

# Borough of Millstone

Planning Board  
Regular Meeting  
April 28, 2009

Official Minutes  
Approved May 26, 2009

Vice Chairwoman Fung called the meeting to order at 7:35 pm. There were nine members of the public present.

Vice Chairwoman 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	

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

Absent:	Don Roden	Keith Dorschner
	Jessica Pyatt	

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

## **OPEN TO THE PUBLIC:**

Bob Griffin, 547 Elizabeth Avenue, Somerset, asked the Board to clarify the business hours in the Village Commercial section of the Development Ordinance regarding. The Professionals looked at the error and agreed that it should read to 10:00 pm not 10:00 am as published. The error will be corrected. Mr. Griffin also informed the Board that he was interested in purchasing the Babiak property and feels that some of the restrictions in the Ordinance are unrealistic. Ms. Halm informed Mr. Griffin that he needed to speak to the Historic District Commission (HDC) before coming before the Board because the property is in the historic district. Mr. Muller informed Mr. Griffin that the HDC would have authority over the outside of the property and the Planning Board would have authority over any change in the use of the property. Mr. Muller also informed him that all of the conditions in the Ordinance must be met and if Mr. Griffin would like something different he would be required to apply for a variance. Mr. Griffin stated that he would like to double the size of the structure and have a home with office upstairs. He again informed the Board that he feels that the Ordinance is restricting. Mr. Muller informed him that he must meet the Borough's use standards and those of the HDC. A discussion ensued. Mr. Griffin stated that he would go to the next HDC

meeting. Mr. Griffin then asked about the fee simple lot wording in the Ordinance. Mr. Van Dyke informed him that this pertains to larger commercial properties that would have multiple tenants. Mr. Griffin then asked what the guidelines were to be able to demolish the structure and start over. HDC members who were present stated that it would have to be reviewed and there would have to be very strong reasons for the structure to be demolished. The discussion continued.

Portia Orton, HDC, informed the Board that the W3R is now a national historic trail.

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

### **RESOLUTIONS**

Block 1.01 Lot 1, owned by the County of Somerset

*On a motion by Mr. McDermott, seconded Mr. Devoti, with aye votes by Ms. Fung and Ms. Halm the Board approved the resolution for the minor subdivision of Block 1.01, Lot 1. Mr. Kestner, Ms. Newman, Mr. Prudente abstained.*

### **ORDINANCE**

Development Ordinance Amendment

Mr. Muller explained the changes recommended to the Development Ordinance and read the changes to the Board. A discussion ensued. The Board is tabling this until the May meeting.

### **APPROVAL OF MEETING MINUTES**

*On a motion by Ms. Newman, seconded by Mr. Devoti, the Board approved the March 28, 2009 meeting minutes.*

### **REVIEW AND VOTE ON PROFESSIONALS' INVOICES**

*On a motion by Ms. Newman, seconded by Mr. McDermott, with an aye vote by all, the Board approved the March 2009 invoices for Mr. Muller and Mr. Van Dyke.*

### **DISCUSSION**

Mr. Muller informed the Board that a rehabilitation area has been delineated by Council and explained to the Board the next steps for the study of the delineation and stated that he is preparing the notice for the newspapers. The Board agreed that Mr. Muller would be responsible for publishing the notice. Ms. Halm asked how the historic area would be delineated and if the designation would change and what the process would be. Mr. Muller explained and a discussion ensued.

Mr. Van Dyke explained to the Board the area in need of rehabilitation and handed out maps and a memo detailing a meeting with County counsel and redevelopment consultants.

Mr. Muller explained that the Borough would formulate and adopt the plan and the County will implement the plan. The Board discussed the rehabilitation process.

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

**OPEN TO THE PUBLIC:**

Ms. Morris, HDC, asked what the criteria was for historic homes in the rehabilitation plan and why a new home was included. Mr. Muller and Mr. Van Dyke explained. Ms. Morris also asked for further information on meeting notifications. Mr. Muller explained. Ms. Morris stated her feeling that notices be sent to all homes in the flood plain about the meetings. A discussion ensued.

Ms. Diane Schilke, 29 Wertsville Road, Hillsborough, asked if the County would be purchasing the Babiak property. She informed the Board that she is the real estate agent for the property and does not want to misrepresent the property to potential buyers. Mr. Muller informed her that the rehabilitation process could affect the property and further explained what could affect the property.

Ms. Morris, HDC, asked if the planner had experience with historic districts. Mr. Van Dyke said that yes he does. Mr. Banker is a redevelopment consultant and he does have experience with historic districts.

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

The Board discussed noticing all of the homes in the flood plain about the rehabilitation meetings and agreed that all homes would be noticed.

*On a motion by Ms. Halm, seconded by Mr. McDermott, the Board agreed that all properties be noticed.*

Mr. Van Dyke recommended that the Board recommend to Council that a resolution be done thanking the County for purchasing the Rzem property. Mr. Van Dyke will send a list of persons that should receive a thank you letter to Council.

*On a motion by Mr. McDermott, seconded by Ms. Halm, the Board agreed that Mr. Van Dyke would send a list to Council.*

**REPORTS**

**Dan Devoti, Zoning Officer**

Mr. Devoti reported that he would be at the Franklin Township Court next week for Blackshear and Dickenson. He has not had any response from Blackshear. He also informed the Board that the Dickensons do not feel they should do any work.

Mr. Devoti gave approval for an addition at 6 West Street. They paid their back escrow and received a zoning permit.

Mr. Dellia Pia still has not given Mr. Devoti the information he needs regarding escrow accounts.

**Carol Halm, Council Person**

- Ms. Wynn, Tax Collector, resigned her position from the Borough. Ms. Newman was sworn in as the new Deputy Tax Collector and will work under the direction of Donna Griffith, Tax Collector, until Ms. Newman receives her certification
- Mayor Heck and Gene Grimshaw, Emergency Management Coordinator, will be going to Atlantic City for a conference
- The Easter egg hunt was held and there was a good turnout.
- The book store is having a book signing
- The Borough yard sale has been scheduled for the 1<sup>st</sup> weekend in June.
- The Franklin Township Police Department is doing an outstanding job patrolling
- The Waterline was connected to borough hall. Council is researching options for capping the old well.
- Tax sale issues were addressed. Ms. Newman is working to resolve misinformation issues
- The Dog Ordinance, Disorderly Persons Ordinance and Nuisance Ordinance passed
- The TND Ordinance has been tabled.

**Carter Van Dyke, Planning Consultant**

Mr. Van Dyke informed the Board that he likes the new website and asked that the Borough ordinances and amendments be added.

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

*On a motion by Ms. Halm, seconded by Mr. Devoti, the Board agreed to adjourn Executive Session and close the meeting at 10:30 pm.*

Submitted,



Denise Piskowski  
Planning Board Secretary