



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
August 10, 2022**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, August 10, 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, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado, Ms. Sinha and Mr. Kotby.
- Absent: Mr. Pepe, Ms. Balint, Mr. Ziner and Mr. Youngs (Alt. II).
- Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; M. McKinley Mertz, AICP, PP, Board Planner; Danielle B. Sims, Board Secretary; Angela Buonantuono, Court Reporter.

Mr. Kotby was sworn in prior to the meeting as Board Member, Alternate I. He was seated for Mr. Pepe.

PUBLIC COMMENTS:

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

MINUTES:

Minutes from July 13, 2022

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Chairman Newman made a motion to adopt the Minutes from the July 13, 2022 meeting, which was seconded by Mr. Lambros. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Sinha and Mr. Pado.

RESOLUTION(S):

D'Amico, R. Scott & Cynthia

**Block 14.01, Lot 30 (proposed Lots 30.01 and 30.02) – 810 & 812 Perrineville Road
Request for an Extension of Minor Subdivision and Variance Approvals # P21-07**

Chairman Newman introduced the resolution. With no comments from the Board, Mr. Pado made a motion to memorialize the resolution of approval for extension of Application P21-07 (Ext.), which was seconded by Mr. Lambros. The motion passed with the following roll call vote: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Sinha and Mr. Pado.

APPLICATION(S) BEFORE THE BOARD:



REQUEST TO ADJOURN TO SEPTEMBER 14, 2022

JLE, LLC

Block 20, Lots 3.12 & 3.13 – 530 State Highway 33

Preliminary and Final Major Site Plan Application # P21-03

Proposal to demolish the existing retail golf facility and construct a 282,252 s.f. warehouse/office building with four (4) separate office spaces in the corners (2,400 s.f. per office = 9,600 s.f. office total), 96 loading bays, four (4) loading ramps and four (4) compactor bays, with associated site improvements on an approximately 43-acre property in the PCD Zoning District. Variance relief is required.

Ken Pape, Esq. appeared on behalf of the Applicant. The Applicant did not provide the required notice and asked that the matter be heard on September 14, 2022. The Board reviewed the upcoming schedule with Ms. Sims, noting there are other matters scheduled for the September 14, 2022 meeting, this matter can be added to the agenda. The applicant will provide an extension of time to hold this meeting as well as the required notice.

REQUEST TO ADJOURN TO OCTOBER 12, 2022

37 Burnt Tavern, LLC

Block 57, Lots 17.02 & 17.03 – 37 & 41 Burnt Tavern Road

Preliminary Major Site Plan Application # P21-16

Proposal to construct a 148,553 s.f. warehouse building (142,393 sf warehouse and 6,160 office area) on an undeveloped 10.88-acre parcel of land within the BP (Business Park) Zoning District with associated site improvements (Phase I). Phase II would consist of nine (9) additional loading stalls and reconstruction of a portion of the parking area in the front of the building. Applicant is only seeking Preliminary Major Site Plan approvals. No variances are requested.

Ken Pape, Esq. appeared on behalf of the Applicant. The Applicant's notice was incomplete and the Board could not take jurisdictions over the application. Mr. Pape asked that the matter be heard on October 12, 2022. The Board reviewed the upcoming schedule with Ms. Sims, noting there are other matters scheduled for the October 12, 2022 meeting, this matter can be added to the agenda. The applicant will provide an extension of time to hold this meeting and will prepare the required notice.

AACDML Property, LLC

Block 23, Lot 3 (proposed Lots 3.01 and 3.02) – State Highway 33 (Eastbound)

Minor Subdivision and

Preliminary & Final Major Site Plan and Variance Application # P21-10

Proposal for a two-lot minor subdivision of a +/-136.05-acre undeveloped lot (proposed Lot 3.01 = 20-acres, proposed Lot 3.02 = 116.05-acres) and to construct a 130,242 s.f. warehouse building (124,242 sf warehouse and 6,000 s.f. office) with two phases on proposed Lot 3.01 within the PCD Zoning District.

Mr. Steib, Esq. stated the Board took jurisdiction on this application on July 13, 2022, carrying the matter to the August 10, 2022 meeting without further notice, and the Board maintains jurisdiction.

Mr. Pape, Esq. entered his appearance on behalf of the applicant.

Mr. Steib, Esq., reviewed the exhibits provided to the Board as marked below:

Exhibit A-1: Jurisdictional Notice (Proof of Service) for 8/10/22

Exhibit A-2: Application, Checklist and Administrative Forms



- Exhibit A-3: Application Correspondence and Transmittals
- Exhibit A-4: Outside Agency Approvals & Utility Letters
- Exhibit A-5: Extension of Time to Act through 6/30/22, and 8/30/22
- Exhibit A-6: Covenant for NJDEP Freshwater Wetlands filed 1/13/22
- Exhibit A-7: Aerial Map – Flown 6/20/21
- Exhibit A-8: Color Rendering, prepared by M+H Architects, dated 3/4/22
- Exhibit A-9: Environmental Investigation Letter Report, prepared by Colliers Engineering & Design, dated 9/21/21
- Exhibit A-10: Stormwater Management Operations & Maintenance Manual, prepared by Professional Design Services, LLC, revised 6/24/22
- Exhibit A-11: Environmental Impact Statement, prepared by Professional Design Services, LLC, revised 6/24/22
- Exhibit A-12: Traffic Impact Study, prepared by Bright View Engineering, dated 7/21/21
- Exhibit A-13: Stormwater Management Report, Professional Design Services, LLC, revised 6/24/22
- Exhibit A-14: Threatened & Endangered Species Habitat Evaluation, prepared by DuBois & Associated, dated January 2022
- Exhibit A-15: Architectural Floor Plans & Elevations, 2 sheets, prepared by M+H Architects, revised 3/4/22
- Exhibit A-16: Minor Subdivision Map, prepared by Professional Design Services, LLC, revised 6/23/22
- Exhibit A-17: Land Title and Boundary & Partial Topographic Survey, 2 sheets, prepared by Professional Design Services, LLC, dated 4/21/21
- Exhibit A-18: Site Plan, prepared by Site Plan, prepared by Professional Design Services, 20 sheets, revised 6/23/22
- Exhibit A-19: Series of five (5) various aerials, plans, renderings introduced at hearing on 8/10/22
- Exhibit PB-1: Completeness Determination dated 1/10/22
- Exhibit PB-2(a): Engineer's Review dated 6/1/22
- Exhibit PB-2(b): Engineer's Review dated 8/1/22
- Exhibit PB-3(a): Planner's Review dated 6/1/22
- Exhibit PB-3(b): Planner's Review dated 8/2/22
- Exhibit PB-4: Environmental Commission Review dated 6/14/22
- Exhibit PB-5: Shade Tree review dated 5/19/22
- Exhibit PB-6: Fire Official review dated 6/6/22

Mr. Pape, Esq. provided a brief summary of the application to construct a warehouse in the PCD zone. The application is for a 136-acre parcel to be subdivided to create a 20-acre parcel that would then be developed with a warehouse building. The proposed building includes is a 6,000 s.f. office area and approximately 124,000 s.f. for warehouse/storage. The applicant proposes two variances. The proposed building would require variance relief for building height for 32.9 feet in height; whereas 30 feet in height maximum is permitted, noting this is less than 10% an increase in height, so it requires 'c' variance relief. The remaining 116-acre parcel would require variance relief for the minimum of frontage on Millstone Road. Mr. Pape indicated that the applicant has received final approval from the Monmouth County Planning Board Development Review Committee. Freehold Soil Conservation District has the application pending, under their review. He stated that the NJDEP has reviewed and approved the wetlands that were delineated. Mr. Pape confirmed that they no longer require variance relief for the proposed sign. Mr. Pape introduced his witnesses.

The following witnesses were sworn in and were under oath:



Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PE – Board Planner
Jeromie Lange – Applicant, Director of Development
Graham MacFarland, PE – Applicant's Engineer (Professional Design Services)

Jeromie Lange, Director of Development of Active Acquisitions, was sworn in. He provided an executive summary of the company as a representative of the developer. He explained that the company started in 2018, but has many representatives.

Mr. Pape introduced Exhibit A-19.

Mr. Lange indicated that the warehouse projects 24/7 site activity, with major activity during the typical 1st shift, less on second and mostly maintenance and cleaning on third shift. Mr. Lange explained that the applicant would have about 1 employee per 2,000 s.f. Some users will have only one shift and some may use more automatic systems than others. Without knowing the site user(s). the number of employees, he suggested, would be pure speculation. Ms. Mertz stated that using the applicant's number of 1 employee per 2,000 s.f. of warehouse space, it would mean the applicant would estimate up to 65 employees. There are no other uses provided at the site. The applicant will still fall within the ordinance but is going over the minimum required spaces. He stated that the project meets the new stormwater management requirements. The extra parking spaces will allow for safety in employee shift change and for things such as snow removal. It would benefit operational and safety needs. Chairman Newman suggested that there may be more environmentally friendly means, such as "banking" some of the parking. Mr. Lange suggested the eastern parking lot area may be able to be made using porous pavement. There is also an emergency access route shown on the plan from this area. Mr. Lange stated that there is no planned tenant, but is in negotiations with end users. There are two proposed offices within the building that would be accessory offices for the warehouse building and is large enough to contain one user or be able to split the space into two spaces. The offices would not be separate users from the warehouse user, but would be ancillary to the warehouse user(s).

The applicant is seeking a 32.9' height whereas 30' maximum is permitted. Mr. Lange explained this relief is requested in order to get the desired interior "clear height" to allow for pallet stacking and the ability for future uses and to be usable for different types of tenants. It would also allow for automated operations. There is an industry push to make the buildings larger so the energy costs would be reduced and allow for enhanced viability for the long haul. Ms. Mertz confirmed that the parapet is not included in the calculated building height.

Chairman Newman offered the witness to the public for questions. With no one from the public coming forward, he closed the public question session to this witness, confirming he would still be available, if needed.

Graham MacFarland provided his credentials as a licensed engineer, planner and a certified municipal engineer and the Board accepted him as a professional engineer, with licenses in good standing. He provided a summary of the existing site. The 20-acre portion of the site to be subdivided is virtually the only upland areas of the property. The balance of the site is mostly occupied by wetlands. Mr. Pape noted there is a pending application with the NJDEP that may contain a small pocket of uplands, less than one-acre and would be landlocked. Mr. MacFarland noted that the Millstone River runs through the proposed 116-acre site.

Mr. Pape stated that the applicant is proposing to subdivide a 20-acre portion (proposed Lot 3.01) of the overall site and the remaining 116+ acres (proposed Lot 3.02) would remain in the ownership of the current owner and that any conservation area would be dedicated as



conservation easements to the NJDEP and to the Township, including all of the wetlands and the wetland buffers, the exception would be any upland areas.

Mr. MacFarland reviewed the proposed site layout. The site provides for four components of stormwater management, including a raingarden along Rt. 33. There are roof drywells to collect roof runoff and recharged to groundwater and there is a primary detention basin at the rear of the site. The site elevation is higher at the northeast corner and slopes towards the wetlands corridor. The warehouse building immediately to the east is higher than the proposed site. The adjacent lot 5.02 is higher and remains this way as part of the proposal and the applicant has a drainage pipe that discharges to the proposed site. Mr. MacFarland stated that he incorporated this into his calculations for the proposed application and is designed to accommodate this additional runoff. Mr. Pape explained that the new stormwater regulations requires that developers provide a Stormwater Operations and Maintenance Manual that is recorded with the County Clerk's office. Mr. Shafai has reviewed this and his review memo does not take any exception to this.

Mr. Pape stated that the applicant will be able to satisfy the comments from the Shade Tree Commission. Chairman Newman asked that the applicant do a better job in screening the structure. He also noted that the rain garden is not a berm, asking if the applicant can lessen the visual impact to Route 33. The applicant would install the landscaping to not interfere with the existing utility lines. The applicant would have to go to the County Health Department for the septic design.

C/W Zabrosky confirmed with Mr. MacFarland that the driveway area is about 25 feet from the wetlands buffer and would be about 75 feet from the wetlands area.

The proposed lighting includes lighting in the loading bays. The light poles in the front and drive aisles are 20' in height and in the rear areas, they are 30' in height. There would be some wall pack lighting and would not have any spillage onto adjacent properties. LED lights would be utilized on the site. Chairman Newman inquired if the applicant would be able to turn down the lighting levels in the evening hours. Ms. Mertz noted that the rear parking lot light poles at 30' in height would trigger another variance. Mr. MacFarland stated he would amend the size of these poles to be 20' instead in order to not require additional variance relief.

Mr. Pado inquired about the truck circulation and trash pick-up. Mr. MacFarland referred to the revised traffic control plan.

Mr. Shafai inquired about the soil sampling and the Phase I and Environmental and asked if the applicant has provided this to the Environmental Commission. Chairman Newman

Mr. Shafai inquired about the amount of soil to be imported/exported, noting that anything exceeding 400 c.y. would require Board review and approval.

Mr. Pape confirmed that the wetlands and buffer areas would be dedicated to conservation easement.

Ms. Mertz feels that the site is over parked as the proposed parking spaces exceeds the anticipated employee need of 65 parking spaces, by 18 spaces. Only 55 parking spaces is required. The more parking provided invites/encourages more intense uses or tenants. The applicant does not require any relief for providing the extra parking spaces. The Board would prefer the less impervious coverage and not provide the excess parking.

Mr. Lambros also suggested that the applicant try to push the building back a little and to provide a berm to lessen the visual impact of the site.



Ms. Mertz confirmed that the sign will not require variance relief and the possible relief noted in her review memo regarding the lighting.

Mr. Shafai inquired about adjacent Lot 2.03, located on Millstone Road, also owned by the applicant. This lot is undersized and is contiguous with the subject lot. Mr. Pape acknowledged that Lot 2.03 is under common ownership and the owner has indicated that they would consolidate Lot 2.03 and proposed Lot 3.02. This lot was not initially considered as part of the application. Chairman Newman inquired if the 200' list notification was satisfied if this lot is to be included with this application. Mr. Steib stated that there is a question as to whether the properties have merged already as a result of the merger doctrine, and maybe Lot 2.03 would already be merged.

There is a possibility of approximately 1-acre of uplands on proposed Lot 3.02, but it is landlocked and not accessible without crossing conservation areas.

Chairman Newman offered the witness to questions from the public.

Mr. Andrew Harris, owner of the Liberty Insurance on the adjacent Lot would like to ask questions after a break by the Board as he stated he has many questions.

Ms. Linda Bruno of 66 Millstone Road appeared and inquired about the wetlands existing on site and the access to the site. She had questions about the access to the potential uplands on proposed Lot 3.02.

Without closing the public question session for this witness, the Board took a short recess.

Upon return, the Board determined that they would not get to hear the next matter on the agenda and would address this before continuing the current application.

Force 5 Holdings, LLC

Block 18, Lot 2.04 – 8 Farrington Rd.

Preliminary and Final Major Site Plan Application # P22-01

(Carried without further notice from 4/13/22 and 6/8/22 meetings)

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 50-80 customers at a time.

Mr. Steib, Esq. had reviewed the proof of service provided by the applicant and determined that the Board has jurisdiction to hear the application. Due to the lateness of the meeting, the Board took the jurisdiction and carried the matter to the October 12, 2022 Planning Board meeting without further notice, which will be held in person, at 7:30 pm in the Municipal Meeting Room, 215 Millstone Road, Millstone Township. The applicant will provide a time extension to cover this meeting.

The Board continued the hearing and public question session for AACDML Property, LLC application (P21-10).

Mr. Andrew Harris, owner of Lot 5.02, Liberty Holdings, appeared. He asked if the stormwater design was done in consideration of the development of the adjacent areas, including the Showplace Farms site. Mr. MacFarland noted that Lot 5.02 drains to proposed Lot 3.01. There is a proposed swale along the property line and will be directed to the proposed basin to the rear of proposed Lot 3.01 or recharged or directed to the wetland area. Mr. MacFarland stated



that the proposed development would not block the flow of water off Lot 3.02. Mr. Harris also He inquired about the impact on adjacent wells. Mr. MacFarland stated that the proposed well is under review of the NJDEP and would be in accordance with the State regulations. He asked if the proposed impervious coverage would impact the water tables, infiltrations, etc.

Mr. Harris inquired about sight visibility for access to his property. Mr. MacFarland will show that they meet the requirements and would show on plan, if required. He inquired if the applicant would be providing an acceleration/deceleration lane to the site. Mr. MacFarland stated it is not proposed, but the Traffic Engineer will address this in further detail during his testimony.

Mr. Pape reviewed the status of their outside agency approvals.

Ms. Dorothy Szluzas of 7 Arrowhead Way inquired if there was a restriction of 24 hour operations. Ms. Mertz stated that there are restrictions on noise and lighting, but not on hours of operation.

With no other members of the public coming forward to ask questions of the witness, Chairman Newman closed this portion of the hearing.

Due to the late hour, Chairman Newman reviewed the upcoming agendas to offer an adjournment date for the application. Mr. Shafai inquired if the applicant would be resubmitting plans prior to the next meeting. The applicant indicated they would be revising the plan and the Board asked that they try to submit them at least two weeks prior to allow for review of the revised plans.


Mr. Steib, Esq. announced that the matter will be continued at the September 14, 2022 Planning Board meeting without any further notice, which will be held in person at 7:30 pm at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08510.

BOARD DISCUSSION:

None.

With no further business, and with all in favor, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary