

**Middlesex County Planning Board Meeting
Administration Building, 75 Bayard Street,
Freeholder Meeting Room, 1st Floor
New Brunswick, NJ 08901
November 13, 2018
at 3:30 P.M.
Minutes**

MEMBERS PRESENT

Mr. Matthew Vaughn, Chairman
Mr. Richard Wallner, County Engineer
Ms. Rani Goomer
Mr. Jonathan Kopf
Steven D. Cahn, Esq., Planning Board Counsel
Ms. Brenda L. Bleacher, Planning Board Secretary

MEMBERS NOT PRESENT

Freeholder Director Ronald G. Rios
Freeholder Charles Kenny
Mr. Thomas Pollando, Vice Chairman
Mr. Jason Freidman
Mr. Erik Wong, Alternate

STAFF PRESENT

Mr. George M. Ververides, Director, Office of Planning
Ms. Mirah Becker, Supervisor, Environmental Sustainability
Mr. Anthony Gambilonghi, Supervisor, Transportation

PUBLIC PRESENT

Mr. Shawn P. Hausserman, Councilman, Borough of South River
Mr. Dave Akins, Piscataway

Chairman Vaughan called the meeting of the Planning Board to order at 3:30 p.m. in compliance with the Open Public Meeting Act.

Salute to the Flag.

Moment of Silence.

The Secretary, Ms. Brenda L. Bleacher, called the roll and determined a quorum was present.

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I. Open Public discussion on resolutions listed on this agenda only - None

Mr. Kopf motioned to close the public portion, seconded by Ms. Goomer. Motion carried unanimously.

II. Administration:
Mr. Thomas Pollando

- A. Mr. Ververides reported that the Financial Reports for September and October, 2018 were in the folder, and we are under budget with money left over. The 2019 Proposed Budget will include the Comprehensive Master Plan, and the day to day expenses will be the same as 2018.

Mr. Wallner moved, seconded by Ms. Goomer, to approve the Financial Reports for September and October, 2018. Motion carried unanimously.

- B. Committee Report – None

- C. Summary of Zoning & Master Plan Revisions

Mr. Ververides stated that this report is in the folder for the Planning Board's review, interest and information.

Ms. Goomer moved, seconded by Mr. Wallner, to approve the Report of the summary of Zoning and Master Plans. Motion carried unanimously.

- D. Resolution# 04-2018 Chabad Jewish Center of Monroe-

Mr. Cahn stated that the Chabad Jewish Center has a long history. The most recent history is that we had a hearing before Judge Hurley. Judge Hurly stated that he was constrained by the court rules. He stated that he needed to make a decision concerning the County's action based on the record.

There was a lengthy discussion about the record, and Judge Hurley asked that the trial briefs be submitted to him on the issue. The issue is whether the County Planning Board's action in placing the conditions on the applicant are arbitrary and capricious, or unreasonable.

Mr. Cahn stated that he filed the trial brief. Since the minutes have not been approved, Resolution 04-2018 memorializes what occurred. Mr. Cahn expressed whether there is any advantage to adopting this resolution since normally we do not act like this for every application.

Mr. Ververides asked what does Steve Cahn need to close this up?

Mr. Cahn stated that he didn't need anything else from what he now has. There was a hearing, and at the close of the hearing, a motion was made to accept the prior staff report and to uphold the prior decision. There is a transcript that memorializes all that has taken place and that an oral motion was made. Steve Cahn felt that his would not be helpful whether we submit a brief or not. Mr. Cahn indicated if he needs additional information, he will determine if it would be helpful.

Mr. Ververides asked whether the Planning Board has to act on the transcript at all?

Mr. Cahn stated no since the transcript was somewhat unofficial because an official court reporter was not hired. The applicant's attorney got the audio tapes and gave them to a certified court reporter who is legally authorized to make a transcript. Mr. Cahn read the transcript and felt that the transcript is missing pertinent information. As far as Mr. Cahn could recall and based on personal knowledge and conversation, witnesses were sworn in, but the Board Members were not.

Mr. Ververides asked what is the bottom line?

Mr. Cahn stated that he is going to issue a decision at some point in writing.

Mr. Ververides asked if Mr. Cahn needed anything more from us?

Mr. Cahn stated no. The only alternative is if the applicant withdrew, and we came up with some resolution that Judge Hurley should affirm the decision of the Planning Board. Mr. Cahn felt that we did the correct thing based upon the evidence. There really should not be an issue, but you never know with the courts.

Assuming Judge Hurley says that the Planning Board over-reached by imposing a multi-million-dollar improvement on an applicant well beyond the cost of their application, the record shows that the Planning Board informed the applicant well in advance that this was going to be a requirement and that there were meetings and phone conversations. It is all in the transcript. The fact is that the County Planning Board told the applicant that it was going to be our position and that the Planning Board has done this before with other intersection projects.

Mr. Cahn stated that if for some reason Judge Hurley overturns the decision of the Planning Board, he has no idea what the result will be. To date the applicant has not applied to Monroe. Mr. Cahn indicated for the applicant to minimize the problem at the intersection, the applicant will have to move the driveway as far to the east as possible or as far to the west as possible. This may encroach on Township-owned property which Monroe may not allow. There is also an issue with the setback and the County.

Mr. Cahn's understanding is that Monroe wants the property for themselves, so he questioned whether or not Judge Hurley is aware of this. Monroe is probably not going to approve the application, and there is a chance that they could come back to the Planning Board again.

Action by the County Planning Board's Development Review Committee on this application was approved and filed with the Middlesex County Court System. The County Planning Board upheld the action of the application, but there was no action on the Resolution pending further review and discussion.

E. Correspondence – None

III. Environmental Sustainability:
Mr. Jason Freidman

A. Committee Report for October, 2018:

Ms. Becker stated that the Committee Report for October is in the folder. Staff has completed the final version of the Wastewater Management Plan (WMP) draft for the NJDEP.

Site-Specific Amendments: Woodhaven Village, Block 20001, Lots 5, 16 & 18, Township of Old Bridge is scheduled for the WRA meeting on January 14, 2019 and the Planning Board meeting January 8, 2019. A public hearing is scheduled for January 23, 2019.

The CADB has received a new application to sell a development easement from co-executors of a farmland property known as the Bergfelder Estate on Dutch Road, East Brunswick Township.

Ms. Goomer moved, seconded by Mr. Wallner, to approve the Committee Report for October, 2108. Motion carried unanimously.

IV. Transportation:
Mr. Richard Wallner

A. Committee Report for October, 2018:

Mr. Gambilonghi reported that the Transportation Coordinating Committee (TCC) approved the revised By Laws and streamlining of the meetings.

FY2010-2019 State Aid Program and the new County funding allocation have been passed by the TCC in the amount of \$11,115,819 from the New Jersey Transportation Trust Fund. Eligible projects may include improvements to public roads, bridges and other transportation related work within the County's jurisdiction.

The North Jersey Transportation Planning Authority's (NJTPA) FY 2020 Subregional Transportation Planning Work Program will be effective July 1, 2019 through June 30, 2020. It includes a grant of \$182,571.00 with an additional \$15,000.00 for staff services.

Ms. Goomer moved, seconded by Mr. Wallner, to approve the Committee Report for October, 2018. Motion carried unanimously.

V. Development Review:
Mr. Matthew M. Vaughn

A. Committee Report for August, 2018:

Mr. Ververides stated that the Site Plan Applications for the month of August, 2018 are shown on page 1. The Committee's monthly activities include 36 development requests.

Page 16 Monetary Values received for site plans: \$155,933.00 physical improvements (Cash Contribution); Performance Bonds, \$2,813,987.00; Application fees \$347,588.00.

Ms. Goomer moved, seconded by Mr. Wallner, to approve the Committee Report for August, 2018. Motion carried unanimously.

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VI. Comprehensive Planning:
Ms. Rani Goomer

A. Update:

Mr. Ververides stated that the Comprehensive Master Plan team is conducting an active outreach program within the County.

Ms. Goomer moved, seconded by Mr. Wallner, to approve the Committee Report for October, 2108. Motion carried unanimously.

VII. Other Matters - None

VIII. Public Comments – None

IX. Adjournment:

Since there was no further business to come before the Planning Board, on a motion made by Mr. Kopf, seconded by Ms. Goomer, the meeting was adjourned.

Respectfully submitted,



Brenda L. Bleacher

Planning Board Secretary