

Borough of Millstone

Planning Board
Regular Meeting
May 26, 2009

Official Minutes
Approved June 23, 2009

Chairman Dorschner called the meeting to order at 7:39 pm. There were twelve (12) 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:	Dan Devoti	Keith Dorschner
	Christine Fung	Carol Halm
	Carl Kestner	Richard McDermott
	Rebecca Newman	Don Roden

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

Absent: John Prudente Jessica Pyatt

On a motion by Mr. McDermott, seconded by Ms. Halm, the Board opened the meeting to the Public.

OPEN TO THE PUBLIC:

Diane Schilke, real estate agent for the Babiak property, 29 Wertsville Road. Ms. Schilke asked the Board which borough agency takes precedent for the property, the Board or the HDC. Mr. Van Dyke explained that there were two rules governing this area, the Historic District Ordinance and the Village Area District. He also explained some of the rules that are included in these two ordinances. He also informed her that the HDC must give approval before getting Board approvals.

Ms. Orton, HDC, explained the recommendations that the HDC had made to Ms. Schilke's client regarding this property.

On a motion by Mr. Dorschner, seconded Mr. McDermott, the Board closed the meeting to the Public.

HEARING

Master Plan Amendment to the Housing Element and Fair Share Plan

Mr. Muller explained that Ms. Bishop, the Borough Housing Consultant, was going to explain the amendments to the Housing Element and Fair Share Plan. Ms. Bishop introduced herself and explained to the Board and the public that the plan was being amended per COAH's recommendation and in accordance with the Borough's current COAH obligation. She explained that COAH is allowing the Borough to submit the plan with two alternates. Ms. Bishop explained the two alternates that will be included in the submission to COAH.

Mr. Devoti asked if all of the Affordable Housing obligations would be on the Van Cleef properties. Ms. Bishop explained that all of the COAH obligation would be met on Van Cleef properties. She also explained the rehabilitation credit.

Ms. Newman asked if the sewers proposed in the alternate plan A would be supplied by Van Cleef. Ms. Bishop stated that Van Cleef would be responsible for the installation of sewers if this plan was chosen.

A discussion ensued on the impact each of the plans would have on the Borough.

Mr. Van Dyke asked about the TND Ordinance component of this plan. Mr. Muller explained that the only changes that would affect this ordinance would be the COAH obligation and Van Cleef is satisfied with these changes.

The discussion continued. The age-restricted units would be 55 and older with a 30 year deed restriction.

On a motion by Ms. Newman, seconded Ms. Fung, the Board opened the meeting to the Public.

OPEN TO THE PUBLIC

Ms. Schilke, real estate agent, asked how the sewers would affect the rest of the Borough. Mr. Van Dyke stated that the Van Cleef property would be included in phase I for sewer installation and eventually the rest of the Borough would be sewerred.

On a motion by Mr. Dorschner, seconded Ms. Halm, the Board closed the meeting to the Public.

On a motion by Mr. Dorschner, seconded Ms. Fung, with an aye vote by all, the Board accepted the Amendments to the Master Plan as presented by Ms. Bishop.

Ms. Bishop expressed her awe of the Board and its professionals in getting this plan completed. The Board thanked Ms. Bishop for her contribution and hard work.

HEARING

Area in Need of Rehab

Mr. Van Dyke explained the area in need of rehabilitation and the plans for the County property that was just purchased from the Rzem's. The plan includes moving some of the historic homes to the County property and the new vacant lots would then become County property. The homes within the area in need of study area are Block 1 lot 4, block 1 lot 7, block 1 lot 8a, block 4 lots 3 and 4, block 4 lot 5, block 4 lot 7, block 4 lot 8, block 7 lot 3, block 1.01 lot 5, block 1.01 lot 4, block 4 lot 1. These homes are older than 50 years because more than half of them are at least 50 years old they meet the criteria for the area in need of rehabilitation plan.

Mr. Van Cleef explained the process for choosing the homes/properties to be swapped.

Mr. Van Dyke asked the Board to approve recommendation of the study area as an area in need of rehabilitation and forward it for Council approval. Mr. Van Dyke explained the process for implementation of the redevelopment plan. The Board discussed the plan. Mr. Devoti asked about properties that flood but are not included in this plan. Mr. Van Dyke explained that these homes would be studied by the State Historic Commission for other alternatives. Mr. Van Dyke explained about the qualifications the home must meet to qualify for the land swap plan. The Board discussed the qualifications for land swap and the plan.

On a motion by Ms. Halm, seconded Mr. Devoti, the Board opened the meeting to the Public.

OPEN TO PUBLIC

Mr. John DeVelder, 1393 Main Street, the old post office and workshop. Mr. DeVelder informed the Board that he was pleased about the idea of preparing a redevelopment plan and asked for more detail. He also asked if anything could be done about the convenience store and it being made more attractive and the abandoned bank. Mr. Van Dyke explained the plans to move some of these buildings out of the flood plain and what the process would be. Mr. Van Dyke also explained the possible plans for the redevelopment area.

Ms. Schilke, real estate agent, asked why the North River Street properties were not included. Mr. Van Dyke explained that they were just not included in this plan, but could be included in future plans.

Grace Dennigan, attorney for JPP properties and Don Hepworth, asked about the criteria and stated that criteria of at least 50 percent of the houses being over 50 years old is not included in the redevelopment statute. Mr. Muller explained that the statute does include this criteria. A discussion ensued on how the plan could evolve and why certain properties would or would not be included. Mr. Van Dyke explained that the plan to relocate is optional to the homeowners and will not be forced on them.

Ms. Morris, Main Street, commented to the Board about the archeological aspect of this plan and asked if funds were available. Mr. Van Dyke stated that Council and the County were aware of this and they are researching the funds and how to implement this aspect of the plan.

On a motion by Mr. Dorschner, seconded Ms. Halm, the Board closed the meeting to the Public.

Mr. Muller informed the Board that they were not under any obligation to implement a redevelopment plan even if the area in need of rehabilitation designation is made.

On a motion by Mr. Dorschner, seconded Mr. McDermott, with an aye vote by all, the Board accepted the approved the Area in Need of Rehabilitation Resolution as presented by Mr. Van Dyke..

APPROVAL OF MEETING MINUTES

On a motion by Mr. Dorschner, seconded by Ms. Halm, the Board approved the April 28, 2009 meeting minutes.

REVIEW AND VOTE ON PROFESSIONALS' INVOICES

Mr. Van Dyke and Mr. Muller explained some of their invoices and which were being paid for out of escrow funds. Ms. Newman asked about the rollback taxes for the Rzem property and stated she would contact the Tax Assessor.

On a motion by Mr. Dorschner, seconded by Ms. Halm, the Board approved the April 2009 invoices submitted by Mr. Muller and Mr. Van Dyke.

DISCUSSION

Flood Mitigation in the Historic District

Mr. Van Dyke informed the Board that the flood mitigation plan was being worked on by Council.

Demolition Ordinance

Mr. Muller asked that the Board consider what constituted demolition of a structure. Mr. Muller explained that he had prepared an ordinance to clarify how much of a home could be left and still be

considered a demolition. Mr. Muller recommended that this be tabled so that he could discuss this with Mr. Offen in light of Ms. Orton's statement about his reworks at a Borough Council Meeting before the Board considered any changes to this ordinance.

Plan Endorsement

Ms. Reynolds explained that the Office of Smart Growth was reviewing the Borough's assessment report and they requested a Zoning Table. She prepared this for them and also gave copies to the Board. The Office of Smart Growth is currently analyzing the possibilities for the Borough. Mr. Van Dyke stated that there was currently a MUMC district and this area was owned by the County and could not be built on. The Borough should clarify this on a new plan.

REPORTS

Dan Devoti, Zoning Officer

Mr. Devoti informed the Board that he settled with Blackshears for \$200 with the provision that within 30 days they clean up the property and within 60 days they have the property up for sale. They have paid \$1,200 of a \$2,000 fine and there has been another \$1,000 fine assessed. Mr. Devoti stated he would waive the additional fines if the provisions are met. Ms. Newman informed Mr. Devoti that the exact dollar amount is needed to be entered into the tax system.

Mr. Devoti also informed the Board that the prosecutor had pushed back the hearing on the Dickenson property because they may be fighting the fines. Mr. Devoti received a letter stating that the prosecutor is waiting for discovery from them. The Board discussed the problems with the property and Mr. Devoti stated he would contact them about the overgrowth and structure repairs on the property.

Carol Halm, Council Person

- The primary election is June 2nd
- A trailer with climate control will be put behind the Borough Hall for record storage
- June 7th is the Borough garage sale with a play it forward, sponsored by the book store, which will be held in the county lot. Money will be donated to brain cancer research.
- The new tax collector, Donna Griffith, was appointed and Rebecca Newman was appointed as the new Deputy Collector and Deputy Assessor.
- An audit is being considered for the tax records
- The stone on South River Street on the Don Hepworth property will be moved to Borough Hall for work being done.
- The Mayor was at the mayor's conference
- Diane Schilke was at the Council meeting about the Babiak property.
- Jim DeMuro is researching grants.
- The Ordinance for licensing peddlers passed on first reading
- Cost of living allowance was passed
- Introduction of budget will be at the June 15, 2009 meeting
- Introduction of abandoned building ordinance has been adopted
- TND ordinance was moved to the June meeting.
- A motion was made to dismiss the Rzem lawsuit and Council is currently waiting for a response.
- June 14th is bulk pickup day.

Carter Van Dyke, Planning Consultant

Mr. Van Dyke read a copy of a letter of thanks that will be mailed out on behalf of the Borough to agencies that have helped the Borough to keep the Rzem property open space with County funding.

Ms. Reynolds showed the Board a map that was prepared for the County at the request of NJDEP for a wastewater arrangement plan. Ms. Reynolds explained the map and the changes. A discussion ensued.

On a motion by Mr. Devoti, seconded by Mr. Dorschner, the Board opened the meeting to the Public.

OPEN TO THE PUBLIC:

Ms. Morris, HDC, asked if Mr. Devoti was giving out a zoning map that shows the historic district to residents asking for applications or other information on the Borough. Mr. Van Dyke's office will provide copies of this map to the Board.

On a motion by Devoti, seconded Mr. McDermott, the Board closed the meeting to the Public.

There being no further discussion the Board agreed to adjourn the meeting at 9:40 pm.

Submitted,


Denise Piszowski
Planning Board Secretary