

Borough of Millstone
Planning Board
Regular Meeting
July 22, 2008

Because Mr. Dorschner was not present, Mr. Muller called the meeting to order at 7:33 pm. There were ten members of the public present.

Mr. Muller 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:	Sal Ciurleo	Dan Devoti
	Christine Fung	Ray Heck
	Richard McDermott	Jessica Pyatt

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

Absent:	Keith Dorschner	Carol Halm
	Rebecca Newman	

On a motion by Mr. Ciurleo, seconded by Mr. Heck, with an aye vote by all, the Board appointed Ms. Fung as the Chairperson for this meeting.

On a motion by Mr. Heck, seconded by Mr. Ciurleo, the Board opened the meeting to the Public.

OPEN TO THE PUBLIC:

Bob Heibell stated he was here with Mr. Neil Van Cleef to give the Board an update on the plan for the age-restricted community.

Mr. Muller asked if this was an informal concept review and what they were planning on presenting. Mr. Heibell stated that this was just an informal update to the Board on the plans for the property and that they would put money into escrow for the time taken for tonight’s meeting. Mr. Van Dyke stated that the Board should only give informal direction. Mr. Heibell explained the community plan to the Board and the COAH units that will be on the property. Mr. Muller further explained the COAH obligation. Mr. Heibell explained that a formal application would be presented for the two lots. Mr. Devoti asked when they would be submitting the formal application. Mr. Heibell stated that Van Cleef planned on having a formal application within the next month. Mr. Van Dyke further explained the boundaries on the property. Mr. Van Dyke, using the maps being presented by Mr. Heibell, further explained the districts. Mr. Muller and Mr. Van Dyke continued to discuss the plan and explain it to the Board. Ms. Pyatt stated that it was important to keep the development uniform. Mr. Heibell explained where the group homes would be. The Board continued to discuss the plan. Mr. Heibell left.

John Prudente, Millstone River Creamery, 33 North River Street

Jerry informed the Board that Mr. Prudente was here to ask for a waiver of site plan review. They were not required to notice or pay an application fee or escrow deposit. Mr. Devoti explained that the property has been a retail business and explained where it was located in town. Mr. Prudente showed the Board a copy of the survey to show where the property is. Mr. Muller stated that he believes that this is a permitted use. Mr. Muller explained that this is not on the Agenda and no application has been filed and notice is not required. Mr. Muller explained that the Board could hear this waiver request informally and that the Board could ask for an application. The Board stated their feeling that because an application and notice is not required they would hear the request for site plan waiver. Mr. Muller swore in Mr. Prudente and Ms. Alyse Prudente. Mr. Prudente explained that this is a commercial zone and they would like to open an ice cream creamery at this location. Mr. Muller swore in Mr. Sam Singer, owner of the property. Mr. Singer explained that he purchased the property 4 years ago and there was a flower shop and massage business, then a consulting business moved in and then he was contacted by Mr. Prudente about the possibility of renting the location for an ice cream business. Mr. Muller read 131a1 regarding site plan review. Mr. Muller stated that parking could be a key issue. Mr. Prudente stated that they would be putting in two signs and that the lighting and landscaping would not change. They will be at the next Historic District Commission meeting to ask for approval of the signs. Mr. Muller stated that the Board should address parking and Mr. Heck asked how they would be receiving supplies. Mr. Prudente stated that a van would bring supplies in and out of the business. Mr. Prudente informed the Board that there is one spot available for employee parking and there are currently no designated parking spaces. Mr. Singer explained that his current tenants use two parking spaces. Mr. Prudente stated that it is only a carry out business of 2 pint ice cream containers and he would be applying to the State for a wholesaler license. The ice cream would be produced on-site. Mr. Prudente continued to explain the use for the site. There would be 3 employees at this time. Hours of operation would be 11 am to 8 pm and shorter in the winter months. Up to 16 flavors would be produced. Ms. Fung asked about the lighting. Mr. Singer explained that there is currently exterior lighting and a light post. Mr. Prudente stated that there is no intention of having outdoor tables or seating. They currently plan on using 140 square feet in the front of the store for retail and the storage area would be in the rear of the building. Mr. Prudente handed out pictures of signs that they are planning on using and will be presenting to the HDC. The plan is to open by the end of August. Mr. Heck asked about the grease trap. Mr. Prudente stated that the truck that would come to clean the grease trap would be under the 4 ton weight limit and ice cream produces very little grease. Mr. Devoti asked Mr. Singer about the other property. Mr. Singer stated that this was currently being used as a one-person construction office and the 2nd floor is residential. Mr. Devoti and Mr. Muller stated that approval should have been applied for this use. Mr. Devoti expressed his disgust that other owners have been put through the hoops, like the owner of the Getty station and the flower shop. Mr. Devoti stated that the one-person construction office used for storage is not a conforming use and that the space should be a retail business. Mr. Devoti stated that there needs to be some consistency for this property and a variance is needed and possibly a site plan for this whole property, this is a two building site and is approved for retail/residential and not storage. Mr. Muller stated that parking is an issue and one parking space if required for every 200 square feet of business. Mr. Muller stated that one parking space should be allocated for the public and three for employees. Mr. Prudente informed the Board that he would have the parking spaces marked and that when marked there could be up to seven parking spaces. The Board continued to discuss that one of the tenants is not a permitted use for this site. Mr. Devoti will go to the office that is being used as a construction office and determine what it is being used for. Mr. Muller explained to the Board that they should decide if a site plan application should be submitted or if they would like to grant a waiver for the creamery.

Ms. Deb Hunter, 14 Piney Woods Drive, Hillsborough, Mr. Muller swore in. Ms. Hunter asked about the plumbing in the building and where in the building it was located. Mr. Prudente explained where the plumbing lines were located.

Mr. Muller swore in Ms. Portia Orton, Historic District Commission. Ms. Orton informed the Board that the 1941 tax rolls showed two ice cream companies.

Mr. Van Dyke recommended something about parking. A discussion ensued on parking spaces for this site. Mr. Prudente informed the Board that he would be installing concrete curbs at the edges of the property to designate parking for the creamery and the top floor is 589 square feet for the 2nd floor and the 1st floor, which will be retail, is approximately 140 square feet.

Mr. Devoti explained that if the office moves out then for the next use Mr. Singer and the new tenant would be required to come before the Board for approval.

Mr. Muller read the approved uses for this zone and a construction office is only permitted for the 2nd floor only. The current construction office use is not permitted. It is currently an unlawful non-conforming use. Mr. Muller informed Mr. Singer that he is required to apply for a use variance for the construction office tenant.

On a motion by Mr. Ciurleo, seconded by Mr. McDermott, and with an aye vote by all the Board approved a waiver for site plan review for the creamery with the Board maintaining jurisdiction over the parking area for the whole site.

Ms. Portia Orton, Historic District Commission (HDC), explained the work the Historic District Commission had done on a draft of the Corridor Management Plan for the Millstone Valley Scenic Byway and she informed the Board that this was given to Council and explained the document to the Board. The final copy should be received in August. Ms. Orton also informed the Board that the HDC had received a copy of letter from Christine Hitchcock to DEP stating their intent to sell their property to Green Acres and that they could no longer wait for Green Acres to appraise the property. Mr. Van Dyke informed Ms. Orton that he spoke with Green Acres on Friday and the appraisal would be done next week and that Ms. Hitchcock was aware of this. Ms. Orton also informed the Board that at the July HDC meeting a couple expressed an interest in creating a mural for the Borough.

Ms. Deb Hunter, 14 Piney Woods Drive, Chicklit Books, informed the Board that she was here to answer questions on a bookstore in the Borough. Mr. Muller stated that either a site plan review or a waiver from a site plan is required. The Board informed Ms. Hunter that the owner is required to either submit a site plan or ask for a waiver from a site plan. Ms. Hunter explained how the bookstore operates and informed the Board that there is currently only one employee and the business hours are 3 days 10 am – 4 pm and there are usually only one or two customers. Mr. Heck explained that the parking they are currently using may change use in the near future. Mr. Heck stated that he has had a complaint about the sign. Ms. Hunter stated she would take the sign down.

Ms. Deb Hunter was sworn in by Mr. Muller. Mr. Muller asked if Ms. Hunter had any projections for parking and what she planned on using for parking spaces. Ms. Hunter stated that there is no reason that there would be a need for more than three parking spaces. The Board discussed the site. Ms. Hunter informed the Board that she would like to add a porch light. Ms. Hunter plans on having reading groups for children. Ms. Hunter asked the Mayor if they could use Borough Hall and he gave his approval.

On a motion by Mr. Devoti, seconded by Ms. Pyatt, and with an aye vote by all the Board approved a waiver for site plan review for the Chicklit Books -with the Board maintaining jurisdiction over the parking area for the whole site.

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

APPROVAL OF MEETING MINUTES

The Board briefly discussed the March, April and May minutes.

On a motion by Mr. McDermott, seconded by Mr. Ciurleo and with an aye vote by all, the Board approved the March 2008 meeting minutes. Ms. Pyatt, Mr. Devoti and Mr. Heck abstained.

On a motion by Mr. McDermott, seconded by Mr. Ciurleo, the Board approved the April 2008 meeting minutes. Ms. Pyatt, Mr. Heck and Ms. Fung abstained.

On a motion by Mr. McDermott, seconded by Mr. Devoti, the Board approved the May 2008 meeting minutes. Mr. Ciurleo and Ms. Pyatt abstained.

REVIEW AND VOTE ON PROFESSIONALS' INVOICES

On a motion by Mr. Heck, seconded by Mr. Ciurleo, and with an aye vote by all, the Board approved the May 2008 and June 2008 invoices for Mr. Muller and Mr. Van Dyke.

REPORTS, OPEN TO THE BOARD MEMBERS AND PROFESSIONALS

Mr. Heck stated his concern about the state of the Dickenson property and informed the Board that a large tree has fallen and created a hazard and people are trespassing on the property. Mr. Muller stated he would contact Mr. Offen and find a solution to the problem. The Board discussed possible solutions to solve this problem. Mr. Heck also stated that the Blackshear property is still a problem. Mr. Heck stated his concern with the tree overhanging from the Dickenson property onto the church property. The Board continued to discuss the hazards on the Dickenson property

Mr. Heck informed the Board that he spoke with a Blackshear heir and made him aware of the hazards of his property.

The Board discussed possible remedies and solutions for getting these issues resolved before someone gets hurt.

Mr. Muller stated he would contact Mr. Offen and find a solution to the problem.

Carter Van Dyke, Planning Consultant

Mr. Van Dyke reviewed a memo that was sent to him by Van Cleef Engineering Associates. Mr. Van Dyke stated that Van Cleef does not want to install a walking path past their property, even though the Ordinance states that they must.

Mr. Van Dyke stated that he sent a letter to Pete Palmer, County Commissioner, regarding swapping a County parcel for a Borough parcel. Mr. Bzik stated that he would like to see a plan before the County agrees to this. Mr. Heck stated his intent to get specific homes out of the flood zone and would like to have this parcel swap done as soon as possible. Mr. Heck outlined possible solutions for getting these homes out of the flood plain and the homes to possibly be moved. The Board discussed this issue and possible resolutions.

Dan Devoti, Zoning Officer

Mr. Devoti questioned why the Creamery was not required to obtain a variance and why Van Cleef would not be required to if the ordinance is drafted so as to eliminate the need for them.

Mr. Muller explained the Van Cleef property and the two-family home. Mr. Devoti stated his concern with the flag lot. Mr. Muller explained the group homes. The Board discussed options for the group

homes and the COAH obligation. The Board also discussed sewers and the Van Cleef development. Mr. Muller also informed the Board that Van Cleef would now be paying escrow fees. Mr. Devoti will send a letter to Van Cleef informing them that informal reviews of a site plan require escrow fees and they are required to submit an application fee of \$200 and an escrow deposit of \$1,000.

A discussion ensued on Green Acres property in the Borough.

The Board discussed that no escrow fees were asked for on the two waivers that were given tonight. The Board discussed that the Ordinance be updated to include application fees and escrow deposit for waivers.

There being no public the Board closed the meeting at 10:30 pm.

Submitted,

Denise Piskowski
Planning Board Secretary