

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
MARCH 11, 2009**

At 7:33 p.m., Dave Kurzman, Acting Chairman for the meeting, called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Roll Call: Present: Blanco, Grbelja, Masci, Kurzman, Weintraub, Pinney and Beck. Absent: Rundella, Pepe, Pado and Newman

**APPROVAL OF MINUTES:** February 11, 2009

Ms. Grbelja made a Motion to approve the February 11, 2008 minutes with a Second offered by Mr. Masci. Roll Call Vote: Grbelja, Masci, Kurzman, Weintraub and Beck voted yes to approve.

At 7:34 p.m., Acting Chairman Dave Kurzman opened the public comment portion. Seeing no public comment, he closed same at 7:34 p.m.

**RESOLUTIONS:**

**P09-01 EARL SMITH** – Block 30, Lot 5. Located in the NC Zone. Applicant received Final Major Site Approval in Resolution memorialized 12-14-05 to construct a 2,700 s.f., one-story commercial building. Time ran on the Final Approval on 12-14-07. Applicant applied for and received his first one-year extension of time memorialized on 2-13-08 which time ran on 12-14-08. Applicant seeks a second one-year extension of time. The zone has not changed. One-year Extension of time granted to 12-14-09.

Ms. Grbelja made a Motion to Memorialize and Mr. Weintraub offered a Second. Roll Call Vote: Grbelja, Weintraub, Masci, Kurzman and Beck voted yes to memorialize.

**EXTENSION OF TIME:**

**P05-17 FIRST CHOICE** – Block 16, Lot 9.10. Located on Rike Drive. 3.26 acres in the BP Zone. Applicant Received Preliminary and Final Major Site plan approval to construct a 20,843 s.f. building consisting of 8,000 s.f. office space and 12,483 s.f. warehouse. Resolution Memorialized 4-6-06. First Extension of Time granted to 4-6-09. Applicant seeks second one-year extension of time.

Attorney Peter Klouser representing the applicant. He advised that First Choice had received approval to construct a 20,900 s.f. building in Moto Industrial Park and received final approval on April 6, 2006 which time ran to April 6, 2008. The applicant returned to the Board and received its first extension of time which expires on April 6, 2009.

Mr. Klouser advised that since the time that the application was approved, there has been no change to zoning and the project is still conforming. He explained that during these economic times, the project is difficult to develop. He further advised that the applicant wishes to use the site for their own business as First Choice Electric. The applicant is asking for an additional one-year extension of time.

The Board discussed the COAH fee obligation presently is 2 ½ % instead of the 1% that it was in place at the time this matter was approved. The Board requested that a condition of granting this extension would be that the COAH obligation increase be added to the Resolution.

The Board explained that the State has put the Township in a bind regarding the COAH increase and this expense must be passed down. The Board members expressed their regret to have to impose the COAH fee increase. The Board explained to the applicant that 50% of the COAH fee is paid at the time the permits are applied for and the other 50% is paid prior to the issuance of a certificate of occupancy.

Attorney Steib explains why the request for the applicant to comply with the new 2 ½ percent increase in their COAH obligation is allowed. The applicant would have to make some amendment changes to their recorded Developer's Agreement with the Township to reflect this change.

A Motion to grant the second one-year extension of time as conditioned was made by Ms. Grbelja and Mr. Masci offered a Second. Roll Call Vote: Grbelja, Masci, Kurzman, Blanco, Pinney, Beck and Weintraub.

**NEW APPLICATION:**

**P08-09- 1100 RIKE DRIVE GROUP, LLC.** – Block 16, Lot 9.07 – Located at 1100 Rike Drive. Property consists of 130,001.9 s.f. located in the BP Zone. Applicant seeks Preliminary Major Site Plan approval to construct a 33,156 s.f. building with office and warehouse elements. No variances or waivers requested. Deemed Complete 1-14-09. Date of Action: 2-27-09. Extension granted through 3-31-09.

Attorney Steib advised that he had reviewed the jurisdictional packet and finds same to be in order and accepts jurisdiction over this application. The applicant had requested that the matter be carried to the next available meeting without any further noticing. The applicant had given the Board an extension of time to hear the matter through May 30, 2009. Mr. Steib announced that the matter would be carried to the May 13, 2009 meeting without any further noticing required.

There is no new or old business on the Agenda this evening. A Motion was made by Ms. Grbelja and Second offered by Mr. Masci to adjourn the meeting and by unanimous vote, the meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Pamela D'Andrea