

# Borough of Millstone

Planning Board  
Regular Meeting  
March 23, 2010

Official Minutes  
Approved May 25, 2010

Vice Chairwoman Fung called the meeting to order at 7:39 pm. There were ten 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 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  
Alan Kidd  
Rebecca Newman  
Don Roden  
Carl Kestner  
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

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

## **OPEN TO THE PUBLIC:**

Ms. Morris, Historic District Commission, asked about the restrictions in a residential area for a parking lot, what action would be required, what the set backs were and if an application would be required.

Mr. Muller informed her that an applicant should contact the Historic District Commission (HDC) and they would be required to apply for a D-variance and site plan approval before the Planning Board. Mr. Muller explained the application process and what the Board would need to review. A discussion ensued.

Ms. Portia Orton, HDC, informed the Board that the HDC is having a special meeting Thursday at 7:00 to hear a proposal for a demolition of a garage and for 11 Amwell Road, block 6 lot 12. She also stated that the HDC had had an informal meeting with Mr. Van Cleef about the renovation for the house on their 1370 Main Street property, block 4, lot 8a. Ms. Orton also asked the Board about the two large clothing containers on the Millstone Wine and Liquor Store property and stated that this was inappropriate and they would need to submit an application. She also informed the Board that 39 Amwell Road, block 5 lot 14, the roof on the side of the house is rotted and the edge has collapsed. Mr. Devoti will contact them.

Mr. Heck, Mayor, asked the Planner what the status was of the Flood Mitigation plan. Mr. Van Dyke stated that he has submitted numerous emails and phone calls to Mr. Banker, the Somerset County consultant, who is assigned to work on the Rehabilitation Plan, and his office is done with their part. Mr. Van Dyke also stated that Mr. Heck should call Tom Miller at the County given the County has not provided answers to Carter Van Dyke about the Flood Mitigation Plan. Mr. Heck asked why they are talking to the Rzem Family Trust in regard to the Rehabilitation Plan. Mr. Van Dyke explained that there is land the Rzem's own that is in the Rehabilitation Plan. Mr. Heck asked that the Flood Mitigation Plan portion be expedited because of the recent flooding and he stated that the rehabilitation plan should move forward ASAP. A discussion ensued. Mr. Van Dyke explained the process for moving the homes and that the homeowners would need to give their consent. Mr. Van Dyke also explained that they were waiting on a FEMA Grant and a completed plan is required before any homes can be moved. Mr. Van Dyke continued to explain the process. The discussion continued.

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

Mr. Van Dyke summarized the discussion as follows: the relocation of two structures being done ASAP as a phase 1 portion of the project and that the other properties would be included in phase 2.

*On a motion by Ms. Pyatt, seconded by Ms. Newman, the Board voted to authorize Mr. Van Dyke to expedite phase 1 of the Rehabilitation plan.*

## **APPLICATIONS**

### Site Plan, Buczek, Block 7 Lot 4, Block 6 Lot 9

Ms. Newman recused herself. Mr. Muller examined the proof of publication and stated they were in order. The Board discussed that the escrow fees for the prior application is short.

Mr. Ernest Renda explained that he was here as the attorney on behalf of the Buczeks, for a minor site plan to create a landscaping buffer for the parking area of the property. Mr. Renda summarized that there was a condition included in the previous application for a landscaping plan. Mr. Muller explained the application to the Board. Mr. Buczek was sworn in by Mr. Muller. Mr. Buczek showed the Board pictures of the property marked exhibit A1. Mr. Buczek explained the layout of the property to the Board. Mr. Van Dyke informed Mr. Buczek that the current parking does not conform with any of the Ordinances and that gravel is not allowed. Mr. Devoti asked where the landscaping would be placed. Mr. Buczek explained that he would be planting 6 large plants that would shield lights from shining towards the neighboring properties. Mr. Van Dyke asked about the parking spaces. Ms. Pyatt stated that only three spaces are allowed for this property. Mr. Van Dyke also stated that parking is not permitted in the front yard and the current spaces that are located there are not permitted. Mr. Van Dyke also stated that the plantings being proposed are not an evergreen plant and are only 3 feet tall, he recommends that the Board require evergreen plantings, like holly or rhododendron, that are at least six feet tall and that they continue along the side and back of the property. Ms. Pyatt asked what the other parking uses currently are. Mr. Buczek stated that he has tenants across the street that use this property for parking only during snow storms when parking is not allowed on Ann Street. A discussion ensued. Ms. Fung asked for a clarification on parking spaces and what would happen if the Buczeks had visitors. A discussion ensued.

Mr. Muller swore in Ms. Buczek. Mr. Van Dyke informed the applicant that the spaces that are being removed should be grassed over.

Mr. Renda asked Mr. Buczek about the exterior lighting. Mr. Buczek informed the Board that the current lighting does not work and has not in over 5 years.

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

Ms. Burrows, 1417 Main Street, informed the Board that in 1999 she planted many different types of plantings to try and buffer her property and they have not done well. She stated her opinion that this plan will not work and she sees lots of lights and the noise of people coming and going late at night and the use of the pool late at night. Mr. Muller explained the restrictions of the previous application. Ms. Burrows informed the Board that the asphalt was crumbling and going into her yard and she would rather see a permanent fence rather than plantings. Mr. Renda stated that the Buczeks would have no problem installing a solid fence. A discussion ensued.

Mr. Tarantino, 1423 Main Street, was sworn in by Mr. Muller. Mr. Tarantino asked if the site plan application needed to be done by a professional. Mr. Muller stated that it did not. Mr. Tarantino asked why this application was not available to the public for review before the meeting. Mr. Van Dyke stated that the Board also did not see the site plan until this meeting. Mr. Tarantino stated that the letter he received was deceiving and did not mention a site plan. He also stated that the pictures presented only showed the perspective of the applicant not the neighboring properties and he would also like to request that a fence be installed. A discussion ensued. Mr. Van Dyke commented that the testimony of the probability of plants surviving was not good and that car headlights in the winter will burn out certain plantings. He also commented that a 4 foot fence might be more practical for this property; however this would need to be approved by the HDC.

Ms. Burrows commented that after hearing this discussion her feeling is that a fence would be more appropriate.

The Board discussed the allowable types, size, etc. of fences.

Mr. Tarantino asked that the Board approved a fence with setbacks to protect from a north wind and that the applicant plant on the south side of the fence. Mr. Renda stated that the south side of the fence was not his client's property and asked that the Board not require the applicant to plant on property that is not his.

The Board reviewed exhibit A1.

Ms. Burrows commented that if the Buczeks leave she would rather have a fence.

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

Mr. Devoti stated that a fence should be at least 1 foot from the property line and should also be 16 feet along the front of the property. The Board discussed the application.

*On a motion by Mr. Devoti, seconded by Ms. Pyatt, the Board approved the site plan application for the Buczek's as discussed. Ms. Newman abstained.*

Variance, Newman, 6 Maple Terrace, Block 2 Lot 28,

Mr. Devoti recused himself

Mr. Muller examined proof of publication and stated that is was in order.

Mr. and Mrs. Newman were sworn in by Mr. Muller. Ms. Newman explained that they would like to add a single car garage onto their existing garage, and turn the existing garage into living space. She

also explained that to put a garage on the other side of the property would require the driveway be relocated, the septic is on this side and it would also require reconfiguring the existing home. Ms. Newman further explained that the new setback would be 7 feet as shown on drawing P2. Ms. Pyatt asked where the septic system was located on the neighboring property. Ms. Newman explained. The Board reviewed the application and the setback requirements. Then Board discussed the application. Mr. Muller informed the Board that a variance would also be needed from the minimum lot size.

*There being no public the Board the Board opened and closed the meeting to the public.*

*On a motion by Mr. Roden, seconded by Mr. McDermott, and with an aye vote by all the Board approved the variance for the Newman's.*

## **RESOLUTIONS**

Buczek, Block 7 Lot 4,  
Certificate of Lawful Nonconformity and a Use Variance

The Board discussed the Resolution. Ms. Pyatt asked for a clarification on the usage restrictions for the cottage.

*On a motion by Mr. McDermott, seconded by Mr. Devoti, the Board approved the Buczek Resolution for Block 7, Lot 4, as presented. Mr. Kidd, Mr. Roden and Ms. Newman abstained.*

Van Cleef, Block 8 Lot 1, Preliminary and Final Major Subdivision Approval with Variances

*On a motion by Ms. Newman, seconded by Ms. Pyatt, the Board approved the Van Cleef Resolution for Block 8, Lot 1, as presented. Mr. Kidd, Mr. Devoti and Mr. Roden abstained.*

## **Ordinance**

Ordinance Exempting Home Occupations from Site Plan Review, for recommendation to Borough Council.

The Board reviewed the Ordinance. Ms. Pyatt asked how home occupations were defined in the Zoning Ordinance. Mr. Muller read the Ordinance. A discussion ensued.

*On a motion by Mr. McDermott, seconded by Mr. Kidd, the Board accepted the Ordinance Exempting Home Occupations from site Plan Review as presented to be forwarded to Borough Council with their approval for adoption.*

## **APPROVAL OF MEETING MINUTES**

*On a motion by Mr. McDermott, seconded by Ms. Newman, the Board approved the January 2010 and February 2010 meeting minutes with corrections as discussed.*

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

Ms. Fung asked Mr. Muller about his invoices for the Buczeks. Mr. Muller has not invoiced for the resolution on their non-conforming use application.

*On a motion by Ms. Newman, seconded by Mr. Roden, the Board approved the February 2010 invoices submitted by Mr. Muller and Mr. Van Dyke.*

## DISCUSSION

### Escrow accounts

Ms. Newman stated she was contacted by Mr. Muller's office about outstanding invoices. She summarized that there were invoices for applications dating back to 2006 and she cannot match any of the costs going this far back. She doesn't feel that the Board should ask homeowners going back this far for more escrow after their application was approved. Ms. Newman also stated that there was almost \$7,000 in an escrow account that is unallocated. She recommends that the professionals be paid by the Borough. Mr. Muller stated that he currently sends a copy of his invoices to the applicants.

Ms. Newman also confirmed that the applicant is responsible for placing notices in the newspapers.

Ms. Newman also confirmed that as part of the application checklist a tax paid certification should be submitted.

Ms. Piszowski stated that she would contact Jim DeMuro, Borough Engineer, about sending invoices to the Board.

Ms. Piszowski stated that she would contact Mr. Bonin, Borough Clerk, about the outstanding invoices so that they could be submitted for approval by Council.

## REPORTS

### Dan Devoti, Zoning Officer

Mr. Devoti reported that he has had some complaints about 9 West Street and their accessory building falling down. He informed the Board that the property owner is currently waiting for HDC approval before it can be removed.

Mr. Devoti also informed the Board that at 39 Amwell Road, owned by the Fatto's, part of the eave of the home is falling down. Mr. Devoti stated that he would be contacting them to get this repaired. Ms. Fung asked that Mr. Devoti also address the junk in the yard. A discussion ensued.

Mr. Muller stated that he would have his office send Ms. Piszowski all of the Ordinances approved in the last 5 years. Mr. Devoti stated he would email his electronic copy for all of the Ordinances to be put on the Borough website.

Mr. Muller updated the Board on the Affordable Housing Regulations. He stated that the Borough should not make any changes at this time. A discussion ensued.

Mr. Kestner informed the Board that he should not be voting on any relocation plans.

*There being no public comment, on a motion by Mr. Devoti, seconded by Mr. Kidd, the Board agreed to adjourn the meeting at 10:26 pm.*

Submitted,



Denise Piszowski  
Planning Board Secretary