

**MILLSTONE TOWNSHIP
PLANNING BOARD
MINUTES
MAY 10, 2006**

Vice-Chairman Haag opened the meeting at 7:35 p.m.

The Secretary read the adequate notice.

The Vice-Chairman called for a salute to the Flag.

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

The Secretary advised that Board Member Evan Maltz stepped down from serving on the Board due to work obligations.

APPROVAL OF MINUTES: April 6, 2006 are tabled to the June 14, 2006 meeting.

Vice Chairman Haag opened the Public Comment Portion to the Public at 7:40 p.m. and seeing no comment, closed same at 7:40 p.m.

RESOLUTIONS:

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, 2/8/06, 3/8/06. Approved 4/6/06.

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

P05-20 CENTURIAN SYSTEMS, INC. (BUDELMAN) - Block 21, Lots 7.01 and 7.02. Located on Indian Path, 6.36 acres in the R-80 zone. Applicant seeks a lot line readjustment of 2 existing lots to create 2 new lots. Minor Subdivision with no variances.

Mr. Sico made the Motion to memorialize and Mr. Kucziniski offered a second. Roll Call Vote: Sico, Kucziniski, Zanetakos, Blanco, Pepe and Haag vote yes to memorialize.

CARRIED APPLICATIONS:

P05-27 PIZZO (DP INVESTMENTS) – Block 16.01, Lot 3. 800 Rike Drive, 3.37 acres located in the BP Zone. Applicant seeks Preliminary and Final Site Plan Approval to construct a two (2)-story building consisting of 10,105 s.f. Deemed Complete 2/9/06. Carried from 4/6/06. Extension granted through May 2006.

Mr. Pado stepped down for the application due to a conflict.

Attorney Jen Burgess representing the applicant. She advised the Board that the use variance issue was resolved and they are before the correct Board for this application.

Pete Pizzo is sworn in. He gave a brief description of the business. It is a floor covering /kitchen and bathroom contractor business. They service multifamily condo communities. The business has fifty employees, thirty of which are located at the premises. No retail is proposed with this application.

Attorney Burgess advised the plans have been revised but the revised plans have not been presented to the professionals as of yet. The same square footage is proposed as in the prior plan. The show room/spray room has been eliminated. Mr. Pepe asked if the removal of the showroom will impact the project. Mr. Pizzo advised the room would be used as a conference room for in-house training. This will be reflected on the revised plans.

David Collins is sworn in as applicant's architect. Mr. Collins works for Joseph Feltz but is not a licensed architect yet.

Entered into evidence, Exhibit A-11, elevation drawings prepared by Joseph Feltz dated 9/23/05, last revised 4/26/06.

The applicant will have no walk-in customers. Only training will take place on the premises.

The hours of operation will be 7 a.m. to 7 p.m., Monday –Friday and 7 a.m. to 2 p.m., Saturday.

Vehicles on the premises will consist of 30 trucks that service as service vehicles. The delivery trucks to the premises will consist of cargo vans and 12 ft. box trucks. One trailer per week will deliver carpet. They will have paint products, cabinetry and sheet rock in the warehouse. No toxic chemicals will be stored. Mr. Pizzo testified that the paints are urethane based. In accordance with the OSHA requirements, they have fireproof storage containers.

Some trucks are stored overnight on the premises.

Engineer Shafai asked about when the lights turn off. Mr. Pizzo stated 30 minutes after closing. A note is to be placed on the plan reflecting that information and the lights are to be placed on an automatic timer.

Mr. Pizzo advised they would increase the delivery dates not the storage amounts so as not to overstock.

The applicant will not pass the thresholds as discussed. They will clean the waste material and recycle.

Mr. Coppola had four issues as a result of the 4/6/06 meeting regarding the elimination of the 400 ft. spray room, testimony that no retail will be on the site, clarification as to what applicant means by some wholesaling will be on site. Mr. Coppola advised the ordinance does not say wholesale anywhere in the text and

asked for clarification. He also requested that the architect discuss the square footage.

Mr. Peter Strong was sworn in as applicant's professional engineer. His credentials were accepted by the Board.

Mr. Strong gave a brief overview of the proposed project, referring to Exhibit A-12, color rendering of the landscape and lighting plan (sheet 4) entered into evidence. The property is known as Block 16.01, Lot 3 located in Moto Industrial Park on Rike Drive. The proposed driveway will have two entrances off of Rike Drive. The single building will consist of 19,000 s.f. There will be forty-one (41) parking spaces in the front of the building. Nine (9) truck loading spaces are proposed to be located on the south side of the building.

Mr. Strong testified that the septic would be located on the northwest corner of the building. The applicant has MCBOH approval for the septic.

Mr. Strong testified that the stormwater management is part of the original Industrial Park application and is adequate to handle to the proposed building. The plan complies with the new stormwater management regulations. Dry wells will handle additional run-off.

Mr. Strong explained that two trash enclosures are located to the rear of the site. The enclosure is a gated masonry structure with landscape around the enclosure.

The signage would be a monument-type sign and is set perpendicular to the road.

The hours of operation are 7 a.m. to 7 p.m., Monday through Friday, 7a.m. until 2 p.m. on Saturdays. Lights will go off 30 minutes after the building closes.

Ms. Haag asked about the service vehicles to parking spaces. Mr. Strong advised that there will be 41 spaces, 30 for company vehicles, 20 that will be parked on the premises overnight, 10 employees will bring the vehicles home at night. He testified that there are a sufficient number of parking spaces.

The office space will be used for Mr. Pizzo's businesses. Mr. Sico asked if the project would be phased. Mr. Strong stated that the project would not be phased. Mr. Pizzo stated that they have twice the amount of parking needed and due to the increase of office space, where 34 spaces are needed, they have 41.

The Shade Tree Commission has approved the landscape plan. Mr. Strong will comply with Mr. Coppola's request for additional landscaping. Mr. Strong discussed the tree selection.

Mr. Blanco asked about plantings on the septic field. Mr. Strong advised that the slope is 4 ½ feet above grade. The slope is more of a gentle slope and grade modification can be made to soften the look.

The lighting was discussed. Mr. Coppola asked for lighting to focus downward and Mr. Strong agreed to that request.

Mr. Coppola requested that the Board Engineer check the grade of the septic to assure that it is softened.

Mr. Coppola requested that the gate to the trash enclosure be made of pressure treated wood and not vinyl slates. Mr. Strong agreed to that request.

Mr. Coppola asked for shade trees along Rike Drive for the entire project. This will be placed in the Resolution of approval. There was discussion as to the responsibility of the trees along Rike Drive. Mr. Coppola asked for additional trees and explained the location. Mr. Strong agreed to comply.

The 32' wooded sign should be setback 20 ft. not 15 ft. The sign material is to be compatible with the building material. The sign will not be lit.

Mr. Strong went through the report of the Board Engineer and agreed to comply with his report.

Sworn in is Kenneth Fears of Oracle Engineering. Mr. Fears presents his credentials and is accepted as a professional engineer and applicant's traffic expert.

Mr. Fears advised there are two issues, off tract traffic impact and on tract traffic impact.

Mr. Fears explained the maneuvering area for trucks is sufficient. The driveway is able to handle different types of vehicles. He testified that the site distance is adequate.

Mr. David Collins was sworn in as applicant's architect. He explained that the building is a pre-engineered street building made of concrete and steel. There is no combustible material in the construction.

The warehouse and loading docks will be located in the rear of the building. There will be one main entrance in the front and two entrances on the side. There will be ribbon windows. Bathrooms will be located on each floor. The second floor offices face the road. The exterior is comprised of metal panels with decorative concrete block and a synthetic stucco system.

Three sides of the building will be finished with the same treatment as the front of the building. The roof would be metal, silver in color. Mr. Coppola stated his concerns about the portion that faces Rike Drive. Mr. Strong suggested that trees would be moved to hide more of the building.

Mr. Collins stated that the HVAC would be a split system with a unit located on each side of the building.

Mr. Zanetakos offered that he did not foresee a problem with the raised septic due to the proposed landscaping.

Vice-Chairman Haag opened the application to the public at 8:52 p.m. Seeing no public comment, the application was closed at 8:52 p.m.

Attorney Steib read the conditions of approval to include: The hours of operation would be from 7:00 a.m. until 7:00 p.m., Monday through Friday, 7:00 a.m. until 2:00 p.m. on Saturdays. Lights will be turned off 30 minutes after closing. The lights will be placed on an automatic timer. Planner Coppola's technical comments will be complied with. The lights will be faced downward only. The number of evergreen plantings will be increased. The septic landscaping will be softened. Engineer Shafai will supervise the septic grading. The Shade Tree Commission to approve the septic landscaping. The 20 ft. sign will be unlit. The sign will match the facade of the building. The fence will be treated wood, not vinyl. Applicant will comply with Title 39 enforcement. A water meter will be installed for each tenant. The landscaping plan will be revised to reflect the changes made. There will be no retail, no showroom or spray booth would be permitted on the premises. The shade trees will be planted prior to the issuance of a c/o. The revised planting schedule will be placed on the plans, etc.

Mr. Kucziniski made a motion to approve as conditioned and Mr. Pepe offered a Second. Roll Call Vote: Kucziniski, Pepe, Blanco, Sico, Zanetakos and Haag voted yes to approve.

P06-04 PALMA – Block 12, Lot 1.17. Located on Battleground Road. Consisting of 64.7 acres in the R-130 Zone. Received Preliminary Approval 6/11/03 for major subdivision for 17 building lots and 1 drainage basin lot. Applicant seeks Final Approval. Deemed Complete 3/24/06.

Kenneth Pape, Esq. representing the applicant. Preliminary Major Subdivision approval was granted in June 2003. Mr. Pape stated that the applicant needed a No Further Action letter from the NJDEP. Mr. Pape discussed the complex set of outside approvals needed for this application. He advised that the stormwater management plan is in place. All outside approvals have been received. Mr. Pape advised that applicant's engineer has reviewed the plans and made a minor modification so that the need for a bulk variance has been purged and no variance is needed for this final. Mr. Pape advised that the conditions of the Preliminary approval have been met.

Attorney Michael Steib read the exhibits into evidence as follows:

- A-1 Application Date 2/3/06
- A-2 Rosemont Farms Final Plat of Major Subdivision prepared by Crest Engineering dated 6/22/05. Last revised 4/28/06
- A-3 Resolution for Preliminary Major Subdivision approval Memorialized July 9, 2003
- PB-1 Report of Board Engineer Addressing the Preliminary Major Subdivision dated 1/23/06
- PB-2 Report of Board Engineer Addressing the Final Major Subdivision dated 3/30/06
- PB-3 Report of Board Planner dated 5/2/06
- PB-4 Freehold Soil conservation Certification Letter dated 9/04

- PB-5 Conditional final Approval from the MCPB dated 3/3/06
- PB-6 NJ DEP NFA letter dated 2/18/04
- PB-7 NJDEP Stream Encroachment Permit dated 6/3/05, Expiring 6/3/10
- PB-8 Application for D.E.P. General Permit to construct two stormwater outfall structures, fill isolated freshwater wetlands, and utility crossing freshwater. Dated 5/8/06

Mr. Steib swore in Peter Strong of Crest Engineering as a professional licensed engineer. Mr. Strong's credentials are known and he is accepted as an expert witness.

Mr. Strong explained how the plans have been revised to eliminate the need for a bulk variance. Board Planner Richard Coppola advised the variance was a technical variance. He was okay with the revision. Board Engineer Matt Shafai said the numbers look like they will work but he will check the calculations. Mr. Strong went over the report of the Board Engineer and has no outstanding issues with the report.

Mr. Coppola stated that the zone had changed from R-130 to RU-P. The bulk requirements are the same but the R-130 allows slightly greater coverage. Mr. Coppola suggested that it be made clear, on the Final plan and in the Resolution and Developer's Agreement, that the applicant is being approved within the R-130 area requirements.

The applicant was opened to the public at 9:15 p.m. Seeing no comment, Vice-Chairman Haag closed the public portion at 9:15 p.m.

Mr. Zanetakos made a Motion to approve as conditioned and Mr. Sico offered a Second. Roll Call Vote: Zanetakos, Sico, Kuczinski, Pepe, Blanco, Pado and Haag voted to approve.

P06-01 HARTER FAMILY LTD PARTNERSHIP – Block 17, Lot 8. Located on Highway 33 in the HC Zone consisting of 9.39 acres. Applicant seeks preliminary and final site plan approval to create three (3) highway commercial lots for future development. Application deemed Complete 3/7/06.

Mr. Kuczinski steps down since he is within 200 ft. of the property.

Mr. Steib reviewed the noticing packet and accepted jurisdiction over the application.

Mr. Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice
- A-3 Application Date 1/20/2006
- A-4 Drainage Report Dated 12/30/05 Prepared by Crest Engineering
- A-5 Environmental Impact & Assessment Dated 12/20/05 Prepared by Crest Engineering

- A-6 Historic Pesticide & Soil Contaminant Test Report Dated 12/15/05
Prepared by Crest Engineering
- A-7 Preliminary & Final Subdivision prepared by Crest Engineering
Dated 12/8/05, No revision date
- A-8 Property Survey Prepared by Crest Engineer dated 8/13/05
- A-9 Letter granting an extension of time through May of 2006 prepared
By Kenneth Pape dated 3/15/06
- A-10 Driveway location plan prep. By Crest Engineering dated 5/30/06
- A-11 Certified Letter to conjoining prop. Owner to purchase property,
dated 12/19/05
- A-12 Application for MOA dated 5/9/06
- PB-1 Board Engineer Report dated 3/7/06
- PB-2 Board Planner Report Dated 5/1/06
- PB-3 MCBOH soil log suitability letter dated 9/21/05
- PB-4 M.O.A. Application dated 12/13/05
- PB-5 Dept. of Environmental Protection dated 1/5/06
- PB-6 MCPB exempt from approval letter dated 2/21/06
- PB-7 Dept. Environmental Protection Letter of Interpretation dated
1/31/06

Peter Strong was sworn in as applicant's professional licensed engineer. Mr. Strong has testified before the Board prior and his credentials are known to the Board and he was accepted as an expert witness.

Mr. Strong gave a brief overview of the property and project. The property is known as Block 17, Lot 8 located on Highway, consisting of 9.39 acres located in the HC zone. Applicant proposed to subdivide the property into three lots, complying with the three-acre minimum requirement.

Mr. Pape advised that the applicant is not seeking approval to develop or clear the property, just the creation of three lots.

Mr. Strong explained the bulk variance relief being sought. Lot 8.04 is 10 ft. short of meeting the depth requirement. He explained that the applicant cannot purchase land to the north. The Hom family owns property to the south but the property is not in the HC zone anymore.

An LOI reflects that wetlands are absent on the entire site.

Mr. Strong explained the driveway configuration is under DOT jurisdiction. The driveway for the Harters is in place and the proposed site will work together as a common driveway. The driveway will be redesigned at the time the first site plan comes before the Board. A conceptual plan reflects the driveway schematic to be implemented.

Mr. Coppola asked about a cross access easement. Ms. Haag asked what would happen if the DOT did not approve. Mr. Pape clarified that when no side road access exists, such as in this case, the applicant is entitled to access. Mr. Pape advised that the applicant makes a commitment to have an interconnection between highway properties. The easement right of way will provide connection for the site next to it.

Mr. Pape advised that no site development would take place unless a NFA is in place.

Mr. Coppola's report was addressed and applicant shall comply with his report. Mr. Shafai requested that tax map revision fees would need to be in place.

The application was opened to the public for comment at 9:50 p.m. There being no public comment on this application, the application was closed to the public at 9:50 p.m.

Mr. Steib read the conditions of approval to include: Exhibit A-10, driveway interconnection between lots for an easement for the right of way for cross access for parcels shall be filed. An NFA is needed. Compliance with the reports of the Board Engineer and Board Planner. Payment of a tax map revision fee, etc.

Mr. Zanetakos made a Motion to approve as conditioned and Mr. Sico offered a Second. Roll Call Vote: Zanetakos, Sico, Blanco, Pepe, Pado and Haag voted yes to approve.

AMENDMENT TO THE OPEN SPACE, RECREATION, CONSERVATION AND FARMLAND PRESERVATION PLAN ELEMENT OF THE MASTER PLAN OF THE TOWNSHIP OF MILLSTONE ADOPTING ANJEC PLAN ELEMENT

Mr. Shafai explained that the Millstone Township Environmental Commission took part in a study of the Environmental Resource Inventory. The Natural Resource Inventory/Environmental Resource Inventory replaces the 1991 and 1992 inventory.

The Board discussed the Plan.

Mr. Zanetakos made a Motion to adopt the Inventory as presented and Mr. Pepe offered a Second: Roll Call vote: Zanetakos, Pepe, Blanco, Kuczynski, Sico, Pado and Haag voted yes to adopt.

AMENDMENT TO THE MASTER PLAN OF THE TOWNSHIP OF MILLSTONE ADOPTING THE CROSSWICKS CREEK/DOCTORS CREEK WATERSHED GREENWAY PLAN

The Board having received and reviewed Mr. Coppola's 2006 Supplemental Modification No 1 dated March 22, 2006 entitled "Amendment to the Open Space, Recreation, Conservation and Farmland Preservation Plan Element" for the Adoption of the April 2004 "Crosswicks Creek/Doctor's Creek Watershed Greenway Plan".

The Members discussed the plan. In reviewing the Plan, Mr. Pepe voiced his concerns that the build up of the Township will exceed the water supply.

Mr. Pado offered that the Millstone Township Watershed Commission will be sending out a questionnaire to 400 residents that are effected by the

Crosswick/Doctor's Creek Greenway Plan. He said there would be an open informational meeting in September of 2006.

Mr. Zanetakos stated that if incorporated into the Master Plan, then it would be strongly pushed if the Governing Body adopts Ordinances to enforce.

Mr. Blanco offered that the document is in keeping with the philosophy to conserve land. He stated that the Plan meets the Board's goals and objectives.

Mr. Zanetakos voiced his concerns regarding the walking trails and maintaining Millstone Township's citizen's privacy.

The Board members discussed the issues.

Mr. Sico offered that the Plan is consistent with the Township's and the resident's vision. He feels this Plan is another layer of environmental protection. Mr. Zanetakos stated that to keep the environment clean, let the residents take care of it. Mr. Kuczynski voiced his concerns regarding policing and enforcing the trails.

The Board discussed tabling the adoption of the Plan until after the Watershed receives their consensus back.

Mr. Zanetakos made a Motion to table until the Watershed receives their consensus and Mr. Pepe offered a second. Roll Call Vote: Zanetakos, Pepe, Kuczynski, Sico, Pado and Haag voted yes to table. Mr. Blanco voted No.

ORDINANCE 06-18 – AMENDING PERMITTED USES ,SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS ZONING DISTRICT REGULATIONS IN THE PCD ZONE.

Mr. Coppola addresses the Proposed Ordinance. He explained how the Township controls housing being built. The Ordinance is established to keep control of established and existing elevations on site. He explained that the Ordinance locks in what the Board reviews. It applies to commercial and residential. Mr. Coppola recommends that the Ordinance is consistent with the Master Plan. An applicant must come back to the Board if they want to change the height.

Mr. Shafai stated that under the Ordinance, the applicant must be within the number of stories and foot height. It would be a C Variance unless increasing by 1%, then, it would be a D Variance.

Mr. Coppola gave a brief history of the proposed Ordinance change. The Master Plan discussed for the PCD Zone, lots that are 2 to 3 acres in size. What it now adopted far exceeds what is recommended in the Master Plan. Warehouses and distribution centers are not specifically recommended in the Master Plan. The Governing Body can change the list of uses. The DEP has concerns about the Environment. The change in the Ordinance will allow warehouse use that is relatively clean and attractive and can be considered to be consistent with the Master Plan. If it is not part of the PCD, the only use you can have is agriculture.

Mr. Sico made a Motion that the Ordinance is consistent with the Master Plan and Mr. Kuczynski offered a Second. Roll Call Vote: Sico, Kuczynski, Blanco Pepe, Zanetakos, Pado and Haag voted yes to recommend.

At 10:50 p.m., Mr. Zanetakos made a Motion to enter into an Executive Session to discuss a pending lawsuit and Mr. Sico offered a Second. Roll Call Vote: Zanetakos, Sico, Blanco, Kuczynski, Pepe, Pado and Haag voted yes to go in to Executive Session.

At 11:05 p.m. the Board returned to the regular Session to adjourn on Motion of Mr. Blanco, a Second offered by Mr. Zanetakos and by unanimous vote the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea
Board Secretary