

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
MAY 13, 2009**

At 7:40 p.m., Chairman Mitchell Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

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

APPROVAL OF MINUTES: March 11, 2009

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

At 7:45 p.m., Chairman Newman opened the public comment portion. Seeing no public comment, he closed same at 7:45 p.m.

RESOLUTIONS:

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 12,843 s.f. warehouse. Resolution Memorialized 4-6-06. First Extension of Time granted to 4-6-09. Applicant granted second one-year extension of time.

Mr. Kurzman made a the Motion to memorialize and Ms. Pinney offered a Second. Roll Call Vote: Kurzman, Pinney and Weintraub voted yes.

EXTENSION OF TIME:

P09-05 33 ASSOCIATES (RIVERSIDE CENTER) – Block 18, Lot 2.02. Located on Route 33. 57.7 acres located in the PCD Zone. Applicant received Preliminary Major Subdivision approval in Resolution Memorialized 1-10-07 and Final Major Subdivision Approval in Resolution Memorialized 7-11-07. Applicant seeks a one-year extension of time. No noticing is required.

Attorney William Mehr representing the applicant. Mr. Mehr advised that the final subdivision approval was granted and memorialized July 11, 2007. Ideal Tile received preliminary and final site plan approval on that date as well. Protection runs to July 11, 2009.

Attorney Michael Steib swears in applicant's experts Jay Troutman of McDonough & Rea Associates, Lorelei Totten, Engineer with Crest Engineering and Tom Varner, PE.

Lorelei Totten of Crest Engineering. She offered her qualifications. She graduated from Lehigh University in 1977 with a B.S. in civil engineering. She has been a PE since 1983 and has testified before many boards including this one.

Marked into evidence is Exhibit A-1, colored version of phasing exhibit dated 5/1/09.

Marked into evidence is Exhibit A-2 Final plat.

Mr. Troutman presented his credentials to the Board. He is a principal with McDonough & Rae Associates in Manasquan. Traffic engineering is his field of expertise. He has been in that field for 22 years.

Mr. Troutman offered an update. The applicant had sought NJDOT approval for DeBraun Road and Route 33 for construction. He explained the delay with NJDOT. The application was finally reviewed and the DOT wanted to see the roadway constructed as a complete loop (referring to exhibit A-1). NJDOT issued a conditional permit for the construction of that road. The applicant has satisfied those conditions and has submitted them to the NJDOT. The road cannot be constructed until a final permit is issued.

Mr. Troutman advised that he met with the Board's Traffic expert, Jerry Cantor who has issued a letter with his comments concerning the review. Mr. Troutman explained they would perform a speed study in order to set a speed limit for this area. Mr. Troutman advised that they would adhere to all aspects and conditions of Mr. Canter's 5/6/09 letter.

Mr. Varner presents his credentials. He is an engineer with the firm of Potomac Hudson Engineering. He received his Masters from Stevens Institute of Technology. He has conducted site investigations and has appeared before this board at the initial hearing of this application. He is accepted by the Board.

Mr. Varner performed an environmental study of the property. There were pesticides on the property that are similar to other agricultural sites where farming was done. He recommended a program for remediation in accordance with NJDEP's regulations that was approved in 2008. The clean-up plan was approved. He advised that they started a soil blended program that was completed at end of 2008. That was submitted to the NJDEP and the applicants are presently awaiting DEP to issue an NFA. Mr. Varner explained the delay is that the DEP is backlogged.

Mr. Varner further explained that the site has a historical presence and they did have a delay due to archeological studies that were performed on the site. This caused a nine month delay. The study has been approved and completed. Applicant will send the Board a copy of that report and approval to Board secretary for her to forward on to the Township Historical Preservation Commission.

The NJDEP has signed off on the archeological study performed by the State Historic Department and that should be provided to the Board Secretary.

Lorelei Totten went over the outstanding permits. She explained that she has both the Freehold Soil Conservation District and D&R approvals for Monmouth County but not for Monroe.

Mr. Mehr stated that the applicant has made a good faith effort to proceed in light of the stated hold

Michael Steib asked Ms. Totten if there has been any change in the zoning of the property or the subject property or surrounding areas that would affect. Ms. Totten testified that there has been no change.

Mr. Coppola explained that he issued a Compliance report dated 5/11/09. He explained to the Board the contents of that memorandum. Mr. Mehr has no problem complying with Mr. Coppola's requests.

Mr. Mehr advised that the Monmouth County Parks System had asked for a linear park easement and he has been in touch with Faith Hahn of the Parks System. They will provide an access easement 50 feet off of the river embankment for a future walkway.

The Board discussed the matter. The extension is subject to all conditions of the prior approvals. Mr. Kurzman made a Motion to approve the extension and Mr. Pinney offered a Second. Roll Call Vote: Kurzman, Pinney, Weintraub, Bailey and Newman voted yes to the extension.

Applicant will re-notice for the soil importation permit and the phasing of the project at its June 10, 2009 meeting. Applicant will notice for the meeting.

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 5-30-09. Jurisdiction Accepted 3-11-09 no further noticing was required.

The Board had found service to be in order and accepted jurisdiction over the application at its 3-11-09 meeting and carried the matter to 5-13-09 without any further noticing required.

Attorney Michael Steib read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 8/5/08
- A-3 Web Notice posted 1/22/09
- A-4 Covenants and Restrictions for Moto Industrial Park dated 02/14/01 and Recorded 2/20/01
- A-5 Resolution of First Amendment to Covenants and Restriction dated 11/24/04 recorded 12/13/04
- A-6 Soli Sampling Report prepared by Trident Environmental Consultants dated 10/27/08
- A-7 Traffic Report prepared by Oracle Engineering, Inc. dated 04/02/08
- A-8 Stormwater Management Report prepared by Concept Engineering Consultants dated 4/7/08; last revised 02/06/09
- A-9 Environmental Impact and Assessment prepared by Concept Engineering dated 5/13/08; last revised 02/06/09
- A-10 Architecturals prepared by Feldman & Feldman, AIA dated 6/17/08; last revised 02/26/09
- A-11 Preliminary Site Plan prepared by Concept Engineering dated 4/1/08; last revised 02/24/09
- A-12 Color Rendered Grading & Utility Plan prepared by John Ploskonka dated 04/01/08
- A-13 Aerial photo of subject property and environment

- A-14 Reduced architectural elevation rendering prepared by Feldman & Feldman, Architects P.C.
- A-15 Color rendered full size architectural elevation prepared by Feldman & Feldman, Architects P.C.
- PB-1 Report of Board Engineer dated 3/5/09
- PB-2 Report from Planner dated 3/5/09
- PB-3 Monmouth County Planning Board Final Approval dated 09/08/08
- PB-4 Environmental Commission Report dated 1/27/09
- PB-5 Millstone Township Fire Prevention Bureau Report dated 2/19/09
- PB-6 Freehold Soil Certification Report dated 2/18/09
- PB-7 MCBH Soil Suitability Report dated 07/29/08
- PB-8 NJDEP, LOI issued 2/27/09
- PB-9 NJDEP Approved Wetlands Location Map
- PB-10 NJPDES General Permit for Stormwater Discharge dated 2/18/09

Attorney Kenneth Pape representing the applicant. Mr. Pape offered a brief overview of the application. The proposal is to construct an office and warehouse building in Moto Industrial Park. The office/warehouse would be offered to tenants for individual use. There is a maximum capacity for 18 tenants. Mr. Pape advised that no variances or waivers are needed.

Mr. Pape advised that they met with the Environmental Commission and the Shade Tree Commission. They met with the Fire Prevention Bureau three separate times. They have received all of the outside approvals. Except for one outstanding approval from D&R.

Attorney Steib swore in John Ploskonka, PE and PP Concept Engineering. His credentials are known as he is accepted as a PE for the evening.

Mr. Ploskonka offered an overview of the project. Referring to Exhibit A-12 color grading utility plan. The proposed building would be located in the center of the lot with parking on both sides.

Aerial photos of the property were provided to the Board (Exhibit A-13).

Marked into evidence is Exhibit A-14, a reduced version of the color architectural elevation drawing.

Mr. Ploskonka went over A-13. He explained that the project is located in the BP Zone where 40 parking spaces are required, 46 are provided as well as 21 green spaces were banked per Mr. Coppola's request. Mr. Coppola advised that the banked spaces should only be used subject to specific approval of this Board.

Mr. Pape advised that this is a flex building. There are 20 opportunities for tenants. There is ample opportunity on site for extra parking. Mr. Coppola feels it is important that the Board approve as designed.

Mr. Ploskonka advised that the site is serviced by septic and well and MCBOH had approved the soil work on the site. The lighting plan was approved by the professionals. No outside storage on the site. Four total dumpsters are planned but they may not need that many and will match the building design of the façade. No external speakers will be on the building for this is a low intensity site. The site is mostly serviced by box trucks. They have made the suggested landscaping changes made by the Board Planner. The revisions were in response to the report of Mr. Coppola and the Shade Tree Commission. Mr. Pape read the Shade Tree's March 11, 2009 report into evidence. Mr. Ploskonka went over the status of the outside approvals.

Pursuant to the EC's recommendations, they will perform two additional, deeper test pits on site.

Chairman Newman asked about the trash receptacles. For some reason if the Board feels four dumpsters are not adequate, the applicant will return to the Board. Mr. Ploskonka offered that the four is probably overkill.

This industrial park has a regional stormwater management system. There are a series of basins interconnected that can handle up to 50% of impervious coverage and he explained that it is in place. Mr. Shafai met with Mr. Ploskonka and asked that they include dry wells on the site as a method of recharge. D&R is also looking for the dry wells.

Mr. Coppola advised that plans be revised pursuant to Mr. Shafai's requests.

Mr. Coppola advised landscaping satisfactory to his office and the Shade tree with the one comment. Three maples trees anticipated to be located in front of the septic area are to be approved by the MCBOH.

The monument signage is to be raised up in the berm. The applicant advised that this would be provided at the time of final and asked that it be deferred to the time of final.

The grading plan will be changed and provided at the time of final. Mr. Coppola asked about the dimension of the monument sign which is deferred at final.

The applicant met with Lt. Weltner to achieve an understanding as to what his requirements were. Lt. Weltner's February 2009 report shall be modified as a result.

Mr. Pape read into the record a specifically crafted form of lease for potential tenants. This was a request by the EC.

John Ploskonka advised that the site is designed so that a fire vehicle or a tractor trailer can go around but not designed for a tractor trailer to use the facility.

Sworn in Nicholas Schaefer, Maser consulting. He presented his credentials. He earned his B.S. in civil engineering from Penn State and has worked for Maser 10 years and has 13 years experience in his field of traffic engineering. He has testified before several Boards in New Jersey.

He advised that a tractor could circulate around the site (50 foot). The typical vehicle to service the site would be a single unit truck, box truck, fed ex truck and pickup truck. Mr. Schaefer stated that the site generates an insignificant amount of trips.

Mr. Kenneth Fears, traffic expert, did a master study of the entire site. This site is under the numbers that Mr. Fears' report projected.

David Feldman is sworn in as architect. He is a principal of Feldman and Feldman Architects of Colts Neck, NJ. He presented his credentials. He graduated from Temple University and has a license to practice in PA, NY, VA and NJ. Mr. Feldman has appeared before numerous boards.

Marked into evidence is Exhibit A- Design of a flex building 1100 Rike Drive. The flex space allows different tenants to come in. The plans are dated 2-26-09. Flex space consists of areas of storage/warehouse and an office and bathroom. There is a potential for 20 tenants. There are 18 flex spaces on first floor and 2 offices on the second floor. He advised that everything has been designed to accommodate 20 occupants.

John Ploskonka stated that the total square footage for the 20 units is 20,000 warehouse and 7,000 office with a total of 27,000 s.f.. The building is facing Rike Drive. He advised that the building is red brick with a mansard roof and dormers with side pediment entrances for each office space. Mr. Feldman went over the materials to be used. He has met with Mr. Coppola and Lt. Weltner and feels that he has addressed their questions.

Mr. Coppola feels the building meets the requirements of the ordinance. The water table of brick would be carried around the rear of the building. The mechanicals are indoors with no roof mounting. If needed, the applicant would return to the board.

The monument sign will take on the architectural attributes of the building façade. The sign size is 4 ft. x 8 ft. There would be enough room to place individual signs stacked on top of each other in the space in between the tenants' doors. Also, tenant names would be located on the directory sign out front.

There is no access or doors at the back of the building.

The Board asked the applicant about possibility of installing solar panels. Mr. Feldman advised that it would not change the look of the roof due to the pitch. The applicant would explore solar panels.

Clarification of Hours of operation: 7 a.m. to 7 p.m. or it could be 24/7. KP not unusual for this type of building to have tenants that would be there after hours. Mr. Coppola asked about lighting of the facility after hours. There would be lighting in back of the facility. An open field farm is located behind the building. The lighting on and off times were discussed. This would be explored at final.

Chairman Newman opened the public portion at 9:30 p.m. Seeing none, he closed that portion at 9:30 p.m.

The Board took a short break at 9:30 p.m. returning at 9:32 p.m.

Mr. Pape summarizes the application.

Mr. Kurzman made a Motion to approve preliminary and Ms. Pinney Offered a second. The conditions of approval were read by Attorney Steib including but not limited to: twenty-one green parking spaces will be banked and if there is a change, the applicant would return to the Board, the applicant would comply with the technical requirements of the professionals, if the Board's professional consultants or the Board found a need for the applicant to return to the Board he would return, the applicant shall comply with the recommendations of the Shade Tree Commission, Additional arsenic soil testing would take place and if the results are inadequate, the applicant would return to the Board, the applicant will provide dry wells as part of the onsite storm water management, the applicant shall comply with 5A of Mr. Shafai's report concerning the MCBOH approval of the three maples trees, sign details continue to be same and final berming and landscape will be at the time of final approval, subject to the fire prevention bureau's recommendations, all tenants must comply with the tenant lease, no storage of flammables on premises, façade architectural will be same on both side of building and

the water table carried around the building, no roof mounted HVACs, hours of operation to be revisited, etc.

Mr. Coppola advised that a look at a night lighting plan as may be necessary.

Roll Call Vote on the Motion to approve as conditioned: Kurzman, Pinney, Weintraub, Bailey and Newman voted yes to approve.

Seeing no further business, the meeting adjourned at 9:35 p.m. by Motion of Mr. Kurzman with a second offered by Mr. Weintraub and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea