

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MINUTES  
FEBRUARY 8, 2006**

Chairman Newman opened the meeting at 7:45 p.m.

The Secretary read the adequate notice.

Roll Call: Members Present: Blanco, Grbelja, Kucziniski, Maltz, Sico, Zanetakos, Haag, Newman, D'Amico. Absent: Pepe and Pado

The Minutes of January 11, 2006 are tabled to March 8, 2006.

**RESOLUTIONS:**

**P04-46 KENSINGTON** – Block 60.01, Lots 17 and 18.01. Located at Mount Holly-Freehold Road. NC Zone. 1.43 ac. Preliminary Major Subdivision Approval Granted 7/13/05 and Resolution Memorialized on 8/10/05. Applicant received final approval to construct 6,363 sq. ft. retail bldg. On 1/11/06.

Nancy Grbelja made a motion to memorialize the application and Mr. Maltz offered a second. Roll Call Vote: Grbelja, Maltz, Blanco, Kucziniski, Sico, Haag and Newman voted yes to memorialize.

**P05-25 NURKO, ANN AND PETER** – Block 7, Lot 2. Located on Parkside Way and Nurko. 31.9 acres located in the R-130 Zone. Applicant received Preliminary Major Subdivision approval 4/9/03 and Resolution Memorialized on 5/14/03. Applicant received Final approval on 1/11/06.

Mr. Maltz made a Motion to memorialize the Resolution and Mr. Kucziniski offered a second. Roll Call Vote: Maltz, Kucziniski, Blanco, Grbelja, Sico, Zanetakos, Haag and Newman voted yes.

**P05-13 GALLOPING HILLS WEST** – Block 25, Lots 10 and 13. Zone R-80. Located at Stagecoach Road (Route 524). Site Plan. Applicant is returning to the Planning Board for permission to remove existing structures pursuant to condition No. 13 of the Resolution memorialized October 10, 2001. Carried from 8/10/05. Applicant requested matter be Dismissed without Prejudice.

Mr. Maltz made a motion to memorialize the Resolution and Ms. Grbelja offered a second. Roll Call Vote: Maltz, Grbelja, Blanco, Kucziniski, Sico, Zanetakos, Haag and Newman voted yes.

**P05-19 HUNEKE, ROBERT** – Block 16, Lots 6 and 6.02. Located at 21 Huneke Way. Consists of 35.82 acres in the RU-P Zone. Applicant seeks Preliminary and Final Major Subdivision Approval to modify two lots into 3 lots. Applicant granted submission waivers for full soil testing.

Mr. Zanetakos made a Motion to memorialize and Ms. Grbelja offered a second. Roll Call Vote: Zanetakos, Grbelja, Kuziniski, Maltz, Sico, Haag and Newman.

**P05-05 PAUL, EUGENE** - Block 36, Lots 23, 27. Millstone Road. R-80 Zone. 6.95 ac. Applicant seeks minor subdivision without variances. Resolution Memorialized on July 13, 2005. Board Revisiting application due to incorrect zoning.

Attorney Mark William representing Mr. Paul. Mr. Steib gave a brief overview of the property. The Planning Board approved the lot line adjustment in July 2005. Subsequent to that approval, the Board Engineer has brought some information to light that reflects a mistake had been made in the application. The application was approved under the R-80 zoning requirements. The property is actually in the R-130 zone. As a result of this information, Mr. Steib has contacted Mr. Williams and Crest Engineering to appear this evening while the Board reviews the situation. Mr. Steib stated that it appears that Crest believed the property was located in the R-80 zone as well.

The property is clearly in the R-130 zone, a mistake was made, and the appeal period has run. Mr. Steib offered the scenarios before them.

Mr. Coppola advised the change is a modest change where the lot was 6.8 acres it is now 6.742 acres. He advised that it did not create another building lot.

Ms. Grbelja agreed with Mr. Steib that it was an honest error and should be written off as a mistake.

The Board discussed the options.

Mr. Williams advised that permits have been issued on the smaller lot.

The Board discussed treating the property as an R-80 zoned piece.

No precedent is being set here.

Mr. Rosati advised the applicant has to follow the bulk requirements for the R-80 zone but the zoning requirements are R-130.

Mr. Steib advised the Board they would need to make a Motion requiring no further action be taken and the prior approval stands.

Mr. Maltz made a motion and Ms. Grbelja offered a second to take no further action. Roll call Vote: Maltz, Grbelja, Blanco, Sico, Zanetakos, Haag, D'Amico and Newman voted yes.

Walter Helfrek of the Crosswicks Creek/Doctor's Creek Watershed Greenway Group gave a Power Point presentation. A copy of the presentation is attached hereto and made a part of the Minutes. The Township Committee viewed this presentation at their last Township Meeting.

Mr. Helfrek explained the group is encouraging towns to adopt a Greenway plan into their respective Master Plans. The Greenway Group has received the ANJEC achievement award in 2004. The Group is hoping for a regional plan. In the presentation, Mr. Helfrek pointed out conditions that are environmentally sensitive. The Groups mission is to protect water quality, preserve historic vistas and develop a system of trails.

The Board discussed the presentation.

**P05-22 HOFFMAN, DAVID** – Block 11, Lots 13.01 and 13.02. Located on Disbrow Hill Road. 39.39 acres located in the RUP Zone. Applicant is presenting a Lot Yield Plan.

Mr. Kenneth Pape representing the applicant. Mr. Pape advised that Mr. Coppola worked with them for an outline. Mr. Pape advised the Board that the property has been surveyed, the acreage calculated, there has been a topographical study and wetland delineation done and an LOI issued.

Mr. Pape explained that after a meeting with the Board Engineer and Planner, Mr. Strong prepared a lot yield plan for three lots.

There was discussion if formal action is required, in accordance with the Ordinance, on this application. Chairman Newman asked if this was more of an engineering exercise rather than a planning exercise. Mr. Coppola explained the process is applicant offers a plan reflecting the subject tract can offer "X" amount of lots. The applicant takes this information as the maximum number of lots that can fit on the property.

Mr. Maltz discussed it is the Town's discretion if they want to cluster or not.

Mr. Pape is before the Board with a plan and supporting information they believe can yield three lots in accordance to the ordinance.

The intent of the ordinance was discussed. Chairman Newman stated that the Ordinance does not require that the land be contiguous and Mr. Coppola agreed.

The design criteria were discussed. The cluster design can't include a hardship but can include a C-2 variance.

Ms. Grbelja referred to Mr. Coppola's report regarding the wetlands. She addressed her concerns about Open Space land must be at least 50% uplands. She asked the Board to keep mindful that wetlands cannot be comprised of more than 50% wetlands. She does not want to see the wetlands filled in order to meet the criteria. She would like to see the wetlands delineated and marked.

Mr. Pape addressed his concern over lack of guidance to property owners. He met with Mr. Coppola on two occasions to get a clear direction.

Ms. Grbelja clarified that she was addressing a general concern regarding the wetlands and not this property in particular.

Mr. Coppola asked that requirements 6, 7 and 8 of this Memorandum be contained on the Map and he explained why.

Mr. Maltz asked if formal action is to be taken on a lot yield map.

Mr. Peter Strong is sworn in as applicant's engineer. He presents his credentials and is accepted as an expert.

Mr. Strong explained the map and location of the uplands. He stated that more than one acre of buildable area exists on each lot. He will add the data to the Maps as requested by Mr. Coppola.

Mr. Pape explained to the Board that if they adopt a resolution that the 39 acres yields three lots for purposes of participation in the cluster plan, then three becomes the number that the applicant takes to the cluster program.

Mr. Coppola advised the Board that based on the information and the Ordinance; the Board can determine that the maximum number of lots that can be created for purposes of a residential cluster is three.

Mr. Steib advised clarification is needed as to what the Board is looking at. He stated that they do not have an overall tract of land that they are reviewing. He emphasized the importance of not viewing things piecemeal.

Mr. Maltz discussed the applicant is not seeking the cluster but rather seeking guidance for a single pieces that yields three lots.

Mr. Steib has problems if the Board is looking at the beginnings of a "D" Variance. He referred to subsection three and read the reference to a schematic buy right plan. His concerns are that the Board cannot make an interpretation of the Ordinance and if the Ordinance is unclear it should be cleaned up.

The action the Board should be taking was discussed.

Mr. Pape stressed the importance of having a clear procedure for applicants.

There was a straw vote that the application before them was an informal application. By a unanimous “yea” vote, the Board was in agreement that the application before them was an informal application rather than a cluster.

Mr. Maltz made a Motion to approve the three-lot yield based upon the presented material, testimony of Mr. Strong and the concerns addressed by our Planner in his Memorandum. Mr. Kuczynski offered a second. Roll Call Vote: Maltz, Kuczynski, Zanetakos, Grbelja, Blanco, D’Amico, Haag and Newman voted yes. Deny: Sico.

The Board announced for the record there was no Open Public Comment portion on the Hoffman application since it was treated as an informal application.

**NEW APPLICATIONS:**

**P05-19 HUNEKE, ROBERT** – Block 16, Lots 6 and 6.02. Located at 21 Huneke Way. Consists of 35.82 acres in the RU-P Zone. Applicant seeks Preliminary and Final Major Subdivision Approval to modify two lots into 3 lots. Jurisdiction accepted on January 11, 2006.

Mr. Steib read the Exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 8/11/05
- A-3 Historic Pesticide and Soil Contaminant Report, prepared by rest Engineering dated 3/8/05
- A-4 Environmental Site Assessment, Prepared by Crest Engineering dated January 2005
- A-5 Stormwater Management Plan, prepared by Crest Engineering dated 4/18/05
- A-6 Final Plat of Major subdivision, prepared by Crest Engineering dated 4/28/05
- A-7 Lot Yield Plan prepared by Crest Engineering dated 2/11/04, last revised 1/24/06
- A-8 Existing Conditions Plan and Soil Log results prepared by Crest Engineering Dated 3/3/05, last revised 1/24/06
- PB-1 Report of Board Engineer dated 12/28/05
- PB-2 Report of Board Planner dated 1/27/06
- PB-3 MCBOH soil log suitability report dated 1/24/05
- PB-4 MCPB Conditional Final Approval dated 8/22/05
- PB-5 NJDEP LOI dated 1/3/04
- PB-6 D&R report dated 5/13/05

PB-7 Letter from Attorney Kenneth Pape granting an Extension of Time through 3/31/06.

Mr. Kenneth Pape representing the applicant. Mr. Pape explained the property as two lots, 6 and 6.02 located in Block 16 consisting of 38.82 acres. The family residence is located on lot 6.02. The applicant seeks approval of creating one new lot form the 35 acres. They propose to move the lot line, which will not create any variances.

Mr. Pape advised Freehold Soil has issued a permit. There is conditional approval from the MCPB. He explained that the NJDEP has issued two LOI's. Mr. Pape stated that the second LOI required a buffer of 150 feet. The applicant has approval from the MCBOH.

Mr. Peter Strong of Crest Engineering was sworn in as applicant's engineer. He presented his credentials and was accepted as an expert. He described the location of the property as 35 plus acres consisting of 2 lots. Lot 6.02 as an odd shaped piece located on the westerly side of the property. He stated the property is vacant except for a storage barn. He explained the location of the wetlands and the proposed subdivision location. Mr. Strong went over the schematics of the plan.

Mr. Pape advised the soils waiver was granted. They met with the EC and the applicant and walked the property. They agree to do any further testing the EC may request. The property has been in the Huneke family home and farms.

Mr. Strong advised the new plan includes the 150-foot buffer and still meets the requirements. No trees are intended to be planted on the frontage since they already exist there. Mr. Coppola indicated the 20 plus acres are not required since the area is already heavily wooded. The applicant went over Mr. Coppola's report. Tree removal location was explained to the Board. 3,710 trees will remain on Lot 6, 882 on Lot 6.05 and 81 on the remaining 4 acres.

Mr. Strong explained the proposed drainage and seepage pits.

Mr. Rosati explained hazardous tree removal.

The applicant is contingent upon roadway approval.

Mr. Pape went over the Report of Chris Rosati and will comply.

Mr. Pape advised after the granting of the subdivision, the property will be restricted from any further subdivision.

Ms. Grbelja asked about considering deeding a horse trail. Mr. Pape explained the wetland area might be a habitat for endangered species. The wetlands are

exceptional wetlands. The Huneke's like a sanctuary life and do not wish to have a horse trail. Mr. Grbelja made reference to Open Space and the Master Plan.

Mr. Strong can make a circle around the Huneke's existing homestead. The lot is already developed and improvements already exist. The applicant would like the barn to remain until such time as the home is built.

Mr. Pape explained the only variance needed is for the existing home. Mr. Coppola asked if the driveway would be located in the uplands. Mr. Strong advised it is in the uplands.

Mr. Coppola advised the plan is subject to the approval of the NJDEP. Mr. Strong can work with buffering averaging.

Ms. Grbelja voiced her concerns about the wetlands.

The matter was opened to the Public at 10:15 p.m. and closed at 10:15 p.m.

Mr. Pape advised the Board that the NJDEP would not issue a permits and transition waivers without a plan.

Mr. Blanco voiced his concerns that applicant is not giving consideration for the deeding of a horse trail. Ms. Grbelja concurred with Mr. Blanco.

Mr. Zanetakos voiced that it should not be held against the Huenke's if they do not want to have a horse trail.

Mr. Pape advised the applicant is keeping 31 acres perpetually in farmland.

The area where a horse trail would be located was discussed as not going through the property but to the back of the property.

Ms. Grbelja stated that if the land were too wet to sustain a trail then the point would be moot. Mr. Zanetakos asked if the DEP considered the wetlands to be exceptional then would they allow a trail?

Mr. Steib read the conditions to include: the barn will be taken down when the new house is built, the wetlands will be monumental, the applicant will comply with the reports of the professionals, all map filing requirements will be met, additional testing of property will be done if the EC requests, Deed restrict the property from further subdivision, all technical changes will be made in accordance with the reports of the Engineer, etc.

A motion was made by Mr. Maltz to approve the application as conditioned. Mr. Zanetakos offered a second. Roll Call Vote: Maltz, Zanetakos, Kucziniski, Sico, D'Amico, Haag and Newman voted yes. Blanco and Grbelja voted no.

**P05-18 BENNETT, ROBERT** – Block 16, Lot 9.11. Located on Rike Drive. 3.42 Acres in the BP Zone. Applicant seeks Preliminary and Final Major Site Plan Approval to construct a 14,875 sq. foot building. Carried from 1/11/06.

There will be no time to hear the application this evening and the application will be carried to March 8, 2006 and will be the first new application heard that evening.

**P05-17 FIRST CHOICE** – Block 16, Lot 9.10. Located on Rike Drive. 3.26 acres in the BP Zone. Applicant seeks Preliminary and Final Major Site plan approval to construct a 20,843 s.f. building consisting of 8,000 s.f. office space and 12,483 s.f. warehouse.

Mr. Steib read the Exhibits into evidence.

- A-1 Jurisdictional Packet
- A-2 Application dated 7/28/05
- A-3 Declarations of covenants and restrictions dated 2/14/01
- A-4 First Amendment to Declarations of Covenants and Restrictions dated 11/24/04
- A-5 Historic Pesticide and Soil Contaminant Test Report Prepared by Crest Engineering dated 6/2/05
- A-6 Statement of Environmental Impact Assessment prepared by Crest Engineering dated 5/12/05, last revised 9/20/05
- A-7 Drainage Report prepared by Crest Engineering dated 5/17/05
- A-8 Traffic Engineering Report, prepared by Oracle Engineering dated 7/26/05
- A-9 NJDEP Application dated 10/31/05
- A-10 Floor Plans, prepared by Kellner Group dated 6/15/05
- A-11 Preliminary and Final Site Plan, Prepared by Crest Engineering dated 4/27/05, revised 10/18/05

PB-1 Report from Board Engineer dated January 9, 2006

PB-2 Report from Board Planner dated January 31, 2006

PB-3 Monmouth County Planning Board Final Approval dated 8/8/05

PB-4 Report from Freehold Soil dated 8/25/05

PB-5 D&R approval for Block 16, Lot 9 dated 1/19/2000

PB-6 Applicants grating Extension of Time through March 30, 2006

PB-7 Environmental Commission Report dated

PB-8 Letter from Shade Tree Commission dated 2/7/06

Mr. Pape advised the Board that the applicant has not received a tax bill on the property but as soon as one has been issued the taxes will be paid. He asked that the payment of taxes be made a condition of approval. The Board discussed the matter.

The Board will direct that no plans will be signed until the taxes have been paid.

Mr. Pape went over the overall plan. The property consists of 3.26 acres on Rike Drive, which is a private road. A small bit of the drainage basis exists on the property. The proposed building will be one story consisting of a warehouse and the second story will be office space.

The applicant has received D&R approval for the entire piece. The DEP has issued an LOI for the property. The property is exempt from MCPB approval. The applicant has received approval from Freehold Soil.

Mr. Peter Strong is sworn in as applicant's professional engineer. The Board accepts his credentials. He described the current condition of the property. The property is located at 1700 Rike Drive and consists of 3.26 acres. Applicant proposes to construct a 20,843 building consisting of 8,000-office space to occupy the second story, the remaining will be warehouse. There are two points of access off of Rike Drive. The parking will be mostly located on the northerly side of the building.

The loading area was described. The proposed signage was discussed.

Mr. Pape advised full soils testing was performed. Mr. Strong is presenting a report to the Shade Tree Commission this evening at their meeting.

Sworn in Gabe Keller as applicant's professional architect. He presented his credentials and was accepted as an expert. He explained the building was created to create a feeling of office and not warehouse. The building will be split block, tan in color. The building will be the same on all sides. The HVAC is hidden. First Choice will occupy one office. The signage is monument-style, 81/2' x 11'. No signs will be on the building. Gold letters will be the only signage on the glass doors for each tenant.

A-12 is marked into evidence.

The report of the Board Planner was addressed. The applicant can meet his concerns.

Ms. Haag asked about lighting.

Due to the late hour, the testimony of the architect was opened to the public at 11:00 p.m. Seeing no public comment that portion was closed.

Exhibit A-13, color rendering of the proposed building was marked into evidence.

The traffic engineer for the applicant is Kenneth Fears.

The application was carried to the meeting of March 8, 2006 without any further noticing. Applicant grants an extension of time to April 6, 1006.

By Motion of Mr. Maltz and a second offered by Mr. Zanetakos, the meeting adjourned by unanimous roll call vote at 11:10 p.m.

Respectfully submitted,

Pamela D'Andrea  
Board Secretary