

Township of Millstone

List of Factual Issues

Factual Issues

- (1) Whether DENJ included a claim in its objection that its site is better than sites in the Township's plan?
- (2) Whether NJAC 5:93-5.5 requires Millstone to provide "fully executed developer's agreement between the Township and Nouvelle, prior to issuance of the compliance certification"?
- (3) Whether NJAC 5:93-5.5 requires Millstone to provide "complete site control for all three projects (478 and 480 Monmouth Road and 504 Ely Harmony Road) by March 31, 2026"?
- (4) Whether NJAC 5:93-5.5 requires Millstone to prepare "a Refined Concept Plan for the Nouvelle project by March 31, 2026".
- (5) Whether NJAC 5:93-5.5 requires Millstone to prove that Nouvelle secures "Site Plan Approval within twelve (12) months of issuance of the Certificate of Approval by the court"?
- (6) Whether NJAC 5:93-5.5 requires Millstone to prove that Nouvelle secures "funding within twelve months (12) of issuance of the Certificate of Approval by the court"?
- (7) Whether NJAC 5:93-5.5 requires Millstone to rezone the DENJ site for inclusionary zoning "[i]f construction has not commenced on all three sites - 478 Monmouth Road, 480 Monmouth Road and 504 Ely Harmony Road- within twenty-four (24) months of issuance of a Certificate of Approval"?
- (8) Whether it is in the interest of justice to hold Millstone to a higher standard than COAH regulations?
- (9) Whether it is in the interest of justice to predetermine that there are no circumstances that would warrant giving Nouvelle more time to commence construction in two years from the issuance of a final certificate of approval of Millstone's Housing Element and Fair Share Plan?
- (10) Whether it is in the interest of justice to require Millstone to automatically rezone the DENJ site for 250 units on the second anniversary of the issuance of a final certificate of occupancy regardless of the facts and circumstances that may arise in the two-year period?
- (11) Whether it is in the interest of justice to require Millstone to automatically rezone the DENJ site for 250 units on the second anniversary of the issuance of a final certificate of occupancy if the Borough could find a way to create the realistic opportunity for satisfaction of its fair share in a manner deemed acceptable to the community?
- (12) Whether the recommendation of the Adjudicator, as follows, is appropriate: "If it appears the start of construction will not occur within 24 months, the Township must request an extension or an alternative project to make up for any shortfall of units by the 20th month from the Certificate of Approval from the Court."