

**MILLSTONE TOWNSHIP
PLANNING BOARD
MINUTES
AUGUST 9, 2006**

Chairman Newman opened the meeting at 7:30 p.m.

The Secretary read the adequate notice.

The Chairman called for a salute to the Flag.

Roll Call: Members Present: Blanco, Grbelja, Newman, Kucziniski and Zanetakos.
Absent: Haag, Sico, Pepe and Pado. Late: Murphy (arriving at 8:45 p.m.)

APPROVAL OF MINUTES: July 12, 2006 Minutes.

PUBLIC COMMENT PORTION: 15-Minute Limit. Chairman Newman opened the public portion and seeing no one wishing to make a public comment, he closed that portion of the meeting.

RESOLUTIONS:

P06-02 33 ASSOCIATES (RIVERSIDE CENTER) – Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant granted partial waiver from provision of all NJDEP list of contaminants pursuant to Ordinance 02-36 on 7/12/06.

Ms. Grbelja made a Motion to memorialize and Mr. Kucziniski offered a Second. Roll Call Vote: Grbelja, Kucziniski, Blanco, and Newman voted yes to Memorialize.

P05-23 RIORDAN – Block 45, Lot 10.04. Located on Stage Coach Road and Charleston Spring Road. 27.61 acres located in the RU-p zone. Minor Subdivision approval granted on 7/12/06.

Mr. Blanco made a Motion to Approve and Ms. Grbelja offered a Second. Roll Call Vote: Blanco, Grbelja, Kucziniski, Murphy, and Newman voted yes to memorialize.

P05-14 J. BRUNER ENTERPRISES – Block 16.01, Lot 4. Located on Rike Drive. 4.11 Acres located in the BP Zone. Final Major Site Plan approval granted 7/12/06 to construct a one-story building consisting of 18,000 s.f. for wholesale distribution of solid and flat-proof tires. Preliminary approval granted 6/14/06.

Mr. Kucziniski made a Motion to memorialized, Mr. Blanco offered a Second. Roll Call: Kucziniski, Blanco, Grbelja and Newman voted yes to memorialize.

REVIEW AND RECOMMEND:

ORDINANCE NO. 06-29 – AMENDING AND SUPPLEMENTING LAND USE AND DEVELOPMENT REGULATIONS, ZONING DISTRICT REGULATIONS, SCHEDULE OF AREA, YARD AND BUILDING REGULATIONS TO PERMIT A TWO ACRE LOT FROM CERTAIN TRACTS OF LAND WHICH ARE PRESERVED AS FARMLAND

The Board discussed the proposed Ordinance. Ms. Grbelja offered that the Ordinance was amended to include some green acres properties that are wooded and are included in Open Space and Farmland Preservation program. The Township is giving notice that they are okay with being subdivided. Giving the owner smaller size lots so we can preserve more. Whoever preserves land receives first right of refusal when it is time to sell. This is consistent with the Master Plan. Selling to a family member takes precedence.

Mr. Zanetakos made the Motion that the Ordinance with consistent with the Master Plan and Mr. Kuczinski offered a second. Roll Call Vote: Zanetakos, Kuczinski, Grbelja, Blanco and Newman found the Ordinance to be consistent with the Master Plan.

NEW APPLICATION:

P06-03 SOIFER – Block 15, Lot 1. Located at intersection of Disbrow Hill Road and Huneke Way. Located in the RUP Zone. Applicant seeks Final Major Subdivision Approval to construct 5 residential lots. Preliminary Approval Granted 9/14/05

Attorney Michael Steib read the following exhibits into evidence:

- A-1 Application dated 1/14/2006
- A-2 Application Completeness Checklist dated 1/31/05
- A-3 EIS prepared by Crest Engineering Dated 12/30/04
- A-4 Historic Pesticide and Soil Contaminant Reported prepared by Crest engineering dated 8/30/04, Last Revised 7/12/05
- A-5 Storm water Management Plan prepared by Crest Engineering dated 12/30/04
- A-6 Environmental Site Assessment Prepared by Crest Engineering dated 12/30/04, Last revised 5/05
- A-7 Preliminary Major Subdivision Map prepared by Crest Engineering dated 12/30/04, Last revised 4/08/05
- PB-1 Board Engineer Report dated 7/25/06
- PB-2 Report of Board Planner dated June 30, 2006
- PB-3 DEP Stream Encroachment Permit dated 3/14/06
- PB-4 Monmouth County Planning Board Conditional Preliminary Approval Letter dated 12/12/05
- PB-5 A Memo from the Historic Commission dated 8/7/06
- PB-6 Millstone Township Shade Tree Commission Report received 9/07/06

Mr. Kenneth Pape representing the applicant. He provided a brief overview of the property. The property was preserved under the cluster ordinance in 2005. The single

residential structure shall be converted into a single-family dwelling. At the time of the subdivision, bonds will be posted to remove any second family dwelling use. The applicant requests time to perfect the subdivision to save money. The applicant advised that the property would be a single family dwelling upon subdivision.

Mr. Pape advised the applicant would grant conservation easements and restrict the property from any further subdivision. All buffers wetlands and stream corridors will be contain in a conservation easement.

The applicant will place a farmland restriction on the designated area. A bridle path is offered as indicated.

Engineer Matt Shafai advised that steep slopes with a 50 foot buffer area around the conservation easement.

Peter Strong of Crest Engineering is sworn in as applicant's licensed professional engineer. Mr. Strong has appeared in front of the Board and is accepted as an expert witness. Mr. Strong points out the steep slope locations. Engineer Shafai discussed the difficulty in monitoring the conservation easement area and suggested a change. Board Planner Richard Coppola discussed the area proposed to be restricted and conserved.

Engineer Shafai will meet with Open Space and Farmland Preservation concerning the bridle path. Mr. Zanetakos asked if the landowner is held harmless should an accident occur. Ms. Grbelja explained the Township insurance policy that is in place.

Ms. Pat Butch, Chairperson for the Open Space and Farmland Preservation council is sworn in and provides a copy of two state laws that refer to liability issues.

Engineer Shafai testified that the Master Plan call for a bridle path. Ms. Butch referring to Exhibit A-5 explains where the Master Plan designated path would be as it related to this piece of property.

Engineer Shafai advised applicant has answered his comments and the plans just require some clean up.

The Preliminary approval required a Deed Restriction Covenant concerning the Stormwater Management. Mr. Pape will draw up the deeds and provide to Mr. Steib for review. Mr. Strong will provide Engineer Shafai with the profile of the site line.

Concerning the landscape plan, Planner Coppola advised the applicant that the Shade Tree Commission wanted the trees species to be alternated. Planner Coppola recommends grouping species together for the benefit of some resistance to disease. Mr. Strong and his landscape architect agreed with Planner Coppola's assessment. Planner Coppola will work with the Shade Tree Commission.

Planner Coppola addressed the bridle path as set forth in his report.

The Board took a break at 8:30 p.m. returning at 8:35 p.m. to resume the meeting.

Mr. Pape advised the Board that the Soifer's are concerned about the legal issues of the bridle path. They will meet with Ms. Butch to resolve and find an alternative. Planner Coppola spoke to Ms. Butch and she advised the location of an alternative path could continue by the equine center, go down the stream corridor that would be an attractive path and critical to the Master Plan.

Mr. Zanetakos asked about upsetting the buffers if the path is to go down the stream corridor. Mr. Coppola advised there would be no negative impact.

The matter was carried to the September 13, 2006 meeting for discussion of the open issue of the bridle path.

Attorney Steib went over some conditions of approval including the elimination of the multi family use that would be removed within 180 days of the filing of the maps and a bond to be posted to secure that condition. Attorney Steib clarified the easements. Mr. Pape advised where the restrictions would be. Ms. Grbelja asked if the land were not used as farmland, would it revert to open space. Mr. Pape testified that the Deed Restrictive Covenants would take care of that issue.

The matter was opened to the Public at 8:45 p.m. and seeing no public comment, closed at 8:45 p.m.

The matter was carried with no further noticing to September 13, 2006

Mr. Murphy arrived at 8:45 p.m.

CARRIED APPLICATION:

P05-28 TOTAL STONE – Block 53, Lot 4. Located at Red Valley Road and Trenton-Lakewood Road. 28.7 acres in the BP Zone. Applicant seeks Preliminary Major Subdivision approval for a 7-lot subdivision for existing building, private road and 5 new building lots. Variances required. Application Deemed Complete: 5/31/06. Date of Action: 9/26/06.

Mr. Pape representing the applicant recaps the application that is being continued with out any further renoticing from July 12, 2006.

Mr. Pape advised they are trying to create a wet basin that could be an aesthetic feature and act as a wet feature. He revisited the landscape plane.

Mr. Peter Strong was previously sworn in on July 12, 206 as applicant's expert. Referring to prior Exhibit A-10, a color rendering of the landscape plan, he gave a brief of review of the property. The application is for Block 53, Lot 4 located with Red Valley

Road is to the east of the property. Trenton Lakewood Road is along the bottom of the property. Mr. Strong gives a brief recap of the property. The property is the former 7-UP plant. It is used by Total Stone and accessed by a private roadway.

The plan is for 6 new building lots with access off of Anthony Imbesi Drive and 1 occupied by Total Stone. The drainage exists with a stormwater detention basin with a piping system in the roadway. Mr. Strong advised that they comply with the BP zone regulations except for Lot 4.01, which is the corner lot with 3 frontages. He offered that is the only variance requested.

There will be no access from Route 195. The lots with frontage on Route 526 will impose a restriction on this.

Referring to Exhibit A-11, Display of Plan dated 8/9/06, prepared by Crest Engineering, Mr. Strong went over the Exhibit. A wet pond is attractive and creates a fire fighting capacity. He explained how it functions with a dry hydrant to the roadway owned and maintained by the owner's association. He explained the aeration system to keep the water free of insects.

Mr. Strong explained the layout of the property, including the 15 to 20 foot slope along 195 is currently vegetated and substantial landscaping is planned to enhance the property along Red Valley Road and Trenton Lakewood Road with additional low landscape around the corner office-type building.

Mr. Strong explained that the architecture of the office building would be finished on all four sides since it is the entrance to the office park. The applicant makes a commitment to provide high-end architecture to the front two lots.

Mr. Pape goes over the staff reports. Engineer Shafai asks that the trees on Red Valley Road be preserved even if the road is widened. Mr. Strong testified that he would do so without injury to the trees and if there should be an injury to the trees, they will plant more.

Engineer Shafai asked about removing the gate that exists to the plant. The applicant, Gordon Stroud, is sworn in. He testified that for the time being that gate is the only security that they currently have until further development of the property. Mr. Pape advised that a new chain link fence is proposed for the property. When the first site plan comes before the Board, the gate removal would be discussed then.

Engineer Shafai's report discussed that there would be no easement for the helipad. Improvements would be made on Red Valley Road. The variances were discussed that the road is a private road therefore a variance is needed because the applicant cannot comply with the bulk variance requirements. Mr. Pape advised that if the private road would be made into a Township road, the Town would maintain, if it remains private then a variance would be needed.

Planner Coppola 's report required that the driveway to Lot 4.08 be restricted to use as an access drive and a note should be placed in the Deed and on the Map and in the Owner's Association Deeds of Restrictions and Covenants. Mr. Coppola requested that the plans show the stream corridor, etc. on the entire plan before the individual site plans come to the Board for consideration. Mr. Strong agreed.

Mr. Coppola asked that the Conservation Easement be placed over the critical areas and should be monumented in accordance per Ordinance. Access to all lots should be restricted to Anthony Imbesi Drive. A Maintenance Agreement is to be prepared for the roadway and the detention basin. Mr. Pape advised that a Master Deed with restrictions would be prepared. The Township can enter into an agreement and may do what they need to do and tax the property owners if not being done.

Mr. Strong discussed the pond will have safety ledges and slope not to exceed 3/1. The buffering of Lots 4.01 and 4.03 along Trenton Lakewood Road will have additional deciduous trees that could be planted to buffer and not screen. Mr. Pape stated that the applicant wants to create a window onto the lot. Mr. Coppola said they could make that a condition of Preliminary that the landscape be reviewed at final when the resubmit a conformance plan.

Mr. Coppola asked about the lighting on the property. He suggested pole lights on Anthony Imbesi Drive with overhead wires and underground wires for the rest of the park. He will need more information on the lighting plan.

Mr. Coppola asked about a lot line change between lots 4.01 and 4.03. Mr. Pape advised that the lots conform. There was discussion about the reconfiguration.

Chairman Newman asked the applicant about signage along Red Valley Road. Mr. Pape advised that the applicant wants to use his own material, which would be high-end monumentation sign.

Mr. Shafai asked if Lot 4.03 wetland strip was to be filled in. Mr. Strong advised it was not really needed since it was simply a man-made ditch with no purpose.

Chairman Newman asked if a traffic study had been done.

Mr. Pape advised that Mr. Kenneth Fears of Oracle Engineering, who prepared the report for the Moto Business Industrial Park, used conservative figures for that Park. He came up with conservative figures for this property as well. The figures reflect a more intensive use of the property.

Entered into Evidence, Exhibit A-12 Traffic Engineering Report Letter prepared by Oracle Engineering Inc., dated July 13, 2006.

Mr. Blanco asked the applicant about access to the billboard sign. Mr. Pape explained.

Mr. Zanetakos asked about buffering, emphasizing screening rather than buffering regarding Route 527 area is of concern.

The matter was opened to the public for comment at 9:40 p.m. Seeing no public comment, the public portion was closed at 9:40 p.m.

The Environmental Commission's report was discussed. The applicant advised that a Memorandum Agreement has been entered into with the DEP and they are working toward a remediation and will have a No Further Action letter for the entire site.

Mr. Steib went over the conditions of approval to include that the landscape plan would be revised as conditioned by the Monmouth County Shade Tree Commission and the Millstone Township Shade Tree Commission's reports; the architecture of the front two lots will be finished on all four sides with an office style and the applicant will provide the schematics of the architectural features and standards; all trees on Red Valley Road will be preserved; the gate at the first site plan will be removed; the applicant will comply with the report of Richard Coppola and will restrict the development rights on private roadway lot; the plan will show the stream corridor and features; a conservation easement will be placed over the critical areas and will be monumented; access will be limited on the site to the private drive; the applicant will provide a bill for the Township to perform maintenance; the Owner's Association is responsible, if necessary this can be changed back in favor of the tax assessment; an aerated pond for aesthetics and fire protection will be on site; new electricity will be located underground with two lights located at the end of the cul-de-sac; lot 4.01 lot line will be revised and provide a larger lot; entrance sign details will be provided at Final; a No Further Action Letter from the NJDEP will be issued for the entire property; applicant will comply with the reports of the professionals.

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 Preliminary Major Subdivision Approval to subdivide property into 9 individual sites. Deemed Complete 7-12-06. Date of Action: 11/9/06.

Attorney Steib accepted jurisdiction over the application and advised that due to the hour and the calendar, the applicant has agreed to carry the matter to the next meeting in September. The applicant, represented by Bill Mehr, Esq., will re-notice since the Board has agreed to start the September 13, 2006 meeting at 7:00 p.m. instead of 7:30 p.m. The Board Secretary will publish the change in time in both of the official Board newspapers.

P06-05 COUNTRY ROAD ESTATES – Block 57.01, Lot 1. Located at Old Noah Hunt Road and Trenton Lakewood Road (County Road 526). Zoned RU-P consisting of 58.405 acres. Applicant seeks Preliminary Major Subdivision approval to construct 6 residential lots. Variance needed.

Attorney Steib advised that he has reviewed the jurisdictional packet and finds same to be in order to accept jurisdiction over this application. Due to the agenda this evening, applicant has agreed to carry the application to the September 13, 2006 meeting. An announcement was made to the public to that effect by Attorney Steib and no further noticing will be required.

P05-29 PAUL, EUGENE – Block 36, Lots 28, 30 and 32. Located along Millstone Road in the R-130 Zone consisting of 8.87 acres. Minor Subdivision w/ variance. Applicant proposes to consolidate 3 existing vacant contiguous lots into two new building lots. Application Deemed Complete 5/23/06. Carried from 6/14/06.

Chairman Newman stepped down due to a conflict.

Attorney Steib advised this was a continuation of hearing that was carried from June 14, 2006, to review issues based upon certain contiguous lots.

Mr. Kuczynski questioned if he has a conflict due to Mr. Gene McDonald. Mr. Peter Strong is representing Mr. Paul's interests so there is no conflict.

The application is for Lots 28, 30 and 32. All are individual lots that can be combined through a consolidation Deed that would meet the demographic requirements for the zone and they can then stand-alone. As a condition of the approval, the Board can move forward if agreeable with the process. They would have to be merged and re-subdivided.

All remaining lots could be consolidated.

Attorney Steib explained that under what conditions the applicant could merge and not come to the Board. He went over the case of Jock v. Wall Township. If the property receives Planning Board approval, the property becomes a conforming parcel.

Attorney Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 11/02/05
- A-3 Environmental Impact & Assessment Report prepared by Crest dated 11/1/05
- A-4 Minor Subdivision Map prepared by Crest dated 10/11/05 Revised 3/22/06 Plan A
- A-5 Alternative Plan B Minor Subdivision Map prepared by Crest dated 3/30/06
- A-6 Survey prepared by Crest Engineering dated 2/26/04, last revised 3/11/05
- A-7 Survey of Property and Wetlands Location Plan Prepared by Crest Engineering dated 7/19/06
- PB-1 Board Engineer Report dated 5/23/06

PB-2 Board Planner Report dated 5/31/06
PB-3 Memorandum of Board attorney Dated 6/14/06
PB-4 NJDEP Follow up Notice of Violations dated 6/01/06

Sworn in is Peter Strong, P.E. of Crest Engineering. Mr. Strong has testified before the Board previously and the Board accepts him as an expert.

Christopher DeGrazia, Esq. representing the applicant, referring to Exhibit A-8, describing Lot 28 as triangular in shape and lots, 30 and 32 as rectangular. He advised the lots are to be consolidated and has two plans to present to the Board. Plan "A" is a fully conforming plan and can create two lots with no variances.

Mr. DeGrazia advised that Plan "B", the applicant's preferred Plan, triggers one variance for frontage. Mr. DeGrazia stated that the unique shape of the property creates the hardship to justify the variance. Mr. DeGrazia offered that the Ordinance states that frontage does not have to be contiguous. He stated that from a planning standpoint, this is not designed well. Mr. Coppola asked how this plan promotes sound planning in accordance with the Ordinance. He stated that the frontage couldn't provide access to a lot due to the wetlands. Mr. Coppola asked Mr. DeGrazia why the applicant did not come in with just Plan B.

Mr. Strong described Plan "B. He discussed the standards, explaining why the plan works. The only variance needed is for the 75' for frontage where 250' is required. He advised that the driveway would be located 1/2 on each lot. Mr. Strong went over the C1 variance advising that the unique shape of the property creates the issues.

Mr. Zanetakos asked the applicant if any attempt was made to purchase the piece of property between the applicant's parcel and the triangular shaped property?

Mr. Coppola stated that 1/2 to 1/3 of Lot 28 is located in the wetlands. He stated that if this is taken out of the equation, you could still get two conforming lots. He stated that the argument for hardship is using lands that do not have anything to do with the subdivision. He stated that it is irrelevant to what the applicant is proposing and does not go to the heart of the configuration of the lot proposed for development. Mr. Coppola advised that he could not see the hardship element.

Mr. Zanetakos asked if applicant's Plan "A" is fully conforming. Attorney Steib posed does each lot have adequate frontage. He cited Ordinance 4-3.2 regarding frontage standards. Only continuous uninterrupted lot lines shall meet the frontage requirements. Mr. DeGrazia stated that Plan "A" meets the requirements but stated that Plan "B" offers a better scheme. Ms. Grbelja asked if Plan "A" is a viable plan to consider.

Referring to Exhibit A-9, Attorney DeGrazia stated that two lots would be created that would be in keeping with the neighborhood, creating a better planning alternative. He cites the plan has frontage and has access to the street. He offered that the property is

larger than the properties around it. Attorney DeGrazia offered that the plan meets the neighborhood scheme and offers there is no detriment by sharing a driveway, which he stated would reduce the impervious coverage and save trees. For these reasons, Mr. DeGrazia feels that the plan justifies the variance needed.

Mr. Coppola would need a detailed analysis of lots that have 75-foot frontage.

Due to the heavy calendar for September, this application was carried to October 11, 2006 meeting, beginning at 7:30 p.m. at the Municipal Meeting Room. No further noticing of this application will be required. The applicant granted an extension of time through the end of October 2006 for the Board to hear the application.

There was no executive session this evening. Motion of Ms. Grbelja and a Second offered by Mr. Zanetakos and adjourned by unanimous roll call vote adjourned the meeting at 11:10 p.m.

Respectfully submitted,

Pamela D'Andrea