

**MILLSTONE TOWNSHIP
PLANNING BOARD
MINUTES
SEPTEMBER 13 2006**

Chairman Newman opened the meeting at 7:10 p.m.

The Secretary read the adequate notice.

The Chairman called for a salute to the Flag.

Roll Call: Members Present: Blanco, Newman, Haag, Murphy, Sico, Pepe, Pado.
Late: Zanetakos (arriving at 7:20 p.m.) and Kucziniski (arriving at 7:40 p.m.). Absent:
Grbelja and D'Amico.

APPROVAL OF MINUTES: Approval of the August 9, 2006 Minutes tabled to the
October 11, 2006 Meeting.

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:

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 received Preliminary Major
Subdivision approval for a 7-lot subdivision for existing building, private road and 5 new
building lots.

Chairman Newman made a change to add the word “require” to page six, line three.
The Secretary would make the change. Mr. Blanco made a Motion to Memorialize as
amended and Mr. Murphy offered a Second. Roll Call Vote: Blanco, Murphy and
Newman voted yes to memorialize.

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.

The Board carried to the next meeting of October 11, 2006. The applicant gave the
Board an extension through the end of October 2006 to hear the matter.

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.

Mr. Steib read the Exhibits into Evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice Posted 7/19/06
- A-3 Re-noticing packet for 9/13/06 meeting
- A-4 Application dated January 11, 2006
- A-5 Environmental Site Assessment Prepared by Crest Engineering dated January 2005
- A-6 Stormwater Management Plan Prepared by Crest Engineering dated January 16, 2006
- A-7 Traffic Report Prepared by McDonough & Rea Associates dated January 25, 2006
- A-8 Historic Pesticide & Soil Contaminant Report Prepared by Crest Engineering dated 2/28/05, Last Revised 3/14/06
- A-9 Environmental Impact & Assessment Prepared by Crest Engineering dated 12/01/05, Last Revised 3/14/06
- A-10 Aerial Map Prepared by Crest Engineering dated 1/16/06, Last Revised 3/15/06
- A-11 Preliminary Major Subdivision Plan prepared by Crest Engineering dated 1/16/06 Last Revised on 3/5/06
- A-12 Color Rendering of Site Plan prepared by Crest Engineering dated 9/9/04
- PB-1 Board Engineer Report dated 7/26/06
- PB-2 NO EXHIBIT PB2
- PB-3 Monmouth County Planning Board Preliminary Approval dated 2/28/06
- PB-4 Millstone Twp. Environmental Commission Report dated 3/30/06
- PB-5 Letter from Monmouth County Park systems to MCPB dated 2/14/06 addressing subdivision plans to include Trail Easements
- PB-6 Memo from the Historic Commission dated 8/07/06

Sworn in was Peter Strong of Crest Engineering who is applicant's professional licensed engineer; Mr. J. Troutman of McDonough and Rae who is a professional licensed engineer and applicant's traffic expert; and Thomas Varner.

Referring to Exhibit A-12, Color Rendering of the site plan dated 9/9/04, Mr. Strong gave a brief overview of the property. The property consists of 7 acres known as Block 18, Lot 2.02 in Millstone Township situated north of Route 33, in the PCD Zone. All lots conform to the PCD Zone bulk requirements. The proposal is to subdivide the Millstone parcel into 9 lots consisting of 2 ½ to 15 acres each.

Mr. Zanetakos arrives at 7:20 p.m.

Mr. Strong explained the stormwater management that was designed for the facility to handle stormwater runoff, was designed in accordance with our regulations and the NJDEP regulations in both Millstone and Monroe Township.

The street trees on both sides of the roadway. Signs would be built into the landscape at the entranceway. Internal roads will be public roads and will be discussed by Mr. Troutman, the traffic expert.

The landscape along Route 33 is to have a berm planting in addition to fencing to screen some of the uses from the Highway and to enhance the streetscape in accordance with the township Ordinance. This information is not on the original submission but will be on a plan submitted for Board review.

Mr. Strong stated that there would be substantial buffering to the residents in the HC zone that are located next to the proposed project. The applicant will provide a conservation easement for the wetlands and stream. The Millstone River goes through the property. Mr. Strong advised that the NJDEP is interested in the flood plain area as well as the wetlands. The NJDEP monitors areas by aerial photography and flyovers. He advised that D&R imposes restrictions and buffers. The County is interested in the area as well. Mr. Strong advised that five different agencies have an interest in preserving the property.

Chairman Newman asked if the NJDEP allows the public to use those areas for recreation such as fishing. Mr. Strong said sometimes they do.

Board Planner Richard Coppola advised that if the conservation easement is in private ownership or is dedicated to the Township, we can deal with the agencies. He suggested consulting with the Township Committee. Attorney Mehr would like to have the full benefit of a full sized lot for this project and not be penalized for the portion that will be dedicated as a conservation easement. Mr. Coppola stated that the area would be monumented no matter how it is dedicated.

Mr. Zanetakos had concerns regarding the fire protection and policing of the project since two different towns are involved. He wants to see the towns work out a solution to serve the area. He also voiced his concerns about responsibility for snow removal of the property.

Mr. Mehr advised that although the internal roads will be public roads, the applicant will have a property owner's association to take care of the maintenance of the roads, landscape, lighting on the entire project.

Mr. Shafai advised that once the municipality accepts responsibility for the street, they are responsible.

Mr. Blanco stated that clarification is needed by both Millstone and Monroe for the fire and police services issue.

Mr. Mehr stated that the property association would take care of the property so that it is all tied together under one owner's association. The Board discussed driveway entrance signage announcing what Township you are in.

Mr. Pado asked about the fire hydrants that would service the Park. Mr. Strong advised that the lakes being created will have standpipes to service the Park. Mr. Mehr advised fire sprinkler systems would be on the entire site.

Mr. Shafai stated that they would comply with the Monmouth County Parks System's Linear Park plan. Applicant has no objection and will work this aspect out. Mr. Mehr explained the path remains a natural path.

Mr. Shafai asked about the street named "Farrington". Mr. Mehr discussed how the name was arrived at in Monroe. Mr. Shafai stated that the portion in Millstone is subject to the approval of the Historic Commission.

The Board discussed the future of .23 acres of a parcel located in Millstone Township. A variance is needed. There was discussion if the parcel will be part of a larger parcel located in Monroe or if the lot will merge with the larger lot located in Millstone.

Mr. Coppola spoke of the importance of avoiding piecemeal improvements. He feels an architectural element for the Park should be in place for uniformity. Mr. Coppola advised that when finally approved, the Board should obtain a commitment that the tree plantings are part of the major subdivision approval and not part of each individual site approval.

Mr. Coppola discussed a 25' flagpole to display the 6' x 4' flag. Lighting details for the flagpole must be provided.

Material and color of signage will be clarified at the time of final.

Mr. Strong described the lighting for the industrial park.

Mr. Coppola advised the Board that landscaping should be discussed and approved now so that each individual site will be locked into the Board's approval. Mr. Coppola advised that location of the berms and street trees should be agreed upon now. He discussed the landscape for detention basin "A". He offered that more flowing plants would be in place. Mr. Mehr advised that the applicant would like to see plants in place that would survive.

Mr. Kuczynski arrived at 7:40 p.m.

Traffic expert Jay Troutman, a licensed professional engineer provided his credentials to the Board and was accepted as an expert. The usage of old Route 33 was discussed. The DOT has jurisdiction. Mr. Troutman explained that the planning of this project began in 2003. They met with the DOT to place a traffic light to aid the park.

Mr. Shafai stated that the signal allows less access into the Park. The need for a traffic light was discussed. Potential and anticipated traffic dilemmas were discussed. The problem with synchronizing the lights was discussed. The Board discussed enlisting their own traffic expert to review the traffic element of the application.

Mr. Sico asked the applicant in the interim, to contact the fire department of both Millstone and Monroe and provide that information to the Board.

The applicant is to report on the landlocked parcel as well.

Mr. Blanco Made a Motion to carry the application and Mr. Zanetakos offered a second and by unanimous vote the matter was carried to the meeting of November 8, 2006 without any further noticing required. Applicant granted the Board an extension through December 31, 2006.

P04-46 KENSINGTON ORGANIZATION Block 60.01, Lot 17 and 18.01. Mount Holly-Freehold Road. NC Zone. 1.43 ac. Preliminary and Final Major Subdivision (construction of 6,363 sq. ft. retail bldg.) Resolution Memorialized. 8/10/05. Applicant returns to Board regarding tree removal.

Bill Mehr, representing the applicant explained that a tree that was marked to remain on the property and was erroneously cut down. The Millstone Township Shade Tree Commission reported the tree was cut down. The applicant met with the Shade Tree Commission to resolve the problem. Stop work orders were issued on the project.

The applicant advised they would cooperate with the Shade Tree Commission. The Shade Tree and the applicant will enlist tree experts to appraise the cut tree and replace the tree. The applicant has a cash bond in place and asked the Board that until the issue is resolved, would like to proceed with construction.

Mr. Zanetakos suggested replacing the tree with a 5" or 6' caliper black oak tree. Ms. Haag suggested having the tree valued. Mr. Mehr advised the applicant would place the new tree in a better place on the site. He advised there is no provision in the Ordinance to value trees. Mr. Coppola advised that under plantings should be put in place under the new tree as well. Mr. Zanetakos stated that the Shade Tree and the Board Engineer should work together on this issue.

Mr. Blanco stated that the applicant should purchase the largest tree, as well as make up the difference.

Mr. Shafai advised that the conservation easements must be monumented.

The Board agreed that the replacement tree should be planted in the same location; a value estimate for an 18" tree should be done; the applicant will make up the difference and plant trees where the Shade Tree Commission advises; supplemental plantings should be done under the replacement tree, etc.

Mr. Blanco thanked the applicants for their cooperation.

At 9:40 p.m. the application was opened to the public. At 9:40 p.m., seeing no public comment, the application was closed to the public.

Mr. Steib read the conditions of approval to include: 180 days from recording the plane, the home is to be converted into a single family resident; a bond shall be posed to assure the removal; the conservation easements will be monumented; prior conditional of the preliminary approval are carried forth.

P05-30 512 ROUTE 33, LLC – Block 22, Lot 7. Located on Route 33. 9.23 acres in the HC Zone. Applicant seeks Preliminary and Final Site Plan approval to construct a 15,925 s.f. retail center. Variances needed. Deemed Complete 6/19/06. Date of Action: 10/17/06.

Kenneth Pape, Esq. representing the applicant. Mr. Pape advised that Lot 8 is located in front of Lot 7 and included into the plan. The application is a variance-free application. The property is located in the HC zone. The proposal is for the construction of a 15,800 s.f. The bank pad site is 3,200 s.f. The plan has been substantial revised. The interconnection between the new shopping center. The fire department has asked for an emergency exit. The landscaping and drainage have been modified.

Mr. Clark had prepared an architectural identification sign.

The DOT has granted access permit for the Route 33 corridor.

Mr. Pape explained to the Board a financial subdivision is one done for purposes of securing funding. It allows an applicant to finance a project separately. Mr. Pape advised that this is not part of the plan before the Board.

Julia Algeo, a licensed professional engineer of Maser Consulting is sworn in.

Mr. Steib reads the Exhibits being placed into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice
- A-3 Application date 12/01/05
- A-4 Historic Pesticide Soil Sampling Report prepared by Maser Consulting P.A. dated 2/8/06
- A-5 Statement of Environmental Impact & Assessment prepared by Maser Consulting PA dated 11/10/05 revised 5/31/06
- A-6 Boundary & Topographic Survey prepared by Maser consulting dated 11/28/05

- A-7 Preliminary & Major site Plan prepared by Maser Consulting dated 11/9/05, Last Revised 6/19/06
- A-8 Architectural plan prepared by Bach & Clark dated 11/15/05
- A-9 Letter from law offices of Heilbrunn, Pape & Goldstein
- A-10 Preliminary & Final Major Site Landscape Plan prepared by Maser dated 11/10/05 Last Revised 5/9/06
- A-11 Aerial Exhibit prepared by Maser dated 7/12/06
- A-12 Color form Overlay
- A-13 Main Level Plan prepared by Bach & Clark LLC, dated 11/15/05
- A-14 Color Rendering of the architectural drawing
- A-15 Sample of brick
- A-16 Historic Pesticide Soil Sampling Report by Maser Consulting dated 2/8/06 Last Revised 8/11/06
- A-17 Stormwater Management Report Prepared by Maser dated 11/10/05 Last Revised 6/1/06
- A-18 Statement of Environmental Impact & Assessment Prepared by Maser dated 5/31/06 Last Revised 8/14/06
- A-19 Traffic Impact Analysis Prepared by Maser dated 9/23/05 Last Revised 8/11/06
- A-20 Preliminary & Final Major Site Plan Prepared by Maser dated 11/10/05 Last Revised 5/9/06
- A-21 Preliminary Major Site Plan (Phase One) Prepared by Maser dated 11/10/05, last Revised 9/05/06
- A-22 Amended Application, Dated 8/18/06
- A-23 Website Notice dated 9/5/06
- A-24 Pylon Sign Description
- A-25 Color rendering of landscape plan sheet 7 of 11 last revised 9/05/06
- A-26 Color rendering signage plan prepared by Bach & Clark dated 11/15/05
- A-26
- A-27 Dimension Plan Prepared by Maser dated 11/10/05 Last Revised by 9/05/06
- PB-1 Board Engineer Report dated 6/28/06
- PB-2 Report of Board Planner dated 7/5/06
- PB-3 Conditional approval from the MCPB letter dated 12/5/05
- PB-4 Freehold Soil Conservation Certification Letter dated 6/21/06
- PB-5 Letter of Interpretation dated 8/17/05
- PB-6 Environmental Commission Plan Review dated 5/31/06
- PB-7 NJPDES General Permit for Stormwater Discharge dated 6/21/06
- PB-8 Staff Report prepared by D & R Canal Commission dated 8/31/06
- PB-9 Environmental Commission Report dated 7/5/06
- PB-10 Environmental Commission Report dated 8/29/06

The reports have been revised due to the additional Lot 8.

Referring to Exhibit A-25, Color rendering of the Site Plan including Lot 8, which is a .66-acre tract of land, Ms. Algeo explained the proposed plan. The plans have added 3,200 s.f. for the bank, 125 parking spaces have been added, as well as two drive through lanes for the bank.

Ms. Algeo stated that they have added an access to both lots. Stormwater Management is handled by one detention pond. Landscape and lighting has been included with the design. The parking can be shared with both lots.

Ms. Algeo went over the 9/9/06 recent report of Board Planner Richard Coppola. Concerning the parking, there are 11 spaces that will be marked and designated for the employees. Windows will be added to the building facade and they will add a crosswalk. Mr. Coppola asked that the stripped islands be replaced with mountable curbing and low plantings with no trees to serve the fire department's purpose but in an attractive way.

The lighting will be identical to the adjacent property. The wattage will be 250. The security lighting was discussed. Wall packs facing downward will be in place. Mr. Pape discussed the security issue concerning the property and the need for security lighting. The lighting plan will be modified to reflect incandescent lighting, 150 maximum wattage.

The applicant asked the Board to waive the tree preservation plan since the rear of the property is largely woodlands.

Mr. Algeo advised that on 7/26/06, she met with the Shade Tree Commission and they seemed amenable to the plan. There were going to do a site visit.

Mr. Clark advised that the sign for the entire center would be a single sign.

The proposed building is 15,800 s.f. footprint. With a standing seam metal roof. The building facade will be comprised of stucco and brick materials. There will be total glass storefronts. There will be a continuous glass wrap around. The building tower would be 40' high and made of the same material as the building. In the rear of the building (north), there will be split face block.

Exhibit A-26, Bach & Clark color rendering of the sign. The materials used in the building are carried to the signage. Brick base, colonial columns (color to be determined), box sign, lit internally. Mr. Clark showed where the sign would be located on the plan.

The sizes of the signs were discussed. Mr. Pape advised that along that road, small signs fail. Sign letter colors were discussed.

The bank will be phased. All improvements will be done. The bank will come in separately, if not, the applicant will come back to the Board with an Amended Site Plan.

The HVAC will be a ground-mounted unit. The dumpster will be made of the same materials as the building. The bank will not have any dumpster, their trash is shredded. There is a billboard presently on the property and the applicant would ask to have that remain.

Mr. Coppola sees no negative aspects of the financial subdivision.

Mr. Shafai asked the applicant how much room from the parking space to the columns in front of the building. The architect explained they are 6' to 1'4". The remedy was the proposal of placing the loading zone in front of the columns.

Mr. Shafai asked about what classification the dam was. Ms. Algeo advised it is a Class IV dam. They have a DEP permit. Mr. Pape advised that they have a yearly maintenance schedule. Mr. Shafai is concerned about the erosion to the wetland buffer and discussed how to stabilize. Mr. Pape advised that haystacks and a silt fence to the area. The applicant will de-silt the pond after construction. Presently they only have emergency overflow. Mr. Shafai advised the applicant to assure that the buffer line is stacked out. The conservation easements must be monumented. Mr. Shafai asked that the phasing be placed on the plans. Mr. Shafai asked the applicant how are they going to bond the phase.

Mr. Pape advised that in accordance with the Environmental Commission, they did additional testing, 1 test pit in the area of the bank. He advised that the lab is running the full gamut of testing in that area. Mr. Pape stated that if they get a "hit", they will know within 48 hours and will come back to the Board. He offered that they have had no "hits" on this side of Route 33. Ms. Haag stated that the Board would need those results.

Chairman Newman opened the meeting to the public at 11:00 p.m., seeing no public comment on the application; he closed the public portion at 11:00 p.m.

Attorney Steib read the conditions to include:

Mountable curbing to be in place for emergency vehicles; change the direction around the building to one way; applicant to submit a revised lighting plan; tree preservation waiver granted to count trees and no need to count scrub plantings; sign details/color scheme to be worked out with the Board Planner prior to Memorialization of the Resolution; formalized phasing plan to be submitted; Engineer Shafai to provide estimate for Bond for improvements; no dumpster for the bank; the billboard sign will be removed; the applicant will provide an annual report concerning the Class IV dam located on the premises; the applicant shall comply with the engineer's technical comments; the applicant shall supply the test pit results in the bank area, etc.

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

NEW BUSINESS:

P06-06 PERL ACRES NORTH – Block 54, Lot 5.01.

P07-06 PERL ACRES SOUTH – Block 55, Lot 2.

Applicant Submitted Final in February 2006. Deemed Incomplete 3/31/06. No further submissions received to date. Applicant requested to update the Board. The applicant is represented by Kenneth Pape, Esq. who explained the reason for the delay. He advised the applicant was required to do a turtle study. That information should be forthcoming. Maser Consulting will be in contact with Engineer Matt Shafai concerning this application.

REVIEW AND RECOMEND:

ORDINANCE 06-31 - CREATING THE POSITION OF "MUNICIPAL HOUSING LIAISON" TO ADMINISTER THE TOWNSHIP OF MILLSTONE'S AFFORDABLE HOUSING PROGRAM PURUSANT TO THE FAIR HOUSING ACT

Mr. Coppola explained the Ordinance creates the position of "Municipal Housing Liaison" appointing a Municipal employee to act as the contact person at the Township concerning COAH. The Township will hire a firm to administer the Township of Millstone's affordable housing program pursuant to the New Jersey Fair Housing Act of 1985.

Mr. Newman made a Motion that the Ordinance is consistent with the Master Plan and Ms. Haag offered a Second. Roll Call Vote: Newman, Haag, Blanco, Sico, Murphy, Pepe, Pado, Zanetakos and Kucziniski voted that the Ordinance was consistent.

At 11:15 p.m., the meeting was adjourned by Motion of Mr. Sico and a second offered by Mr. Pado and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea