

Borough of Millstone

Planning Board
Regular Meeting
December 18, 2008

Chairman Dorschner called the meeting to order at 7:03 pm. There were three members of the public present.

Chairman Dorschner read the following statement:

"The regular meeting of the Millstone Borough Planning Board will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News and posted at Borough Hall. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we will proceed to the next item on the agenda."

Roll Call:

Present:	Keith Dorschner	Dan Devoti
	Christine Fung	Carol Halm (left 7:52 – 8:09)
	Richard McDermott	Rebecca Newman

Also present: Gerald J. Muller, Esq – Planning Board Attorney
Carter Van Dyke – Planning Consultant
Denise Piskowski, Board Secretary

Absent: Jessica Pyatt

On a motion by Ms. Fung, seconded by Ms. Halm, the Board approved the November 25, 2008 meeting minutes.

The Board reviewed the invoices submitted. Mr. Devoti questioned the invoices regarding the Van Cleef property. Mr. Muller explained.

Mr. Van Dyke informed the Board that the invoices submitted for work done on the Plan Endorsement would be paid for from a County grant.

On a motion by Ms. Newman, seconded by Mr. Dorschner, the Board approved the November 2008 invoices submitted by Mr. Van Dyke and Mr. Muller.

REPORTS

Dan Devoti, Zoning Officer

Mr. Devoti informed the Board that he had sent Mr. Babiak another notification regarding the violations on the property. He also stated that a realtor had contacted him to ask if the Borough would be interested in purchasing the property. The realtor also asked about the possibility of tearing down the home. The Board discussed the continuing violations on this property.

Mr. Devoti also informed the Board that the Borough would have to put a lien on the Blackshear property. Mr. Devoti was at the last court hearing regarding the volations on this property and settled with the court for \$2,500 in fines. The Board discussed the Borough's options for this property.

Carol Halm, Council Person

Ms. Halm informed the Board that she had nothing to report

Carter Van Dyke, Planning Consultant

Mr. Van Dyke informed the Board that he and Mr. Poch met with Bob Bzik, County Planner, and other members of the County staff to discuss the lot on Main Street that is owned by them and the possibility of them deeding this lot to the Borough. The Board discussed that some historic homes that are currently in the floodplain could be moved to this property. Mr. Van Dyke will research the options to make this work. Mr. Van Dyke continued to give the Board details on what was discussed at this meeting and possible options for the Borough.

Mr. Muller updated the Board on how the Borough could repair properties that are dangerous to the community. Mr. Offen, Borough Attorney, informed the Board that the Borough does have the power to act and then put a lien on the property in the case of dangerous conditions. Mr. Offen stated that he would get a copy of the lien law provision to Mr. Devoti and Mr. Muller. The Board explained to Mr. Offen the condition of the property in question. The Board discussed abandoned properties in the Borough and if the Borough has the authority to secure them. Mr. Offen stated that the same law would apply.

Mr. Muller explained to the Board the COAH rules and the Fair Share Plan and Housing Element that is required to be submitted by December 31, 2008 and the steps involved. He also explained what is required at this Public Hearing. Mr. Muller introduced Ms. Shirley Bishop and stated that she would explain what was required.

Council opened their meeting.

Public Hearing

Mr. Muller explained that the Board would act first and then the Council would act based on the Boards recommendation.

Ms. Bishop gave the Board and Council an overview of what is required for the Borough to receive certification from COAH and how the ratio for the Affordable units is determined. Ms. Bishop gave an outline of what is in the Housing Element. Ms. Bishop also explained that the Fair Share Plan contains a rehab obligation, prior round obligation and growth share obligation. Ms. Bishop explained how the Borough plans to meet their obligation. Mr. Muller further explained the growth share obligation and informed the Board that Van Cleef will have 86 market units and 20 affordable units in the current plan. The Board discussed this.

Mr. Muller explained other options for the Van Cleef property that would be addressed in the mediation agreement. The Board discussed these options. Ms. Bishop further explained that at this time there is no Fair Share Plan for the Rzem site. Ms. Bishop stated that there is a Development Fee Ordinance, however at this time no fees were expected to be collected. Mr. Muller explained that the Fair Share Plan that was noticed is slightly different that is being presented tonight, however, the number of units has not changed. Ms. Bishop explained what would happen if COAH deemed the plan incomplete and stated that once the plan was deemed complete by COAH, then Millstone would publish a legal notice and then the public would have 45 days to object to the plan. Ms. Bishop thanked all that helped put the plan together.

Mr. Van Dyke reviewed the changes to the zoning ordinance with the Board. The Board discussed the changes.

Ms. Morris, Main Street, was sworn in by Mr. Muller. Ms Morris asked about the fire protection for the Van Cleef property. Mr. Van Dyke informed her that public water and sewer would be available for this property. The Board explained that single-family homes do not require commercial type fire protection. This would be addressed in the building process.

Mr. Tarentino, 1423 Main Street, was sworn in by Mr. Muller. Mr. Tarentino asked about the work recently done on the stream and asked how this was done without approvals. He also stated his concern about drainage through the stream and the flood mitigation project and asked what the detention plan for storm water run off would be for the Van Cleef properties. Mr. Van Dyke stated that the ordinance addresses storm water run off for future developments. Mr. Tarentino continued to express his concern.

There being no further comments the Board opened and closed the meeting to the public.

Mr. Muller read the draft master plan, which included the housing element and fair share plan, resolution to the Board.

On a motion by Mr. Dorschner, seconded by Ms. Newman, with an aye vote by them and by Ms. Halm and Ms. Fung, the Board adopted the Resolution for the Housing Element and Fair Share Plan. Mr. Devoti and Mr. McDermott abstained.

Mr. Van Dyke explained the changes to the Land Use Element of the Master Plan and the TND Ordinance changes and read the amendment to the Board. The Board discussed the changes. Mr. Van Dyke made changes based on the discussion.

On a motion by Mr. Dorschner, seconded by Ms. Newman, with an aye vote by them and by Ms. Halm and Ms. Fung, the Board adopted the changes to the Land Use Element of the Master Plan and the TND Ordinance. Mr. Devoti abstained. Mr. McDermott voted no.

Recommend to council changes to the Zoning Ordinance regarding the Van Cleef properties. Mr. Muller explained this ordinance. Mr. Van Dyke explained the recommended changes. The Board discussed the options to be recommended and made some changes.

There being no further comments the Board opened and closed the meeting to the public.

On a motion by Mr. Dorschner, seconded by Ms. Newman, with an aye vote by them and by Ms. Halm and Ms. Fung, the Board adopted the changes to the Zoning Ordinance. Mr. Devoti abstained. Mr. McDermott voted no.

On a motion by Mr. Dorschner, seconded by Ms. Newman, the Board recommended to Council that the Ordinances with changes be adopted.

There being no further comments, on a motion by Ms. Halm, seconded by Mr. McDermott, the meeting was closed at 8:35 pm.

Submitted,



Denise Piszkowski
Planning Board Secretary