



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
November 9, 2022**

The Millstone Township Planning Board regular meeting was called to order by Mr. Ziner on Wednesday, November 9, 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. Kotby and Mr. Ziner.

Absent: Mr. Pepe, Mr. Pado, Ms. Sinha, Ms. Riley (Alt. I) 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.

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 September 14, 2022

Chairman Newman 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 September 14, 2022, which was seconded by Mr. Kotby. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Ziner.

Minutes from October 12, 2022

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from October 12, 2022, which was seconded by Mr. Ziner. The Minutes were adopted on a roll call vote: Mr. Lambros, C/W Zabrosky, Mr. Beck and Mr. Ziner.

RESOLUTION(S):

Force 5 Holdings, LLC

Block 18, Lot 2.04 – 8 Farrington Rd.

Preliminary and Final Major Site Plan Application # P22-01

The Board was provided with a copy of the draft resolution in advance of the meeting. Mr. Ziner made a motion to adopt the resolution of approval, which was seconded by Mr. Beck. There were no comments or discussion from the Board. The resolution was adopted on the following roll call vote: Mr. Lambros, C/W Zabrosky, Mr. Beck and Mr. Ziner.



APPLICATION(S) BEFORE THE BOARD:

AACDML Property, LLC

Block 23, Lots 3 and 2.03 (proposed Lots 3.01 and 3.02) – State Highway 33 (Eastbound) Minor Subdivision and Preliminary and 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. The Board took jurisdiction on 7/13/22 and carried to 8/10/22, then 9/14/22, and adjourned to 11/9/22.

Attorney Steib reviewed the public notice for this application and finds that the Board has jurisdiction to continue the application. Mr. Steib noted that the Board members that are present were at the hearing held on August 10, 2022, with the exception of Mr. Ziner; however, Mr. Ziner has reviewed the record and exhibits and has signed the certification so that he is eligible to act on the continued application before the Board.

Mr. Kenneth Pape, Esq. entered his appearance on behalf of the applicant. He provided a brief summary of the application.

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

- Exhibit A-1: Jurisdictional Notice (Proof of Service) for 8/10/22
- Exhibit A-1b: Jurisdictional Notice (Proof of Service) for 9/14/22 (incl. Lot 2.03)
- Exhibit A-1c: Jurisdictional Notice (Proof of Service) for 11/9/22 (incl. Lot 2.03)
- Exhibit A-2: Application, Checklists and Administrative Forms
- Exhibit A-3: Correspondence & 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 A-20: Extension of Time to Act through 10/31/22
- Exhibit A-21: Request to Adjourn to 11/9/22 and Extension of Time to Act through 12/30/22
- Exhibit A-22: Site Plan, prepared by Site Plan, prepared by Professional Design Services, 24 sheets, revised 9/27/22
- Exhibit A-23: Minor Subdivision Map, prepared by Professional Design Services, LLC, revised 8/31/22
- Exhibit A-24: Stormwater Management Report, Professional Design Services, LLC, revised 9/27/22
- Exhibit A-25: Freehold Soil Conservation District, Review Revisions dated 10/25/22
- Exhibit A-26: Color Display, dated 11/9/22
- Exhibit A-27: Rendering/depiction roadway view (previous layout)
- Exhibit A-28: Rendering/depiction roadway view (revised layout)
- Exhibit P-1: Completeness Determination dated 1/10/22
- Exhibit P-2(a): Engineer's Review dated 6/1/22
- Exhibit P-2(b): Engineer's Review dated 8/1/22
- Exhibit P-2(c): Engineer's Review dated 10/31/22
- Exhibit P-3(a): Planner's Review dated 6/1/22
- Exhibit P-3(b): Planner's Review dated 8/2/22
- Exhibit P-3(c): Planner's Review dated 11/1/22
- Exhibit P-4: Environmental Commission Review dated 6/14/22
- Exhibit P-5(a): Shade Tree review dated 5/19/22
- Exhibit P-5(b): Shade Tree review dated 10/17/22
- Exhibit P-6(a): Fire Official Review dated 6/6/22
- Exhibit P-6(b): Fire Official Review dated 10/12/22

The following witnesses were sworn in and were under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PE – Board Planner
Graham McFarland, PE – Applicant's Engineer
Shawn Naeger – Applicant's Architect
John Jahr – Applicant's Traffic Consultant
Ian Borden, PP – Applicant's Planner

Graham McFarland, PE, was sworn in. He previously provided credentials and was accepted by the Board as a professional licensed Engineer.

Mr. McFarland was able to reconfigure the sight layout and add some additional buffer area to soften the view to the highway. They have also added the hammer-head for truck circulation, as requested at the previous hearing. The landscape berm is now shown on the plan with proposed irrigation. EV parking spaces have been added to the site. The lighting has been revised to address comments from the previous hearing and it will not create any spillage to adjacent properties.



The additional lot, Lot 2.03, has been added to the proposed minor subdivision plan and included as part of proposed Lot 3.02. Proposed Lot 3.02 would be deed restricted, with the exception of the area to be dedicated for right-of-way on Millstone Road, as required.

Mr. Pape stated that the Shade Tree Commission requested that the applicant plant in the proposed basin. Mr. McFarland stated that the sand bottom if the basin would defeat the function of the basin, but would work with the Shade Tree Commission to landscape in the areas around the basin.

The west corner of the building will be approximately 145' from the property line, with an additional 6'-7' from the edge of pavement.

Mr. McFarland introduced additional Exhibits A-26, A-27 and A-28.

Mr. Lambros asked that there would be a maintenance requirement to maintain the landscaped areas. Mr. Pape inquired about using a drip line for irrigation to avoid the iron in the water. Mr. Pape confirmed that the proposed irrigation would be included for all landscaped areas. Mr. Lambros asked if the grassed areas would also be irrigated. Mr. Lambros is concerned that the site would not be maintained. Mr. Pape suggested this can be a condition of approval and would make a suggestion that it would be included in any developer's agreement.

Mr. Kotby inquired about the additional parking spaces. Ms. Mertz previously asked that the applicant green bank the 28 additional spaces and the applicant agrees to show these spaces as green banked as a condition of approval. The applicant would be asking to have the spaces approved, but would not construct without showing proof of necessity to the Zoning Officer and obtaining Zoning Approval. There are five EV parking spaces proposed.

Ms. Zabrosky asked about the intensification of the lighting. Mr. McFarland stated that it really is not a high lighting intensity. Ms. Mertz agreed that the .5 f.c. is a very low-level lighting and is typical for residential areas, not commercial.

The proposed building would be set back further from the roadway than the building on the immediate adjacent property.

Mr. Pape confirmed that Lot 2.03 would be consolidated with proposed Lot 3.02, would have a conservation overlay and would be deed restricted from any future development. The current owner would like to maintain this lot as he is a hunter.

Mr. Shafai indicated that the soil testing/investigation has not been provided.

Building signage is not currently proposed, but would comply with the ordinance or would be required to come back to the Planning Board.

Mr. McFarland indicated that the site would require 45,000 c.y. of fill. Mr. Shafai stated that this requires Board approval and would be considered as part of this

Ms. Mertz suggested that the façade lighting height may be lowered in areas around entry doors to soften the levels. She also suggested to eliminate some of the façade lights.

Chairman Newman opened the witness to the public for questions.



Mr. Andrew Harris, owns the adjacent property and asked about the growth of the proposed trees as he is concerned with future sight visibility, after the growth of the proposed trees along the roadway. He also stated that there is no buffering provided along the side of the building, facing his building on the adjacent site. Mr. McFarland stated that the design meets the ASHTO standards but would be able to. Mr. Pape stated that they would agree to add some additional landscaping in this area to buffer the view to the adjacent site.

With no other members with questions of this witness, Chairman Newman closed the public questions of this witness.

Mr. Shawn Naeger was sworn in and provided his credentials as a licensed architect. The Board accepted him as a professional architect. He reviewed the design of the proposed structure. The height of the proposed building is 32'9". Requiring a height variance for being over 30'. Mr. Naeger stated the tallest features are structural. Mr. Lambros confirmed that the height is essentially 33'9" since the ordinance allows for one foot additional for the roof. He is concerned that the height would be much higher at the rear of the building due to the change in elevation. Mr. Naeger stated that the height is measured to the roof height, but there is a parapet (18" to 24"). Ms. Mertz stated that the parapet is not included in measuring the height of a building. Parapets are required per ordinance to provide for screening.

The plan is designed using green infrastructure, included solar ready, insulated concrete panels, LED fixtures, etc. The entire building will be fire suppressed with an onsite system.

Mr. Lambros inquired about the proposed fill that would be brought to the site. The existing elevation at the corner is about 148" (east corner), the rear corner of the building is about 130". The proposed floor elevation is 143". There would be approximately 8' of fill at the center of the building.

The proposed façade material is concrete insulated panels and the ordinance requires split face block concrete. Ms. Mertz stated the material seems to be a good quality and the color is appealing and takes no exception for the waivers for the same. A generator would be provided for fire pump service, located on the side of the building adjacent proposed Lot 3.02.

The Board took a five-minute recess.

Upon returning into session, due to the late hour, Mr. Steib asked if Mr. Pape if he would like to be carried to the December 14, 2022 Planning Board meeting for the following two applications:

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.

The Board previously took jurisdiction on this application and continues to have jurisdiction. The application was carried to December 14, 2022 without further notice. Mr. Pape provided an extension of time to act through January 30, 2023.



**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 and is not seeking any variance relief at this time.

The Board previously took jurisdiction on this application and continues to have jurisdiction. The application was carried to December 14, 2022 without further notice. Mr. Pape provided an extension of time to act through January 30, 2023. As such, it was announced that these two applications would be carried to the November 9, 2022 Planning Board meeting at 7:30 pm, to be held at the Municipal Meeting Room, 215 Millstone Road, without any further notice.

Continuing with the ongoing hearing for:

**AACDML Property, LLC
Block 23, Lots 3 and 2.03 (proposed Lots 3.01 and 3.02) – State Highway 33 (Eastbound)
Minor Subdivision and Preliminary and Final Major Site Plan and Variance Application # P21-10**

John Jahr was sworn in and provided his credentials as a professional transportation expert and a transportation planner, although not a licensed PE. The Board accepted him as a professional in his field.

Mr. Jahr stated that the site circulation is designed to the largest permitted truck in New Jersey, the WB-62 truck, or larger. The plan has been clarified to ensure no crossing/tracking over any parking aisles or curbing. The existing right-of-way area is very dense with vegetation and the proposed landscaping will meet all of the line-of-sight requirements. The NJDOT access permit is pending approval, but cannot be issued until the minor subdivision is approved and filed. The proposed size of the building on the permit will need to be updated as it reflects the original building size.

Mr. Kotby expressed concern about the circulation of the site in case of an emergency.

The applicant indicated that the proposed use would be warehouse and would not include final destination distribution, which would impact the traffic generated to and from the site.

Chairman Newman opened the witness to the public for questions.

Mr. Andrew Harris, owner of adjacent site, appeared and asked about the applicant's use of the shoulder in lieu of an acceleration/deceleration lane. Mr. Pape stated that they drive this area of Highway 33 and there were no acceleration/deceleration lanes.

Mr. Bernie Szluzas, 7 Arrowhead Way, asked if the NJDOT was aware of the other warehouses in the immediate area when they reviewed the applicant's application for access. Mr. Jahr stated that they were part of the traffic study and were included in the application filed with the NJDOT.

There were no further questions of this witness from the public and the public questions of this witness were closed.



Mr. Ian Borden was sworn in, provided has credentials as a licensed planner and as an environmental scientist. He noted he prepared the EIS for the project and is a licensed forester. The Board accepted him as a professional. Mr. Borden described the required variance relief. The lot frontage on Millstone Road, with the added lot, Lot 2.03, now has 339' of frontage (corrected by Mr. Shafai to be 421'), requiring variance relief. The area of uplands previously noted has been removed from the plan and will be included in the conservation area and Lot 2.03 will be added. The applicant will deed restrict to conservation the entire proposed Lot 3.02, to be a total of 116.05 acres, less any roadway dedication of Millstone Road to be dedicated. The applicant will require variance relief for not providing 1-acre of buildable area on proposed Lot 3.02. Ms. Mertz noted that the increased lighting levels is not a waiver request, but instead requires variance relief.

Mr. Ziner asked about the impact the additional height has or what impact would it have on the building if they were not permitted to have the additional height. Mr. Pape stated that if they were not permitted the additional height, they would be one of the shortest warehouses in the area. The additional height makes the building more appealing. Ms. Mertz clarified that the applicant needs to meet the positive and negative criteria. Mr. Beck asked if the applicant gave consideration in enlarging the footprint instead of seeking the additional height. Mr. Pape noted that although they are significantly below the permitted impervious coverage, they have reached the maximum Floor Area Ratio, and any additional building footprint would require variance relief from the Zoning Board of Adjustment.

Mr. Borden reviewed the environmental history of the site that he used in preparation of the EIS. He stated that Colliers Engineering had performed soil testing and soil sampling results. Two areas were further investigated. Mr. Borden stated that they do not require any permits from the DEP. The conservation area will be monumented.

Mr. Ziner inquired if the clearing of the site would affect the wetlands areas. He is concerned since the applicant is proposing to clear cut approximately fifteen acres for the proposed development on proposed Lot 3.01.

Chairman Newman opened it to the public for comments and questions.

Mr. Andrew Harris, owner of the insurance company on adjacent lot, asked the elevation in the location of the proposed building. Mr. Borden stated the height is 143' existing and proposed.

Ms. Rosemary Harris was sworn in, and asked to confirm that the height at the center of the building. Mr. Borden misunderstood the question when Mr. Harris inquired and clarified that the building will in fact, begin at a higher elevation.

With no other members of the public with comments or questions, Chairman Newman closed the matter to the public.

Mr. Pape provided a closing statement.

The Board discussed the required variance relief required. The Board also recognized that the applicant pushed the building back and additional landscaping to shield the view, as well as the angling of the building. This is very specific to this building and this location. The proposed building also has a lower height in the front of the building. The Board still had some concerns



with the proposed additional height. Mr. Pape indicated that his client has withdrawn the request for the height variance.

With the applicant's withdrawal of the request for height variance, Mr. Steib reviewed the conditions discussed on the record and confirmed that the applicant would comply with the outstanding comments in the Board's professional's review memos. With these conditions, Chairman Newman made a motion to approve the application, which was seconded by Mr. Beck. The application was approved on a roll call vote, with the following in favor: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Ziner. None against.

BOARD DISCUSSION:

Mr. Lambros stated that there are some applications where he feels we are vulnerable as our current professionals may not be qualified in specific areas. The Board may want to look at appointing other professionals on an as needed basis for certain specific needs. Mr. Shafai will look into this.

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

Respectfully submitted,


Danielle B. Sims, Board Secretary