

Borough of Millstone
Planning Board
Regular Meeting
December 14, 2010

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| Official Minutes Approved February 22, 2011 |
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Chairman Dorschner called the meeting to order at 7:35 pm. There were nineteen (19) 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 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:

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| Present: | Dan Devoti | Keith Dorschner |
| | Christine Fung | Carl Kestner |
| | Alan Kidd | Richard McDermott |
| | Don Roden | Ray Heck |

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

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

OPEN TO THE PUBLIC

Mr. Levonaitis, 22 Beardslee Road, informed the Board that he has a swimming pool company and is considering purchasing 132 Amwell Road which is currently zoned residential. He stated that he would like to move his business into the rear building on this property. Mr. Levonaitis asked if the Board might consider a variance for his business. He stated that the property would not be used for retail but would be used for commercial use and he would park the business trucks which could hold some chemicals. Mr. Van Dyke read the Ordinance which prohibits this type of use in this area. Mr. Devoti informed Mr. Levonaitis that a prior application for this type of use was turned down. The Board discussed that it would not be in the interest of the Borough to allow a commercial use in a residential area. Mr. Levonaitis stated his opinion that because of the already approved group homes on the adjoining property that the properties were already devalued. Ms. Fung asked if the home on the property would be used as a rental. Mr. Levonaitis stated that it would be and he would be parking 4 vehicles outside on the property. A discussion ensued. The Board stated that it would not be a good use for the area.

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

APPLICATION

Hillsborough Reformed Church, Block 6, Lots 11 & 12 Minor Subdivision, Site Plan, 3 C Variances and a D Variance

Mr. Robert Foley, Attorney.

Mr. Muller asked that the Hillsborough Reformed Church application be held because for this type of application 5 aye votes of the Zoning Board of Adjustment are required for the D-variances. Mr. McDermott and Ms. Fung live within 200 feet of 11 Amwell Road and cannot vote, Mr. Devoti also has a conflict, Mayor Heck and Councilman Kidd are not eligible to vote; this would leave only 3 eligible members to vote. He stated that if Mayor Heck appointed members to the vacant spots on the Planning Board at the January council meeting the Hillsborough Reformed Church could bring back their application for a full Board hearing.

Mr. Heck stated that it was very difficult to appoint new Board members because the Board requires a large commitment; he stated he would try to appoint a full complement at the January council meeting. A discussion ensued. Mr. Foley stated that the Church would wait until after Mayor Heck appointed additional members in January. Mr. Muller stated that the application could be continued without further notice. The discussion continued. Should the same situation occur in January, 'the rule of necessity' could be invoked so that the recused members would then be eligible to vote. Mr. Muller reviewed the Proof of Public Notice and stated that it was in order. This Application is continued without notice to the January 25, 2010 meeting at the Hillsborough Reformed Church as Borough Hall will not be available due to construction.

APPLICATION

S&G Enterprises, Block 3, Lot 2, 33 North River Street Preliminary and Final Site Plan and a C Variance

Frank Blandino, Attorney, Hillsborough, NJ

Mr. Muller reviewed the Proof of Publication and the Notice and stated they were in order. Sam Singer, a principal with the applicant, was present

Mr. Muller swore in Robert Heibell, professional engineer. Mr. Heibell informed the Board that the applicant would like to use the 2nd floor of the existing building as a rental apartment and would also like to add a balcony. Mr. Heibell informed the Board that the Historic District Commission (HDC) approved the balcony. He also stated that the use was in accordance with the zone if the 1st floor was less than 1,000 sf. The 1st floor is 870 sf. He also informed the Board that the 2nd floor would be 662 sf. The applicant has an approval letter from the County Planning Board and a letter from Mr. Van Dyke dated Dec. 7, 2010 regarding the parking. The balcony would be 10 feet and the building is 13.2 feet from the road. He also stated that the parking calculations are included in the application. The application decreases the parking spaces by 2 ½. The building is in the flood plain and there are no flood plain requirements for this application.

Mr. Devoti asked what the estimated parking spaces would be. Mr. Heibell stated that 7-8 cars could be parked, but because of the layout of the property it would be less. There is currently a 1-bedroom apartment on the 2nd floor of the larger building. Mr. Heibell stated that there is no public right-of-way on this street, so the lot lines go into the street. Mr. Van Dyke recommended that a right-of-way be established so that the set back could be determined. Mr.

Heibell stated that the downstairs commercial space is currently empty. The Board discussed where to determine the right-of-way. The Board also discussed if the apartment could be included in the COAH plan. The applicant stated that they would not be interested in a COAH apartment.

Mr. Dorschner confirmed that the square feet of the 1st floor is short of the requirement. Mr. Van Dyke stated that this application conforms more to the requirements than the previous use. Mr. Devoti informed the applicant that they would need approval to return the 1st floor to retail if the residential use was approved. The applicant stated that they accept this requirement.

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

Mr. Muller swore in, Daniel B. Dickson, 34 North River Street. Mr. Dickson stated he is not opposed to the apartment but is concerned with the parking. He has two small children and so does another neighbor, there is currently a speeding issue on this street and he would like to know how many tenants there would be in an efficiency apartment. Mr. Van Dyke stated that it could be two, Mr. Devoti stated that a restriction could be added to the application to limit the number of tenants.

Mr. Muller asked if Mr. Dickson had any ideas to control speeding. Mr. Heibell stated his agreement with Mr. Dickson and would be agreeable to have an officer in their parking lot to catch speeders. A discussion ensued. Mr. Muller recommended that Mr. Dickson attend the next Council meeting.

Portia Orton, HDC, informed the Board that the HDC approved the balcony for this application. The HDC will meet with the application to approve paint colors.

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

Mr. Muller asked about the square footage of the apartment. Mr. Van Dyke stated that for this application the square footage of commercial spaces are combined for the purposes of the residential allocation.

Mr. Devoti asked if a restriction could be put on the residents allowed in the apartment. Mr. Van Dyke stated that it would be better to restrict the number of vehicles allowed to park. The applicant stated that this could be a hardship to limit a couple to one car and they would like to have two vehicles for the apartment. A discussion ensued. Ms. Fung stated her opinion that it was unrealistic to limit the occupancy to one person. The discussion continued.

Mr. McDermott motioned that the application be approved with occupancy restricted to 2 adults and no parking restrictions. Mr. Kestner seconded the motion.

On a motion by Mr. McDermott, seconded by Mr. Kestner, and with an aye vote by all, the Board approved the Application for Block 3, Lot 2, 33 North River Street, as presented, with the occupancy of the apartment restricted to 2 adults and no parking restrictions.

REVIEW AND VOTE ON PROFESSIONALS' INVOICES

The Board reviewed the invoices submitted by Mr. Muller.

On a motion by Mr. Dorschner, seconded by Mr. Devoti, the Board approved the November 2010 invoices submitted by Mr. Muller.

DISCUSSION

Mr. Devoti informed the Board that he had a court case for Ms. Vanderveer scheduled for tomorrow. Mr. Heck informed the Board that her real estate agent is listing the property as a total demolition or rehab.

Mr. Heck informed the Board that the CFO and Clerk are very concerned about the 2011 budget and stated that Board will have a very tight budget and all bills must be approved by Council before they exceed the Board budget. The budget goes from July -June and the Board has already exceeded its budget. The Board discussed the budget and the budget process.

Mr. Dorschner asked about the lawsuit. Mr. Muller stated that he has no updates, Mayor Heck stated that all arguments have been heard but there is no decision. A discussion ensued.

There being no public and no further discussion the Board agreed to adjourn the meeting at 9:32 pm.

Submitted,



Denise Piskowski
Planning Board Secretary