



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
June 8, 2022**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, June 8, 2022 at 7:30 p.m. at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law, including a notice for change of venue from being held virtually, to be held at the Municipal Meeting Room, in person.

Ms. Sims read the Open Public Meetings Act Statement.

There was a salute to the Flag.

Roll call for the below members was called:

Present: Chairman Newman, Vice-Chair Pepe, Mr. Lambros, C/W Zabrosky, Ms. Balint, Mr. Beck, Mr. Pado, Ms. Sinha and Mr. Ziner.

Absent: Mr. Youngs (Alt. II), one vacant seat (Alt. I).

Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; M. McKinley Mertz, AICP, PP, Board Planner; Danielle B. Sims, Board Secretary; Deanna Wzbicki, Court Reporter.

Ms. Sinha was sworn in as a Board Member, fulfilling the Class II vacancy. Chairman Newman welcomed her to the Board.

PUBLIC COMMENTS:

Chairman Newman opened the meeting up to members of the public for comments on matters not before the Board. With no members coming forward, Chairman Newman closed the public comments session.

MINUTES:

Minutes from May 11, 2022

Chairman Newman noted that Mr. Pepe and C/W Zabrosky reviewed the meeting recording and were eligible to vote. He asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Ziner made a motion to adopt the Minutes from May 11, 2022, which was seconded by Mr. Pado. The Minutes were adopted on a roll call vote: Chairman Newman, Vice-Chair Pepe*, Mr. Lambros, C/W Zabrosky*, Mr. Beck, Mr. Pado and Mr. Ziner.

RESOLUTION(S):

**515 STATE ROUTE 33, LLC/DEMORO FUNERAL HOME
Block 23, Lots 5.01, 6 – 515-517 State Highway Route 33
Corrective Resolution Major Site Plan with Variances - Application # P21-12**

This resolution would correct a typographical error incorrectly identifying Block 23 as Block 25 by changing references from Block 25 to Block 23 throughout the resolution.

With no comments from the Board, Chairman Newman made a motion to adopt the Corrective Resolution for Application P21-12, which was seconded by Mr. Pado. The motion passed with the following roll call vote: Chairman Newman, Mr. Beck Mr. Pado and Mr. Ziner.



APPLICATION(S) BEFORE THE BOARD:

REQUEST TO ADJOURN WITHOUT FURTHER NOTICE

Hexa Builders, LLC

Block 9, Lot 7 – 711 Perrineville Road

Preliminary and Final Major Site Plan Application # P21-05

(Carried without further notice from 3/9/22 meeting)

Proposal to develop a 36.5-acre property in the R-MF (Multi-Family) Zoning District with 122 market-rate townhouses across 16 buildings and 48 affordable units within two three-story apartment buildings with associated site improvements. No variances are requested.

Mr. Pepe and C/W Zabrosky reviewed the record and exhibits from the May 11, 2022 meeting regarding the Hexa Builders, LLC application (P21-05) and has signed the certification to be eligible to participate and act on matters for this application.

The Board reviewed the Applicant's request for a Special Meeting. A quorum and the facilities are available for June 29, 2022 at the Wagner Park Farm Facility. The Board inquired if the applicant has submitted the requested items so that they can make an informed decision. Mr. Steib noted that the applicant has not yet submitted the requested information and that he sent an email to the Applicant's Attorney reminding them that they have to submit the pending items for the Board to consider the application. He reminded the Board that this is an affordable housing application as a result of a settlement agreement with the Township/Applicant. He noted the applicant has not produced the items that are reasonable, Chairman Newman noting the Applicant indicated it would have been supplied within "two-weeks," but was not. The Board had concern that the applicant is not going to be ready since they did not provide what was requested in the time frame they agreed to. The Board also considered the Applicant's request to begin the special meeting at 6:30 pm and decided to keep the meeting consistent with the regular meeting time of 7:30 pm.

On a motion made by Mr. Ziner and seconded by Mr. Pado, the Board granted the Applicant's request to adjourn the meeting and carried the matter to a Special Meeting to be scheduled on June 29, 2022 at 7:30 pm, to be held in person at Wagner Farm Park Facility, 4 Baird Road. Millstone, NJ 08535, without any further notice.

XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC

Block 18.01, Lots 1, 2, 3 & 4 – Farrington Blvd. & Debaun Road (future Lots 1.01 and 1.02)

Minor Subdivision and Preliminary & Final Major Site Plan and Variance Application # P21-13

(Carried without further notice from 4/13/22 and 5/11/22 meetings)

Proposal to modify existing subdivision lines to increase lot size of Lots 1 & 2 and to consolidate Lots 1 & 2 into one lot (proposed Lot A/1.01), and to consolidate the remaining portions of Lots 3 & 4 into one lot (proposed Lot B/1.02). Applicant proposes to construct a 60,000 s.f. warehouse on proposed Lot A (57,600 s.f. warehouse, 2,400 s.f. office) and associated site improvements. Variance relief is required for building height, building coverage, off-street loading areas and off-street parking areas.

The following witnesses were sworn in or still under oath:

Matt Shafai, PE, PP – Board Engineer

M. McKinley Mertz, AICP, PE – Board Planner

Loral Totten, PE, PP – Applicant's Engineer and Planner

Rick Perez – Applicant's Architect

Jay Troutman – Applicant's Traffic Engineer



Mr. Steib, Esq., reviewed the additional exhibits provided to the Board since the hearing held on March 9, 2022:

- Exhibit A-1: Jurisdictional Notice (Proof of Service)
- Exhibit A-2: Application, Checklist and Administrative Forms
- Exhibit A-3: Application Correspondence
- Exhibit A-4: Will Serve Requests
- Exhibit A-5: Traffic Impact Study, prepared by McDonough & Rea Associates, dated 11/17/21
- Exhibit A-6: Environmental Impact an Assessment, prepared by Crest Engineering, dated 11/17/21
- Exhibit A-7: Stormwater Management Report, prepared by Crest Engineering, dated 11/17/21
- Exhibit A-8: Architectural Elevation/Floor Plan, prepared by S. Gran Wityk, Architect, 1 sheet, revised 11/22/21
- Exhibit A-9: Minor Subdivision Plat, prepared by Crest Engineering, 1 sheet, dated 11/17/21
- Exhibit A-10: Preliminary and Final Major Site Plan, prepared by Crest Engineering, 11 sheets (sheet 8 reserved), dated 11/17/21
- Exhibit A-11: Site & Circulation Plan, sheet 3 of 11 of Site Plan set, prepared by Crest Engineering, revised 3/15/22
- Exhibit A-12: Rendering of Proposed Building Lot A (proposed Lot 1.01)
- Exhibit A-13: Rendered Site Plan – Riverside Center–Lot A (proposed Lot 1.01)
- Exhibit A-14: Rendered Elevations– Riverside Center–Lot A (proposed Lot 1.01)
- Exhibit A-15: Aerial Display, prepared by Crest Engineering, dated 11/17/21
- Exhibit A-16: Revised Rendering of Proposed Building Lot A (proposed Lot 1.01)
- Exhibit A-17: Revised Rendered Elevations–Riverside Center–Lot A (proposed Lot 1.01)
- Exhibit A-18: Extensions of Time to Act through 6/30/22 & 7/13/22
- Exhibit PB-1: Completeness Determination dated 1/16/22
- Exhibit PB-2: Engineer’s Report dated 2/18/22
- Exhibit PB-3: Planner’s Report dated 4/6/22
- Exhibit PB-4: Shade Tree review dated 2/21/22
- Exhibit PB-5: Fire Official review dated 3/30/22
- Exhibit PB-6: Tax Assessor assignments of Block/Lots and Addresses, 12/2/21

Ms. Sinha and Mr. Pepe were not present at the first part of the hearing held on April 13, 2022 and are eligible to participate in the hearing, but not eligible to vote on the matter since they did not review the record and exhibits.

Mr. Peter Licata, Esq. again appeared on behalf of the applicant. Ricardo Perez, Architect, was sworn in and accepted by the Board as a professional licensed architect. Mr. Perez presented additional exhibits that were marked into evidence.

The building was designed similar to the other buildings in the surrounding area. The building height required variance relief in order to allow the desired/typical interior clearance height.

The applicant is requesting to utilize a flat roof. There is no mezzanine or second floor level proposed for this warehouse. Mr. Perez reviewed the square footage of the building and the breakdown of the office/warehouse.

Ms. Mertz noted that the applicant no longer requires a waiver for the design elements as they have provided the design detail.



Building signs will be designed and applied for by the tenant. There will be insulated concrete walls, LED lighting and water saving fixtures.

Chairman Newman opened the matter to the public to ask any questions of Mr. Perez. There were no members that came forward to ask questions of this witness.

Mr. Jay Troutman was sworn in and provided his credentials as a professional licensed traffic engineer. He was the design engineer for the original subdivision and site development application. The applicant has received NJDOT approval for lengthening the lane on Route 33 and anticipates construction in the near future. There is a proposed traffic signal at Rt. 33 and DeBaun Road that is will be constructed at a later time. This traffic signal, he believes, should satisfy some of the concerns expressed by members of the public at the previous hearing.

Mr. Pepe inquired how the applicant can confirm that the tenant is going to be a true warehouse operation and not a fulfillment center. Mr. Licata noted that the proposed tenant is "Duck River", who has been in business for decades and does not distribute directly to consumers, like an "Amazon" fulfillment center may operate.

Intersection design plans have been submitted to the NJDOT for their review. Mr. Troutman stated that they did this in anticipation that they would have the work done in advance. Mr. Shafai inquired if the applicant would be installing this traffic signal as a condition of the approval and asked what would trigger the construction of the traffic signal. Mr. Troutman agreed that it would be a condition of any Board approval, but is contingent on NJDOT review and approvals/ He noted that several applications have been made within this development area and there is another application that is going to be heard by the NJDOT soon.

Mr. Troutman noted that this application is part of the subdivision that created the lot for the Amazon warehouse and reviewed the traffic counts that would trigger the warrant for the traffic signal construction. There is a possibility that the warrant will not be triggered, although Mr. Troutman does not feel that this is a likely scenario. He believes the NJDOT would not have gone so far in the design plan for this intersection improvement if there was not good consideration that it would be done.

Mr. Lambros inquired if the Board can compel the construction of this light as a condition of any approval for this application. Chairman Newman confirmed that the applicant has filed for the required permitting for this. Mr. Licata stated that the applicant is required to provide updated counts at intervals and with each development application. Mr. Pepe asked what harm it would be to install the traffic signal at this time. Mr. Shafai confirmed that the NJDOT would not allow the construction without a proper warrant. Chairman Newman requested that the applicant send a letter requesting that the NJDOT allow for the construction of the traffic signal and transmitting the counts.

Mr. Licata suggested that they may install signage to discourage left turn movement. Mr. Troutman reviewed the parking requirements and the truck turning movements.

Chairman Newman opened the matter to the public for questions of the Applicant's traffic engineer.

Bernie Sluzas appeared of 7 Arrowhead Way appeared and inquired about the safety of the intersection if there is no traffic light installed. He noted that there was a death from a traffic incident at this intersection in the past. Mr. Troutman noted that safety does have an effect on things. He also noted that there is construction that is about underway to lengthen the area which would alleviate the turning movement of trucks.



Chairman Newman suggested that the Planning Board and/or the Mayor and Township Committee send a letter to the NJDOT to compel the approval of the traffic signal. Mr. Ziner suggested that the applicant install a "Stop" sign at off-ramp (east, heading west) in the shortened area, before the stop light in the area of Old Millstone Road. Mr. Pepe suggested to include a sign that says "Stop Sign Ahead", too.

Dorothy Sluzas of 7 Arrowhead Way appeared and was sworn in. She stated that she has witnessed people using the ramp as a bypass many times. She is concerned with tractor trailers making a left hand turn onto Millstone Road from EB Rt. 33. Mr. Troutman stated that the site design is not suitable for a fulfillment center as it does not have the loading and the parking that would be required for a distribution center and the size is not compatible with a distribution center. Chairman Newman suggested that any approvals would be conditioned that the building would only be a storage warehouse, and should the site become a fulfillment/distribution center, the applicant would need to come back to the Board.

There were no other members of the public that had questions of the traffic consultant and questions of the traffic engineer were closed to the public.

The Board took a short break.

Upon returning, Mr. Steib noted that due to the late hour, the Board will not likely get to the last application on the agenda. As such, he announced the following:

Force 5 Holdings, LLC
Block 18, Lot 2.04 – 8 Farrington Rd.
Preliminary and Final Major Site Plan Application # P22-01

Proposal to construct a 2-story indoor recreation facility, totaling 40,700 s.f., for activities such as cricket, badminton, laser tag, pin pong, arcade and other such related activities. Hours of operation would be between 6:00 am and 11:00 pm, seven days a week with 5-10 employees and between 50-80 customers at a time. Variance Relief is being sought for building height.

This matter was carried to the July 13, 2022 Planning Board meeting to be held in person at 7:30 pm at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535, without further notice.

The Board returned to the application for XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC Block 18.01, Lots 1, 2, 3 & 4 – Farrington Blvd. & Debaun Road (future Lots 1.01 and 1.02) Minor Subdivision and Preliminary & Final Major Site Plan and Variance Application # P21-13

Ms. Totten was sworn in and was previously accepted as a professional licensed engineer and planner. She reviewed the need for a height variance, noting that it is less than 10% of the height in increase and would be considered a 'c' variance and can be heard by this Board, as it does not increase the intensity. Warehousing requires a clear height, with current modern warehousing standards and dock high doors (4' above the ground). The variance required is 3.08' greater than permitted. The use is permitted in the zone. The applicant requires variance relief for impervious coverage. The maximum impervious coverage for warehouse use in this zone is a maximum of 20%, where a 0.25 FAR is permitted. She believes this was done to allow for a second story within the zone: however, modern warehousing uses vertical space (stacking). The requested variances do not increase the intensity of the use. All the storage would be kept inside the building and they would not have any outdoor storage.

Ms. Totten stated the site has three front yards and the loading docks are in the rear of the site, although technically in a front yard. The applicant is provided substantial landscaping and would mitigate the loading area in the front yard. Truck movement in this area is typical due to the



other warehouses in the area. The applicant would also need variance relief for exceeding the required lighting level of 0.5 footcandles. They could meet the requirement by putting a light pole in the middle of tractor trailer areas, but would instead create a hazard. Otherwise, the applicant can have 30' light poles, but that, too, would require variance relief. Ms. Totten noted that the warehouse only operates until 6:00 pm and the lighting will turn off after the business is closed. The benefits of safety outweigh any detriment of any additional site lighting. Ms. Mertz took no exception to the planning testimony provided by Ms. Totten. She noted that there is no real neighborhood as this is all new development.

Mr. Pepe suggested that the plantings are more substantial in height, more lush, maximizing the evergreens and would install a berm of at least three feet in height in order to offset the requested additional three foot requested in height variance. Ms. Totten noted there is a berm provided. Mr. Shafai stated he reviewed the plan and the berm height is anywhere from three to four feet in height.

Mr. Licata confirmed with his client that the building height cannot be lowered for the proposed use as it is already at the minimum height that would allow the tenant to operate.

Ms. Totten stated that there is a fire suppression system that draws from one of the wet ponds.

Chairman Newman opened the matter to the public for questions for the Planner.

Ms. Dorothy Sluzas of 7 Arrowhead Way asked if there can be a maintenance plan for the proposed landscaping. Mr. Licata noted that there is an HOA for the warehouse/industrial park development.

Catherine Lugo appeared is concerned with the traffic that would be generated and with warehouses in general. Chairman Newman noted that the property is zoned for this use.

There were no other members of the public that had any questions of the Planner.

Mr. Licata, Esq. provided a closing statement.

Mr. Steib reviewed the various conditions considered by the Board. Including complying with the Fire Official's review memo, the technical comments in the Planner's and Engineer's review memos, specifically regarding landscaping, hours 8:30 am to 6 pm, Monday through Saturday. The lighting will be turned off at 8:00pm, the applicant would follow the required EV parking spaces, they would comply with the signage requirements, there would be no mezzanine or 2nd floor to the building, the applicant would submit a request to the NJDOT to compel to construct the proposed traffic light within 30 days and continue to submit the count. The Applicant would submit a request to NJDOT to install a "stop sign" at the off ramp, the applicant would install the taller height plantings including evergreens. Any approval would be in consideration of the requested minor subdivision, the requested preliminary and final major site plan and the relief for the four variances requested, subject to the conditions read into the record.

Chairman Newman noted the height and coverage relief requested were mitigated by the location of the site. The proposed architecture also makes the site more appealing and made a motion to approve the application with the conditions on record.

Mr. Lambros noted that the subdivision and consolidation of the lots seems appropriate, but does not support the requested relief for height and coverage.

Ms. Zabrosky made a counter motion to deny the subdivision. She noted that the Township Committee has made changes to the zone to further restrict this and would not support granting relief beyond what was allowed at the time of the application. Mr. Pado agreed with the motion



to deny as he does not feel that the variances are all necessarily a hardship. Mr. Pado seconded the motion to deny.

Before taking a roll call vote, Mr. Licata asked if the Board would consider carrying the application to allow the applicant an opportunity to revisit the application and to see if they can address the lack of support for the variance relief being requested.

Mr. Steib, Esq. suggested that if the Board members wished to do so, the motion and second can be withdrawn so that the applicant may revisit their options. The motions to deny were withdrawn and the Board granted the request to carry the application without further notice to the July 13, 2022 Planning Board meeting at 7:30 pm, to be held in person at the Municipal Meeting Room, 215 Millstone Road, in order to decide if they will be amending their application. At this time, the applicant will announce if they wish to amend the application to be heard at a later date

Mr. Steib, Esq. confirmed that the Board will carry the application to the Wednesday, July 13th, 2022 meeting, which will be held in person at 7:30 pm at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535 for the purpose of scheduling a new meeting date. There will be no further notice of this meeting.

BOARD DISCUSSION:

With no further business, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary