

# Borough of Millstone

Planning Board  
Special Joint Meeting with Borough Council  
October 15, 2007

**Official Minutes**  
**Approved November 27, 2007**

Vice Chairperson Newman called the meeting to order at 7:36 pm. There were twenty-three (23) members of the public present.

Vice Chairperson Newman 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	Carol Halm
	Ray Heck	Richard McDermott
	Rebecca Newman	Carol Vizzini

Also present: Gerald J. Muller, Esq - Planning Board Attorney  
Carter Van Dyke - Planning Consultant  
Shirley Bishop - Affordable Housing Consultant  
Denise Piskowski - Board Secretary

Absent: Keith Dorschner Frank Maffie

Also in attendance were the following Council Members:

Joe Dempster	Carol Halm
Ray Heck	Norman Hewitt
Donna Lucash	Robert McCarthy
William Poch	

And Gregory Bonin - Borough Clerk  
Gregory DellaPia - Borough CFO  
Steve Offen, Esq. - Borough Attorney

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

*There being no comments, on a motion by Mr. McDermott, seconded by Ms. Vizzini, the Board closed the meeting to the Public.*

Mr. Offen explained to the Public what the Council and Planning Board would be acting on and the presentation planned by the Planning Board. Council proceeded with the Council business, after the Council concluded its business Mr. Muller explained the documents that were to be presented and explained that the Planning Board would be reviewing and voting on the Housing Ordinance and Fair Share Plan.

Mr. Muller gave a brief history of how the plan for the Borough and the Rzem property evolved and the requirements for the Affordable Housing obligation. Mr. Muller then outlined the key element of the plan for the Rzem property and the current Agreement with the Rzem's.

Mr. Muller explained:

- The plan for the Van Cleef property and informed the public that due to COAH's interpretation of its regulations the plan for the Van Cleef property is no longer feasible.
- The current circumstances and requirements for both the Rzem property and the Van Cleef property.
- That Green Acres was interested in purchasing the entire Rzem property to keep as open space because of its historic significance.
- That that due to the increase in installing sewers in the Borough that it could not be done at this time.
- The impact of a non-age-restricted community on the Borough.
- The COAH obligation.
- The current Agreement with Rzem, which mandates that Rzem submit an application to Green Acres for a total acquisition and that if Green Acres purchases this property then the Borough would not have a COAH obligation for this property.
- The new Mixed Use Mandatory Cluster Zoning District Ordinance and stated that if Green Acres does not purchase the Rzem property then any development of the property would need to conform to the new Ordinance.
- That the Van Cleef property would be with age-restricted housing and 2 group homes and explained the COAH obligation for the site.

Mr. Van Dyke gave an overview of the amendments proposed to the Master Plan, reviewed the 3 components of the development plan and explained the changes to the Land Use Element, Zoning Ordinance and the Land Use Code.

Ms. Bishop explained the Housing Element and Fair Share plane proposed by the Planning Board that would be submitted to COAH for approval and would be part of the settlement agreement with Van Cleef. Ms. Bishop also explained the COAH obligation and the steps the Borough was required to take to get approval from COAH.

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

Mr. John Fede, 113 River Road, asked about the 45 acres on the Rzem property being deeded to the Borough. Mr. Muller responded that the developer is not legally bound to deed any property to the Borough.

Ms. Pat Morris, Main Street, asked how the open space would be maintained. Mr. Muller responded that the Borough could impose conditions in a Planning Board approval about maintenance.

Ms. Alice Dorschner, 10 Yorktown Road, asked about the Van Cleef purchase of the Nori property. Mr. Van Dyke informed her that Van Cleef was currently negotiating to purchase the property.

Ms. Jessica Pyatt, 90 Amwell Road, asked what would happen if COAH changed the obligation for the Borough. Mr. Muller responded that it would not affect this development. Ms. Pia asked how the group homes would be maintained. Ms. Bishop informed her that they would be maintained by the non-profit organization that had responsibility for the homes and its residents. Ms. Pyatt asked if the Rzem development would also be age-restricted. Mr. Van Cleef stated that yes it would be and would include apartments over the retail space. Ms. Pyatt asked if there was any concern with so many age-restricted units being developed in the Borough. Mr. Muller and Mr. Van Dyke stated that was a legitimate question and that the Planning Board and Council had to balance the concerns expressed with the risk to the Borough of a tax impact that may be difficult to sustain.

Ms. Donna Lucash, Councilwoman, asked for more information about the group homes. Ms. Bishop informed her that there would be 2 group homes and each would have 5 bedrooms and the age-restricted development would include handicapped units. Ms. Lucash asked how the residents of the group home would access the property. Mr. Van Dyke informed her that they would use the road behind the Petersen property. Ms. Lucash asked why the St. Joe's church property was not acceptable to COAH for the group homes. Mr. Muller responded that current regulations make it much more advantageous to a municipality for group homes and the affordable units to be located on the property where the development is located.

Father Ray, St. Joe's Church, asked if the 15-20 acres of the church's property was made available to Green Acres whether it would affect the Borough's negotiations. Mr. Van Dyke explained that a grant had been approved by the County for open space study in the Borough and that St. Joe's should wait until the study is completed.

Ms. Morris asked if a certified letter had been sent to the property owners within 200 feet of the Rzem property regarding the Ordinance. Mr. Muller informed her that in this instance it is not required for certified letters to be mailed. Ms. Morris asked about the 14 units and new road on the Van Cleef property and stated that the residents should have been notified. Mr. Muller informed her that the Board is not approving any ordinance at this meeting regarding the Van Cleef property and that the notifications for this meeting had been done in accordance with the Land Use Law. Ms. Morris asked if the Land Use Plan had to be adopted at this meeting and about the flood plain. Mr. Van Dyke stated that the changes to the Master Plan are minor.

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

Mr. Muller gave a summary of what the Board would be voting on. The Board discussed the document to be voted on.

*On a motion by Mr. McDermott, seconded by Mr. Ciurleo and with an aye vote by all the Board approved the Resolution for the Rzem property and approved the Rzem Agreement.*

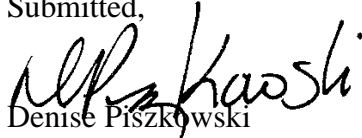
*On a motion by Ms. Vizzini, seconded by Ms. Fung, and with an aye vote by all, except for Mr. Devoti who abstained, the Board approved the Resolution for the Housing Element and Fair Share Plan*

*On a motion by Mr. McDermott, seconded by Ms. Fung, and with an aye vote by all, except for Mr. Devoti who abstained, the Board approved the Master Plan Land Use Element Amendment.*

*On a motion by Mr. McDermott, seconded by Mr. Ciurleo, and with an aye vote by all the Board approved the Resolution for the Rzem Zoning Ordinance.*

*On a motion by Mr. McDermott, seconded by Mr. Ciurleo, the Board agreed to adjourn the meeting at 9:47 pm.*

Submitted,



Denise Piszkowski  
Planning Board Secretary