

Borough of Millstone
Planning Board
Regular Meeting
March 24 2009

Official Minutes Approved April 28, 2009

Vice-Chairperson Fung called the meeting to order at 7:35 pm. There were eleven members of the public present.

Vice-Chairperson Fung 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	
	Christine Fung	Carol Halm
	Carl Kestner	Richard McDermott
	Rebecca Newman	John Prudente
	Jessica Pyatt	

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

Absent: Keith Dorschner Don Roden

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

OPEN TO THE PUBLIC:

Ms. Portia Orton, Historic District Commission (HDC), informed the Board that she had attended a SHPO meeting and she gave the Board an update on what the HDC learned at this meeting and told the Board that she had a list of research options that SHPO gave them.

Ms. Pyatt also stated that she attended this meeting and that SHPO wanted a ‘Phase I’ historical analysis of the homes that the Borough would want moved. She gave the Board some detail of what SHPO would want in the analysis. A discussion ensued on moving some of the historic homes in the Borough and the requirements.

Mr. Don Hepworth, JPP Properties, asked the Board for a follow-up to the site plan that had been approved by the Board for his property and asked about the gravel that the County had placed on his property during the roadwork. This gravel was supposed to have been removed and it is still on his property. Ms. Halm stated that Council had contacted Jim DeMuro, Borough Engineer, to have the gravel removed and they have not gotten an update yet. Mr. Hepworth informed the Board that the County told him they were not going to take out the gravel. Mr. Muller informed him that it was his property and he could have the stone removed; however this would be a cost to him. Mr. Hepworth stated his concern that this does not conform to the site plan that was approved by the Board. Ms. Piskowski sent an email to Jim DeMuro regarding this issue.

Jim Nelson, elder at the Hillsborough Reformed Church, informed the Board that he would like some general information from the Board about the possibility of the Church purchasing 1410 Main Street, that is an R2 zone which is an institutional use and they would like to know if it was possible to have parking on the property. Mr. Muller informed Mr. Nelson that he believes that this would be a permitted use, however a formal application would have to be submitted. Mr. Devoti stated his belief that the zone had been changed

he also stated that even though this is a two family home this is not a permitted use. Ms. Pyatt stated that they would have to prove that the 2-family home was a pre-existing non-conforming use. A discussion ensued. Mr. Muller informed Mr. Nelson that the Church would have to file for a use variance. This property would also have to conform to HDC regulations. Mr. Muller informed Mr. Nelson what he should include in the application. A discussion ensued.

On a motion by Ms. Newman, seconded Mr. Kestner, the Board closed the meeting to the Public.

APPLICATIONS

Somerset County, Block 1.01, Lot 1, minor subdivision (RzemTract)

Thomas Miller, Attorney for the County, informed the Board that the County is applying for a minor subdivision of 27.9 acres. They would like to subdivide 2.695 acres from the larger parcel to be used for non-open space land. Mr. Muller gave the Board an overview of the application and explained that the County plans on using a portion of the remaining land for open space and for the relocation of historic homes in the Borough. Mr. Miller marked the first exhibit A-1 and the aerial map exhibit A-2. Mr. Miller explained that two waivers are being requested one for a waiver of the application fees and one for submission requirements. Mr. Muller further explained that this was a subdivision for the preservation of open space and to make land available for homes relocated from the flood plain. Mr. Devoti stated his concern that the Borough would be responsible for the professional's fees if the waiver was granted. Ms. Newman stated that his property would be used to benefit the Borough for the relocation of historic homes and for open space and that, given this, the Borough should waive the full fees. A discussion ensued. Mr. Miller stated that he feels this is a 'courtesy review' for review by the Board. Mr. Miller and Mr. Muller discussed some technicalities of this application. A discussion ensued. Mr. Muller recommended to the Board that the Board vote on a minor subdivision with the two waivers and a Resolution he would prepare the resolution. Mr. McDermott questioned this recommendation and asked why the Board could not just do an informal review. A discussion ensued.

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

Ms. Orton asked if the property would be deeded to the Borough. Mr. Miller informed her that the 2.695 acres would be deeded to a Somerset County Improvement Authority and the rest would be owned by the County. When the historic homes were moved the land would then be swapped between the homeowner and the Improvement Authority.

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

The board discussed their support of the subdivision.

On a motion by Mr. McDermott, seconded by Ms. Halm, with an aye vote by Mr. Devoti and Ms. Fung the Board approved the subdivision, with the waivers. Mr. Kestner, Ms. Newman and Mr. Prudent abstained.

APPROVAL OF MEETING MINUTES

On a motion by Ms. Newman, seconded by Ms. Halm, the Board approved the February 24, 2009 meeting minutes.

REVIEW AND VOTE ON PROFESSIONALS' INVOICES

On a motion by Ms, Newman, seconded by Ms. Halm, the Board approved the February 2009 invoices for Mr. Muller and Mr. Van Dyke.

OPEN TO THE BOARD MEMBERS

Rebecca Newman

Ms. Newman informed the Board that she was concerned about three historic homes that could possibly be up for tax sale. She feels that there is a need for an ordinance to be created that states that these homes cannot be demolished and that they are required to be rehabilitated. Mr. Muller stated that he would look at

the existing ordinance and make sure that this issue was addressed. The Board discussed the 'uniform construction code' that states that if two walls and a foundation were left that it would not be considered a demolition. A discussion ensued. The buyers of historic homes in a tax sale would need to be informed of the historic significance of the home and the additional regulations attached to the home. Mr. Muller informed the Board that the HDC rules and standards are binding and not advisory and that their standards are in the Borough's Ordinance. Mr. Muller informed the Board that he felt the current Ordinance addressed this issue and was sufficient.

REPORTS

Dan Devoti, Zoning Officer

Mr. Devoti informed the Board that he processed three summonses, one to the Blackshears and one to the Grimshaws and one to the Dickinsons.

Carol Halm, Council Person

Ms. Halm reported that:

- Board of Education election is being held April 21
- Council is looking into the unallocated escrow funds and reviewing all bank statements
- The budget review will be done at the April meeting
- Residents were upset that they were not notified if their taxes were past due. Council was researching a better process for informing residents when their taxes are not paid
- Franklin Township Police through the Inter-local Services Agreement issued 103 traffic summons
- The new website is currently up and running
- Waterline should be connected to Borough Hall soon
- Community Development funds available to low income residents is being researched by Mayor Heck.
- The street light is still a mystery. The Mayor is trying to have it relocated.
- Solicitors Ordinance was tabled.
- Lawrence Tarantino will be working with HDC for the restoration of Borough Hall
- A Paris Grant for the records resolution was passed and the storage building for records is also progressing
- There will be a Public Hearing for the Dog Ordinance, Disorderly Conduct Ordinance and Nuisance Ordinance on March 29th

Mr. Devoti showed the Board the list he received from Mr. DellaPia regarding the escrow accounts, however the backup support for the escrow was not complete.

On a motion by Ms. Newman, seconded by Ms. Halm, the Board opened the meeting to the Public. There being no public the Board closed the meeting to the Public

On a motion by Ms. Halm, seconded Mr. Devoti, the Board went into Executive Session.

On a motion by Ms. Halm, seconded by Ms. Newman, the Board agreed to close Executive Session and adjourn the meeting at 9:26 pm.

Submitted



Denise Piszkowski
Planning Board Secretary