

**MILLSTONE TOWNSHIP PLANNING BOARD
MEETING MINUTES
DECEMBER 13, 2006**

Chairman Newman opened the meeting at 7:35 p.m.

The Secretary read the adequate notice.

The Chairman called for a salute to the Flag.

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

APPROVAL OF OCTOBER MINUTES: Mr. Blanco made a Motion and Vice-Chairman Haag offered a Second to approve the October 11, 2006 Minutes. Roll Call Vote: Blanco, Haag, Kucziniski and Pado voted yes to approve.

APPROVAL OF NOVEMBER MINUTES: A change was made to the November 8, 2006 Minutes reflecting that Mr. Pado was present at the meeting. Ms. Grbelja made a Motion and Vice-Chairman Haag offered a Second to approve the November 8, 2006 Minutes. Roll Call Vote: Grbelja, Haag, Blanco, Pado, Zanetakos, Murphy and Newman voted yes to approve.

PUBLIC COMMENT PORTION:

The Public Comment Portion was opened by Chairman Newman at 7:39 p.m. Jane Meggitt of the Examiner had a question regarding the meeting held at the Board of Education last evening that concerned the regrading of the School property as set forth in the Subdivision of the Orleans parcel of property. Ms. Grbelja advised that the moving of the fill was a condition of the Resolution that was adopted by the Planning Board. She further advised that well after the Resolution was adopted, plans were presented that had not been reviewed by the Planning Board and not part of their adopted Resolution. Ms. Grbelja explained the Township retained 40 green acres. She stated that Township and Board of Ed work well together and that presently, the Township is reviewing the problem.

Seeing no further public comment, Chairman Newman closed the public comment portion at 7:42 p.m.

The Board decided to take care of some administrative items on the Agenda as follows:

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 Final Major Subdivision Approval to modify two lots into 3 lots. Preliminary granted 2/06. Carried from 10/11/06; 11/08/06. Extension granted.

The applicant has requested that the matter carry to February 2007. No February date has been established and adopted so the matter will be carried to January 10, 2007 by Motion of Mr. Zanetakos with a second offered by Mr. Blanco and by unanimous roll call vote. Mr. Pape has granted an extension to end of February 2007.

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; 8/9/06; 10/11/06; 11/08/06.

Attorney Steib advised the Board that Attorney DeGrazia requested that the matter be carried to the January 10, 2007 meeting. Attorney Steib suggested that the Board send a letter to the applicant advising him to be prepared to proceed at that time or be prepared that the Board may consider dismissing the matter without prejudice. Chairman Newman advised that he has a conflict and asked Vice-Chairman Haag to take over. Vice-Chairman Haag asked for a Motion to carry the application to January 10, 2007. Ms. Grbelja made the Motion and Mr. Zanetakos offered a Second. Roll call Vote: Grbelja, Zanetakos, Pado, Kucziniski, Murphy, Haag and Pado voted yes to carry the application to January 10, 2007.

NEW APPLICATIONS:

P05-02 HWANG – Block 9, Lot 1. 97 Feldsher Road. 17.763 Acres. Minor Subdivision variances required. Deemed Complete: 7/13/06. Applicant has requested that the matter be dismissed without prejudice.

Mr. Blanco made the Motion and Ms. Haag offered a Second to Dismiss without Prejudice. Roll Call Vote: Blanco, Haag, Pado, Murphy, Kucziniski, Grbelja, Zanetakos and Newman voted yes to Dismiss without Prejudice.

P06-12 DITCH WITCH – Block 16, 10.06. 200 Meco Drive. 3.01 Acres located in the BP zone. Vacant lot in industrial park. Proposed office/warehouse building. One story warehouse 7,125 s.f.; two-story office 4,500 s.f

Attorney Steib advised the Board that this application was originally scheduled for consideration before the Planning Board but has been sent to the Board of Adjustment for their consideration and no action is required by the Planning Board.

P06-14 ALLIANCE HOMES – Block 61, Lot 6. Property located at Route 537 and Brookside Road. Located in the R-130 Zone consisting of approximately 7.19 acres. Applicant received Minor Subdivision approval on 4/6/06. Approval expired. Applicant returns for an extension of time to perfect the minor subdivision.

Attorney Kalamabalas representing Alliance Homes. He explained to the Board that the application was approved on 4/6/06. The applicant respectfully requests an extension of time to perfect the minor subdivision. Attorney Steib advised the Board that this

applicant is pursuing the discretionary extension of time. He explained that under that statute the extension of time is equal to the period of delay, which is 190 days. The approval expired 10/13/06. The 190 days would begin from 10/13/06. Ms. Grbelja suggested a six-month extension beginning from 10/13/06.

Ms. Grbelja made a Motion and Mr. Blanco offered a Second to grant a six-month extension beginning from October 13, 2006. Roll Call Vote: Grbelja, Blanco, Kuczinski, Murphy, Zanetakos, Pado, Haag and Newman voted yes to the extension.

P06-09 J. W. POOLE, L.L.C. – Block 16, Lot 9.08. Located on Rike Drive. 3.06 acres located in the BP Zone. Preliminary Major Site Plan granted 6/14/06. Applicant seeks Final approval to construct a one-story, 9,984 s.f. bldg.

Mr. Pado stepped down for the application. Attorney Steib advised the Board that the application is for Final approval. Attorney Steib marked into evidence, the following exhibits:

- A-14 Resolution Granting Preliminary Major Site Plan Approval Dated 7/12/06
- A-15 Architectural Prepared by Ronald Schneider & Assoc. Dated 8/17/06
- A-16 Color Rendering of Architectural prepared by Ronald M. Schneider
- A-17 Architectural drawings prepared by Ronald M. Schneider dated 9/26/06
- PB-7 Conformance Review – Preliminary & Final Major Site Plan Prepared by Board Planner dated 9/15/06
- PB-8 LOI from DEP dated July 18, 2006
- PB-9 Board Planner Report dated 12/05/06

Attorney Kenneth Pape representing the applicant on the Final Site Plan. He explained that in July 2006, Preliminary approval was granted and the application was bifurcated. The only other issues remaining open were the building issues. He advised that the Preliminary Site Plan remains without any changes. The Board Planner, Richard Coppola, reviewed the architectural plans, which were submitted. There has been a recent resubmission of the architectural plans in conformance of Mr. Coppola's requested changes. Mr. Pape explained the location of the landscaping changes.

Mr. Pape advised that the plans before the Board are a direct result of Mr. Poole and Mr. Coppola meeting together. Chairman Newman asked Planner Allen Schectel, who is substituting for Mr. Coppola this evening, if the change is a big improvement over the initial presentation. Planner Schectel expressed that the applicant has come a long way. He further requested that any conditions of Preliminary be carried to Final. Attorney Pape advised that the overhang is six inches outside of the building envelope. A variance is needed. Board Engineer Matt Shafai advised that there are no issues open and to carry the conditions of approval of the Preliminary to the Final.

Chairman Newman opened the matter to the public at 8:05 p.m. Seeing no public comment, he closed the application to the public. Ms. Grbelja made a Motion and Mr. Kucziniski offered a Second. Roll Call vote: Grbelja, Kucziniski, Blanco, Murphy, Zanetakos, Haag and Newman voted yes to approve.

Mr. Zanetakos stated to the Board that he would like to see the architecture of the other buildings in that Park so that the Board will be consistent with matching the architecture of the other buildings. The Board asked Engineer Shafai if photos of the existing buildings could be taken and placed on a picture board. He offered that this would be helpful to the Board when reviewing future site plans in this industrial park.

CARRIED APPLICATIONS:

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. Carried from 9/13/06; 11/8/06.

Attorney Bill Mehr representing the applicant. Attorney Steib advised that this is a continuation hearing. He read into evidence the following exhibits:

- A-22 Letter from Bill Mehr dated 11/29/06 Re: Proposed Street Name
- A-23 Preliminary Major Subdivision Plan Prepared by Crest dated 1/16/06
- A-24 Letter from Crest to Chief James Carbin, Millstone Fire Company dated 12/4/06
- A-25 Colored Map of Cross section of proposed berm not dated
- A-26 Map of Conceptual Improvements not dated
- PB-13 Letter from Freehold Soil Initial Application Review dated 12/01/06
- PB-14 Board Planner report dated December 9, 2006
- PB-15 Report f Board Engineer dated December 12, 2006
- PB-16 Report of Horner & Canter Associates, Board's Traffic expert dated December 12, 2006

Mr. Mehr advised that since the last meeting, the applicant has had two meetings with the Board's Engineer and Planner. As a result of those meetings, supplement reports have been generated by the Board Engineer dated December 12, 2006 and the Board Planner dated December 9, 2006.

Mr. Mehr advised that the applicant had sent letters to both Monroe and Millstone Townships to locate the fire hydrants. The applicant has been working with the Monroe Township Fire Department but to date, they have received no word from the Millstone Township Fire Department. Mr. Mehr asked that Engineer Lorlei Totten testify. Attorney Steib swears in Lorlei Totten, PE of Crest Engineering. Ms. Totten presented her credentials and was accepted as an expert. Ms. Totten advised that she is familiar with the plans and has been working with Monroe Township on the project. Entered into evidence is exhibit A-25 depicting the actual grading cross section of the berm. The berm is 2 1/2 height with 3-foot deciduous shrubs on the top. Ms. Totten explained

how the berm would block oncoming headlights. She advised that there would be an eighteen-foot distance between the two roads. Chairman Newman asked if that field would be adequate? Engineer Shafai would like to see the berm taller. Sworn in at the prior meeting, Board Traffic Engineer Canter was sworn in again. He stated that if what the applicant's proposing would provide proper shielding than that would suffice. Mr. Zanetakos voiced his concerns regarding truck traffic and headlight beams. Planner Schectel made suggestions to soften impact of the vegetative fence (berm, fence, evergreens). Mr. Pado suggested implementing white pine and Mr. Zanetakos suggested fall Cyprus. Mr. Mehr will work out the vegetative details.

Chairman Newman voiced his concern that the berm appeared to be too low. Ms. Totten asked the Board what they would like to see. The Board suggested that if the engineering would work, they would like to see a taller berm, year round trees, perhaps something that would block truck traffic. Mr. Mehr reiterated the Board would like to see a higher berm with dense shrubs. Ms. Totten stated that they would extend the plantings and add more define beds along landscape easement. She explained that the fence in front of the shrubs was for aesthetics and not they're to act as a barrier. Ms. Totten explained that it is a landscape easement and not a buffer. She wants to create an attractive landscape along the highway.

The applicant went through Mr. Shafai's 12/12/06 report. Mr. Shafai had asked the applicant for a revised EIS but had not received one to date. He asked applicant to update the Board as to the status of their working with Monmouth County Park System. Mr. Mehr advised that the applicant had contacted them but they have not met yet. He advised that this would be worked out prior to Final.

The applicant discussed the shade trees. The goal is to make the park look more natural. There is a concern for disease devastation of trees. The suggestion is small groupings, i.e., 3 oak, 3 maple, 3 pine, etc. Mr. Shafai advised the applicant apply to the Township Historic Commission to look at street names. Uniform signs were discussed. The property owner association will be in place prior to first issuance of the first certificate of occupancy.

The applicant went through the Planner's report. A condition of approval will be the applicant receiving an NFA from the NJDEP regarding the soil samplings. In the Planner's report Mr. Schectel stressed the importance of constructing the berm and plantings promptly. He addressed signage and lighting of signs. Ms. Totten suggested hooded lights (on three sides) wherein the shielded light goes toward the signage.

The Planner suggests that on Road "B", flowering and evergreen shrubs be planted. Ms. Totten will add those suggested changes to the revised plan.

Regarding street lighting, Ms. Totten would like to go back to the original PSE&G colonial lighting and explained how they would fit in. Chairman Newman asked how far down the Old Route 33 would the lights be installed. Ms. Totten stated all along the

road, stopping short of the Millstone Road intersection (end of the property line). The applicant would use the same lights in Monroe for uniformity.

Mr. Blanco was concerned if Monroe Township does not want the same light fixture. Mr. Mehr advised that Monroe uses that light throughout their Town. Mr. Blanco just wants uniformity and consistency in both towns. Mr. Mehr offered that if Monroe does not want the colonial lighting, the applicant will come back to this Board.

Mr. Mehr addressed the arsenic concentration area explaining this will be taken care of as individual site plans come before the Board.

Jay Troutman, applicant's traffic expert from McDonough & Rae Associates was sworn in. Mr. Troutman offered an overview of the project, referring to Mr. Canter's report as a quick synopsis. The year 2013 is now the new target date for the build-out. There is a detailed chart that catalogues every site and phase. He advised that the distribution of the traffic has been broken down in accordance with Mr. Canter's recommendations. The retail square footage went down and the warehouse square footage went up. The peak hour usage on Route 33 has been revisited. The applicant has changed their peak hour calculations, per Mr. Canter's request, and has provided that information to Mr. Canter.

Mr. Troutman passed out to the Board traffic flow chart of the conceptual improvements on Route 33 and Millstone Road. The chart illustrated proposed additional lanes at the traffic signal, all of which are subject to review by NJDOT. Mr. Troutman explained the realignment. The Board discussed reassigning traffic to make it flow. Mr. Canter stated that the existing volume of traffic and the additional site traffic must be taken into consideration. Mr. Troutman stated that truck traffic at the Stavola plant has been taken into consideration. Messrs. Kuczynski and Pado have concerns about the traffic backup. Mr. Mehr explained the applicant is trying to work within the right of way to make this work.

Mr. Troutman offered that the cuing analysis shows that this plan will work. The Board had concerns of an orderly way to get through if there is a backup at the light. i.e. stacking. Chairman Newman asked Mr. Canter his opinion regarding the applicant's revised plan and how does it work. Mr. Canter offered that the plan the applicant is proposing now is a better alternative. He is still concerned from a traffic prospective that a better alternative would be not to extend Farrington Blvd. If it becomes a problem, then at that point in time in the future it can be revisited. Mr. Canter feels this is a fair approach to the situation. Mr. Mehr concurred with Mr. Canter's assessment.

Mr. Pado asked Mr. Troutman what the consequence would be if a light were not installed at the entrance of the industrial park? The Board discussed options. Mr. Zanetakos voiced problems may require a traffic light be installed. The connection of Farrington Blvd and old Route 33 was discussed. Mr. Mehr stated initially that there would be right in and right out until the NJDOT could look at the plan for a light. The light may not be in sight for a while. Mr. Troutman is designing this project to facilitate

the 2013 build-out. Ms. Haag suggested revisiting the traffic studies are of key importance.

Mr. Canter explained the phasing of the project. He stated that the development is broken down into three phases. Prior to start of Phase III, they will test the assumption and have better projections for the site. Mr. Mehr explained there are certain criteria in order to warrant a traffic light. The NJDOT still has the final say. Ms. Grbelja offered that the NJDOT takes into consideration the Town's input/feelings. The Board would continue to have a status update and continue to see what the State is doing. The Board will not be left out of the loop. Mr. Troutman agrees with all of the conditions Mr. Canter states in his report. Mr. Canter explained that after meeting with the applicant, they have agreed to a methodology. He stated that the applicant would be submitting a report as a result of this meeting.

Mr. Canter went over his suggested conditions that should be placed in the approval. The applicant would submit revised plans. A traffic assessment of a each site plan should be done as each site plan comes to the Board. Mr. Canter suggested that the Board set the time of their evaluations now at this point. Mr. Mehr suggested keeping it open that there would be another traffic evaluation date at some point in time and place this in the Resolution.

Chairman Newman asked if the applicant was amenable to post a bond if a traffic signal is needed. Mr. Mehr explained why he feels this is not necessary. Mr. Shafai suggested that this be placed in the language of the Resolution. Mr. Canter asked the Board to consider his suggested language regarding this issue.

The Board discussed timing. Chairman Newman asked what would happen if the Board recognizes a traffic problem at the end of Phase II? Suggested Resolution language is discussed.

At 9:53 p.m., Chairman Newman took leave of the present application to discuss the Resolution before the Board, **P04-46 KENSINGTON ORGANIZATION** Block 60.01, Lot 17 and 18.01. The Resolution memorialization has been moved to January 10, 2007. Mr. Mehr, applicant's attorney, agree to the carry of the Resolution since 45-day time limit for the memorialization has run.

Continuing the 33 Associates' application, Ms. Totten addressed the items on the Shade Tree Report. She agreed to comply with the suggestions of the Planner regarding the plantings. On Lot 3, they will look at the location of the blue spruce and work with the Shade Tree Commission. Mr. Mehr does not believe that the blue spruce is located on their lot. Chairman Newman suggested a condition of approval would be for the applicant to work with the Shade Tree Commission. Ms. Totten advised that the applicant would use pressure treated wood in item 4. Applicant will install tree protection prior to grading and site work. They will comply with the recommendation in item #8.

Ms. Totten discussed the Environmental Commission's report. The applicant would apply to the NJDEP for a permit for any disturbance of the wetlands. Any septic system would have to be approved by the MCBOH. The applicant has begun soil suitability testing. Ms. Totten addressed the rest of the EC's report.

Mr. Mehr reiterates how they selected the name of Farrington Blvd. Millstone Township Historic Commission will decide on the street name.

Chairman Newman refers to Mr. Mehr's letter regarding the property owner's association. The Board would like uniformity in the architectural design. The applicant advised that they would adopt similarity of materials and themes in the building standards. They will derive an overall concept plan. Chairman Newman would like to see the scheme more defined and reviewed by the Board Planner and tightened up prior to the individual site plans coming in. Mr. Mehr explained the difficulty in flex buildings following a colonial-type style, etc. Mr. Schectel suggested uniformity in signage, lettering, etc. throughout the park.

At 10:11 p.m.. Chairman Newman opened the application to the public. Ms. Pat Butch of Prodelin Way asked about the potential greenway going through the park and what the potential use for that greenway would be. She inquired as to the identity of the contact person the applicant is working with at Monmouth County Parks. Mr. Mehr explained that they want to create a linear park around the stream and he explained what a linear park is. Mr. Mehr was asked by the MCPB to pursue this. Ms. Butch asked who the point person would be. It was discussed that Faith Hahn would be a point person at the Monmouth County Parks System.

At 10:13 p.m. the application was closed to the public.

Mr. Blanco referring to Attorney Steib's Memorandum, asked the applicant who is responsible to take care of the road. Mr. Mehr advised the applicant will take care of the road as part of the property owner's association. Chairman Newman stated that a Developer's Agreement with the Township will solidify this. Attorney Steib clarified the purpose of this memo he generated is that the applicant said they would construct and maintain the road and the town will receive the benefit because the applicant will pay to maintain the road and yet the town will get the full taxes.

Mr. Mehr sums up the application and presents the history of the application. Ms. Grbelja and Mr. Kucziniski are eligible to vote since they listened to the CD or read the transcript and have reviewed the respective exhibits and signed the certification reflecting it. Attorney Steib went over the Conditions of approval.

Mr. Kucziniski made a Motion to approve as conditioned and Ms. Grbelja offered a Second. Roll Call Vote: Kucziniski, Grbelja, Blanco, Zanetakos, Murphy, Pado, Haag and Newman voted yes to approve as conditioned.

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. Carried from 8/9/06; 9/13/06; 10/11/06 and 11/08/06.

Attorney Steib advised the Board that this is a continuation hearing. Attorney Steib reads recent exhibits into evidence as follows:

- A-14 Letter from Ken Pape dated 10/12/06 Granting extension of time Through 11/30/06
- A-15 Letter from Attorney Pape to Attorney J. Schiappa seeking to purchase portion of property dated 10/12/06 Block 57.01, Lot 2.01
- A-16 Response Letter from Attorney Schiappa to attorney Pape dated 10/30/06
- A-17 Letter from attorney Pape to Attorney Schiappa Re: Purchase of a portion of land dated 11/06/06
- A-18 Response letter from Attorney Schiappa to attorney Pape dated 11/06/06
- A-19 Letter from attorney Pape to Bill McNeill to purchase property dated 10/12/06 Block 57.01, Lot 26
- A-20 Letter from Pape dated 11/09/06 granting extension of time through December 2006.

Kenneth Pape, Esq. representing the applicant. He advised the Board that the applicant had presented the bulk of his application at the October meeting. Mr. Pape gave a brief overview of the project and history of the property. He advised that a request was made to modify the lot lines of the property closest to Rt. 195. Additional uplands were added per Mr. Coppola's report. The driveway's function is a wishbone shape to allow for a minimum of entryways to accommodate the landscaping on that road. Mr. Pape explained how the driveways function.

Mr. Pape explained that conservation easements would be put in place as per the professionals' suggestions. The Board asked if any neighboring properties would be amenable to sell land. Mr. Pape stated that he wrote to Mr. McNeil two times and Mr. McNeil has not responded to any of his correspondence. Mr. Dombrowski would sell the entire parcel but not the 1 ½- acres applicant inquired about. Mr. Pape has made diligent efforts to purchase property but it has not come to fruition. Chairman Newman advised that the only open issue in the application is trying to secure the additional property.

Mr. Pape advised there was prior planning testimony supplied by Julia Algeo but they have a professional planner here to explain the detail of the planning of the project. Each lot has a 300-foot frontage. Mr. Pape advised that the applicant would rather make the appearance of the properties work instead of the numbers. Julia Algeo, P.E. sworn in again by Attorney Steib. She offered that three lots are slightly less than ten acres and two are slightly over ten acres. Mr. Zanetakos offered that all houses in that

area that are built are on lots of three acres or less. Mr. Pape showed the Board a map reflecting the acreage of the properties surrounding the application.

Ms. Grbelja explained that due to environmental sensitivities, it was the Township's intent to change zoning to ten acres. Ms. Grbelja's voiced her concern regarding the "bowling alley" effect of the lots. Mr. Zanetakos voiced that while he understands the bowling alley look, he offered that with a sixty-acre piece with a certain amount of frontage, you have to make due with what you have. He suggests compromise. The owner gives something up so the Town must be a little flexible and look at things in the contents of the sacrifices that the owners have made. Mr. Zanetakos stated that this landowner could have had 20 lots prior to the rezoning. Ms. Grbelja reiterates the purpose of the rezoning and what is in the best interests of the residents as a whole.

Allison Coffin, P.P., presented her credentials and is accepted as applicant's professional planner. Ms. Coffin explains in her investigation she had reviewed the zoning, master plan, professional review letters and had visited the site. The proposal is to divide a 60-acre piece in to 6 lots. She explained the farmland location. She explained that the ROW dedication had reduced the property's size. Surrounding uses are single-family uses. Ms. Coffin stated that the property is located in the RU-P zone. She went over the acreage of the lots. She advised that five lots require variances for lot area. The lot exceeds or meets the other set back requirements. The application only needs minimum lot area.

Ms. Coffin explained the different variances. She feels under the flexible C standard, the variances could be granted and she explained. She explained that if not for the ROW dedication, the lots would be 9.91 acres. She advised the impact of what is being proposed is the same impact ten acres would have. She presented the proposed subdivision would have no negative impact or detriment. From the roadway, the lots would be indistinguishable from a ten-acre lot. Mr. Kuczynski asked Mr. Schectel, the substitute Board Planner, who advised the acreage difference is minimal. Mr. Schectel advised if you have five conforming lots that would be consistent with the purpose of the zone. Attorney Steib swore in Planner Schectel and Engineer Shafai.

Mr. Zanetakos asked the Board to use common sense for 59 1/2 acres and voiced that the applicant lost acreage due to road dedications. Mr. Steib asked the Board to focus on the legal principals that apply to this case. You are looking at variances on a number of lots where some lots are more compliant and some are not as compliant. He explained what the Board should be looking at. The Board needs to weigh what the positive and negative criteria are. Are the negative criteria substantial or insubstantial? He explained that this is how the courts look at it and this is how the Board should look at it.

Engineer Shafai asked about the neighbor's access. Mr. Pape advised that the neighbor is not landlocked. Mr. Shafai advised that basically, by this subdivision, the neighbor would be landlocked, and asked if they could they access Trenton-Lakewood Road? Mr. Pape stated that the neighbor is not legally landlocked and the neighbor has no right

to traverse over the property. Mr. Zanetakos asked that the applicant be restricted from subdividing in future should there be a zoning change. Mr. Pape advised that he made those commitments to the Board at the October meeting. Ms. Algeo advised the limit of disturbance is the limit of the grading.

Chairman Newman opened the application to the Public at 11:19 p.m.. Seeing no comments, he closed the public portion as 11:20 p.m.

Attorney Pape summarized the project. He advised that the Lee family property is just less than 61 acres when there was a dedication for road widening. The application then went from 61 to 59 1/2 acres. The applicant worked out scenic roadway with MCPB who wanted additional dedication, which reduced the total acreage. The reductions are a direct result of good public purposes. He offered that all recommendations and suggestions of the Board have been adopted by the applicant and are now part of the plan. Dimension of the lots are exceeded from an appearance prospective with six homes with 1,800 feet along the road. The ordinance provides for an 8% impervious coverage and this application has a 2% impervious coverage. Mr. Pape offered that the variances can be approved without harming the intents and purposes of the Master Plan.

Mr. Zanetakos made a Motion to approve. The conditions of approval are read by Mr. Steib. Mr. Pado offered a Second. Mr. Blanco has a concern about the quality of life issue regarding the water usage. He voiced that the Ordinance states the property requires the lots to be 10 acres. **Mr. Kucziniski voiced his concerns regarding setting a precedent if the Board should approve the project.** Roll Call Vote: Zanetakos and Pado yes. Blanco, Kucziniski and Haag No. Grbelja Pass. The application is denied and Attorney Steib explained why.

At 11:29 p.m., Mr. Zanetakos made a Motion to adjourn the meeting and Ms. Haag offered a Second and by unanimous vote the meeting was adjourned.

Respectfully submitted,

Pamela D'Andrea