

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
OCTOBER 10, 2007**

Chairman Newman called the meeting to order at 7:31 p.m.

The Secretary read the adequate notice.

Flag Salute.

Roll Call: Present - Bailey (Mayor's Designee), Sico, Kurzman, Pinney, Pado, Weintraub and Newman. Absent – Murphy, Pepe, Kuczynski and Blanco.

APPROVAL OF MINUTES: The Approval of the August 8, 2007 Minutes was considered. Ms. Pinney made a Motion to approve the Minutes and Mr. Kurzman offered a Second. Roll Call Vote: Pinney, Kurzman, Weintraub and Newman voted yes to Approve. Mr. Sico abstained.

The Secretary made an announcement that the November 14, 2007 Meeting has been changed to November 1, 2007 and the change has been published in the newspaper and posted on the bulletin board.

PUBLIC COMMENT PORTION: Chairman Newman opened the public comment portion of the meeting at 7:32 p.m. Seeing no public comment, he closed that portion at 7:32 p.m.

**MASTER PLAN ELEMENT:
ADOPTING AMENDMENT TO THE MILLSTONE TOWNSHIP MASTER PLAN
TO INCLUDE THE UPDATED EXHIBIT XIII-22 "BRIDLE PATH NETWORK
PLAN"**

Mr. Coppola reported that the Map is an updated map and there was no need to change any text. He clarified that it is a free-standing map. Mr. Coppola advised the Board that it is consistent with the Master Plan and provides an update as to what has been accomplished. The Map is not an Ordinance, it is a guide. Mr. Coppola stated that the Map allows the Planning Board to be more focused on targeting areas that have linkages that could contribute to town-wide trail. Mr. Coppola stated that the updated Map allows for the connections to be more meaningful.

Pat Butch, Chairman of Open Space and Farmland Preservation is sworn in. She explained that the map replaces an existing map already in the Master Plan. The map does show the trails to date and does show where the Township needs connections. She stated that the updated map would clearly identify where those

connecting trails would be needed. The map reflects many more miles of trails since it was adopted in 2002.

Mr. Pado asked what would the outcome be if homeowner did not choose to have a trail on their property. Ms. Butch advised that it is up to the Board. Mr. Coppola offers that an applicant could work with the Board to place a trail somewhere.

The application was opened to the public at 7:28 p.m. and seeing no comment, closed at 7:28 p.m.

Mr. Pado made a Motion to adopt the amendment to the Master Plan and Mr. Sico offered a Second. Roll Call Vote: Pado, Sico, Bailey, Kurzman, Pinney, Weintraub and Newman voted yes.

CAPITAL EXPENDITURE SECTION 31 REVIEW:

P07-11 KUNZLER/COUNTY OF MONMOUTH – Block 14, Lots 4.01 and 4.03. 98 +/- acres located in the RU-P Zone. Applicant Monmouth County Parks System seeks to acquire 92 acres of the property for addition to the Perrineville Lake Park. The County has entered into a right of First Refusal for the remainder 6 acre piece.

Attorney Michael Magee representing the County of Monmouth, the applicant in this application. He gave a brief overview of the Capital Expenditure. He stated that the homeowner would like to retain a 6-acre parcel while selling 92 acres to the County for the future use. The County has obtained a first right of refusal of the 6-acre piece.

Attorney Michael Steib explained that some years ago it was assumed that the County was immune from zoning consideration. This is not the case any longer. A capital expenditure review would be where the applicant presents the project to the Board. In his memo to the Board, Mr. Steib concluded that this division of property has the earmarks of a Section 31 Review. The applicant will explain the proposal and would be open to any suggestions that the Board may have.

Sworn in before the Board is Andy Coeyman of Monmouth County Parks. He advised that he has been involved in the Perrineville Park project for many years. He explained to the Board that Pat Butch contacted him and this kicked off the Rocky Brook preservations. He provided information to the Board regarding the properties that have been preserved and where they are located.

Mr. Coeyman stated that the Kunzler property would close the gap. He explained this is a key piece. Mr. Coppola made reference to the hand-out that the Board received. He explained that the Township ordinance adopted last year was triggered as a result of this project. Mr. Coppola explained that this is a way of encouraging a property owner to enter into a restriction on most of the land. A

key component is that this 6-acre piece is deed restricted from any further subdivision. Mr. Coppola feels that this is consistent with the Master Plan. The applicant just needs to get a plot plan as long as there are no variances, he should meet the requirements of the R-80 zone (set backs).

The applicant explained the first right of refusal. It runs with the land and expires if the applicant sells to another party. They will go around the current nursery operation to have a trail. Chairman Newman has concerns if a buyer is not aware that there is a park system surrounding the property. Chairman Newman asked if the County would provide a Resolution from the Freeholders and a copy of the contract. The County is the contract purchaser and beneficial owner and the subdivision is not for proprietary purposes. Engineer Matt Shafai advised that he would like to see the actual subdivision plan. The applicant will perfect the subdivision by deed and have maps as well. The Township would sign the plan. The proper protocol was discussed. The applicant must show how the lot was created. It is cleaner to show the subdivision as an approved map. Mr. Shafai stated that was acceptable with him. The tax assessor must approve the new numbers. The Township should be given the right of way.

Attorney Steib advised that the Board is doing more than they are required to do. The Board can add recommendations that the lot should be deed restricted.

Chairman Newman opened the matter to the public at 7:56 p.m. Ms. Pat Butch of Prodelin Way is sworn in. She stated that she is happy that we can add this property to the parks system in the Township and that this property also connects to the trail system. She suggested that the Board make a formal recommendation that this property be included in the trail system connection. Ms. Butch explained the trail connection. She thanked the County for their contribution. At 7:57 p.m., the open portion was closed to the public.

Mr. Kurzman made a Motion to approve the Monmouth County division of property with recommendations and Mr. Sico offered a Second. Roll Call Vote: Kurzman, Sico, Bailey, Pinney, Pado, Weintraub and Newman voted yes.

P07-13 BUDELMAN - Block 21, Lot 7.04. Located on Indian Path, 3.89 acres in the R-80 Zone. The Applicant proposes to subdivide the existing lot into two new conforming lots. No variances requested. Deemed Complete 9-4-07. Date of Action 10/19/07.

Attorney Allen Weiss represents the applicant. Chairman Newman has a conflict and must step down. Mr. Kurzman will take the post of Chairman since the Vice-Chairman Pepe is not present. Mr. Chang of Concept Engineering is sworn in as the applicant's professional engineer. He presents his credentials for the Board and is accepted as an expert.

Attorney Steib entered the following exhibits into Evidence:

- A-1 Minor Subdivision Application dated 8/2/07
- A-2 Minor Subdivision Plan prepared by John J. Ploskonka, Concept Engineering dated 7/12/07
- A-3 Minor Subdivision plat for Block 21, Lot 7.04 dated 7-12=07
- A-4 Resolution granting Minor Subdivision Approval memorialized on 5/10/06
- PB-1 Board Engineer's Report dated 9/4/07
- PB-2 Township Planner's Report dated 10/4/07

Mr. Chang explained that the site is located on Indian Path and Dugan's Corner Road. The applicant plans to subdivide the present lot into two conforming lots. No waivers are requested and no variances are needed for the subdivision. The Minor subdivision is conforming. Bonds were posted with the Township and the bonding would carry over for this application. Several deeds were recorded and a Right of Way dedication along the entire length of Indian Path was filed. The Deed of the Shade Tree Easement and the Drainage Easement has been filed. None of the deeds of easement would be disturbed. The Monmouth County Planning Board has granted its approval and there would be no disturbance of that deed. Mr. Change advised that in all respects it is a conforming subdivision.

Mr. Coppola in his memorandum, stated that no variances are needed for this subdivision. The lot is conforming and the prior minor subdivision approval was memorialized more than one year ago so the Board has the right to consider this application. There should be a sales disclosure notice to any prospective buyer advising them of the compliance items regarding the landscaping. Mr. Shafai asked for these items in his report and the applicant will comply. No further subdivision would be permitted.

At 8:12 p.m., the application was opened to the public. Seeing no public comment, the application was closed to the public at 8:13 p.m.

Ms. Pinney made the Motion to approve the subdivision as conditioned and Mr. Pado offered a Second. Roll Call Vote: Pinney, Pado, Bailey, Sico, Kurzman and Weintraub voted yes to approve the subdivision

REVIEW AND RECOMMENDATION:

ORDINANCE NO. 07- 25

"ARCHITECTURAL AND BUILDING REQUIREMENTS", AND BY ADDING A NEW SECTION 4-16 TO ARTICLE 4, "REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS", IN ORDER TO PROVIDE "ARCHITECTURAL GUIDELINES & DESIGN STANDARDS FOR NONRESIDENTIAL BUILDINGS" WITHIN MILLSTONE TOWNSHIP

Mr. Coppola discussed the ordinance. He advised the Board that they could grant waivers if good cause is shown. He offered that the proposed Ordinance

is a workable ordinance and can be fine tuned as we work with it. He stated that it is a good start. The Ordinance is applicable to non-residential structures. Chairman Newman asked about defined "water tables" around the facade of the building. Mr. Coppola clarified that would be a stone border around the base of building, where you can see the foundation, is required as opposed to concrete. This makes this an architectural feature called "water table". Mr. Coppola feels it is not inconsistent with the Master Plan. He stated that in the Ordinance, the Township is trying to promote an upscale element to the Town's architecture. Mr. Pado asked if the exterior lighting must conform with each other. Mr. Coppola replied that it did come up in discussion. What you want to do is not homogenize the lighting.

A section can be added regarding signage at a future time. Mr. Coppola asked not to hold this Ordinance up. Mr. Pado feels that a lighting standard should be added to the Ordinance. Ms. Pinney advised the Board that the Environmental Commission supports the proposed Ordinance. Mr. Coppola advised that the Master Plan supports this architectural standard and has stated so in writing. Mr. Shafai has no problem with the Ordinance. Mr. Steib explained incorporating a lighting standard into the Ordinance.

Mr. Pado voiced his concerns about concealment walls matching the building facade, not merely placement of a decorative fence to hide. Mr. Coppola advised that the architectural language covers his concerns.

Mr. Pado Made a Motion that the Ordinance was consistent with the Master Plan with a recommendation to the Governing Body that they give consideration in the future to include lighting standards within this section. Ms. Pinney offered a Second to the Motion. Roll Call Vote: Pado, Pinney, Bailey, Kurzman, Sico, Weintraub and Newman found the Ordinance with recommendations to be consistent with the Master Plan.

NEW BUSINESS: A reminder to all members taking the Mandatory training class as to the date, time and location.

At 8:31 p.m., seeing no further business, Chairman Newman called for a Motion and Second to adjourn the meeting. Mr. Sico made the Motion and Mr. Pado offered a Second and by unanimous vote, the meeting was adjourned.

Respectfully Submitted,

Pamela D'Andrea

