Elevation prepared by Perez & Radosti Associates, P.C. dated 3/18/09; last revised 7/21/09

Mr. Radosti explained the exhibits. The buildings are of masonry construction, split face block and hip roof truss system. The main portion of building is linear in shape and broken up by adding vertical elements. Fiberglass roof shingles and stucco and other materials are in place to add interest. The columns are Tuscan-style columns. Decorative louvers on the roof give a rural architectural feel. There is white trim throughout the building which makes the features pop. An analog clock is located in the center with an arch entry way.

Mr. Radosti went over the building materials . The front is sandblasted block. He provided samples of the materials, colors and elements. Valley Forge green dimensional roof shingles create shadow lines.

The back of building is finished with no architectural features. The applicant requested a design waiver. Windows are located in the front on main building

The smaller 2,400 s.f. building would have same shapes and materials, cultured stone at base. Same colors and textures would be used. The majority of glass is located toward the front and small portion around side. Main entrance has majority of the glass and the sides do not have the 75% needed so a waiver was requested.

Next, the architect addressed signage. He went through the elements of the sign band. Strip on fascia 3'4" in height. The actual sign 2 feet in height. The applicant will go over this with Mr. Coppola. Under the soffit, signage is proposed against the building and can stay under soffit on the inside which is consistent with ordinance. This is for pedestrians to orient themselves and is perpendicular for people walking underneath. Ms. Pinney asked about a tenant taking more than one store. The sign would be less in that case.

The sign by the roadway was discussed (Exhibit A-2). The applicant advised that it is a ground sign with goose neck lighting. Shapes and materials are consistent with the design of the building. Large address numbers are to be used for emergency vehicle identification. Architectural elements compliment the building.

The architect advised that this is a Leeds-type building; environmentally friendly using recycled materials in certain elements of the building. He explained.

Mr. Coppola suggested the pitch of roof to be specified on drawings. Roof material ordinance goes for standing seam aluminum. The architect did not use this material for the roof and explained why he thought it would be too much. It would be broken up better by using the material he suggested. Mr. Coppola asked for photograph of any other project using this roofing so that the Board could see it. Mr. Coppola asked for drawings of different elevations of the smaller building.

Ms. Pinney asked what would be built if not a bank. Mr. Pape advised that it would be a general retail building with no drive through. They have the alternative design with the drive through. Mr. Coppola asked if it could be coordinated with the site plan drawing.

Mr. Coppola explained that a Leeds certified building is costly and offered that a lot of people are moving away from Leeds certification and more to providing the standards. If that is the case, he suggested that the Board have the applicant provide a Leeds check list as to what they will do and how it would measure up without the necessity of

becoming Leeds certified. Mr. Coppola stated that it is more important for the building to be more energy efficient rather than win some award. This will help the construction department when that time comes.

Addressing signage, Mr. Coppola asked if the building mounted signs can be worked out with the Boards permissions, between the Board's professionals and the applicants. Regarding the ground mounted sign, Mr. Coppola feels the site will function ultimately as one center. He offered that the sign be lowered. It feels massive and detracts from the site. Mr. Coppola stated that it may be too overpowering. This would be an item of discussion.

A design waiver would be needed for the linear of large building.

Mr. Pado asked the applicant where the HVAC is located. Mr. Strong explained.

Concerning the pond, Mr. Strong advised that the plan was that the pond would not have a well attached to it but a float attached to an alarm. Either hire a tank truck or refill the water via a hose.

Mr. Blanco opened the application to the public at 10:40 p.m.

Gary Schricker principal owner was sworn in. He told the Board that he would like to make the project as nice as possible and he will do his best, he just wanted to mention that he is not on unlimited funds.

Seeing no further public comment, Mr. Blanco closed that portion at 10:40 p.m.

Mr. Steib made an announcement that the application has been carried without any further noticing needed to the October 14, 2009 meeting beginning at 7:30 p.m. the applicant has granted an extension of time through October 31, 2009.

Seeing no new business or old business items, Mr. Blanco made a Motion to adjourn the meeting at 10:45 p.m. and Mr. Kurzman offered a second and by unanimous vote, the meeting thus adjourned.

Respectfully submitted,

Pamela D'Andrea