



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
December 14, 2022**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, December 14, 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, Mayor Ferro, C/W Zabrosky, Mr. Beck, Mr. Pado, Ms. Sinha, Mr. Ziner, Mr. Kotby and Ms. Riley.

Absent: Mr. Pepe and Mr. Youngs (Alt. II).

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

Ms. Riley 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 November 1, 2022 – Special Meeting

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 the November 1, 2022 Special Meeting, which was seconded by Mr. Beck. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Beck, Mr. Kotby, Mr. Pado, Ms. Sinha, Mr. Ziner and Ms. Riley.

Minutes from November 9, 2022

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Kotby made a motion to adopt the Minutes from the November 9, 2022 meeting, which was seconded by Mr. Ziner. The Minutes were adopted on a roll call vote: Chairman Newman, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Ziner.

Minutes from December 1, 2022 – Special Meeting

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Pado made a motion to adopt the Minutes from the December 1, 2022 Special Meeting, which was seconded by Mr. Ziner. The Minutes were adopted on a roll call vote: Chairman Newman, C/W Zabrosky, Mr. Pado and Mr. Ziner.



EXECUTIVE SESSION:

Chairman Newman called for the Board to go into Executive Session in order to discuss potential litigation, making a motion to adopt a resolution to go into executive session; which was seconded by Mr. Ziner; on a roll call vote: Chairman Newman, C/W Zabrosky, Mr. Pado and Mr. Ziner. The Board asked the members of the public to leave the courtroom so that the Board may proceed with the executive session.

On a motion from Chairman Newman, Mr. Pado seconded a motion to exit the Executive Session and proceed with the special meeting, with all in favor. The Board welcomed the members of the public back into the courtroom.

RESOLUTION(S):

Hexa Builders, LLC (RESOLUTION OF DENIAL – Not adopted)
Block 9, Lot 7 – 711 Perrineville Road
Preliminary and Final Major Site Plan Application # P21-05

The Board was provided with a copy of the draft resolution of denial in advance of the meeting. Attorney Steib explained that he has been in communications with the applicant, noting that the applicant has indicated that they will be submitting a request for reconsideration from the Board. Stephen Ward, Esq. appeared on behalf of the applicant and acknowledged that the applicant would be requesting a reconsideration and granted an extension of time to act on the resolution in order to allow this reconsideration, noting the matter will be carried to the January 11, 2023 Planning Board meeting.

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

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. Kotby. There were no comments or discussion from the Board. The resolution was adopted on the following roll call vote: Chairman Newman, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Ziner.

APPLICATION(S) BEFORE THE BOARD:

Request for an Extension of Time for Filing Minor Subdivision
CRP/CHI Showplace Farms Owner, LLC
Block 23, Lot 8 (proposed Lots 8.01 and 8.02) – 505 State Highway 33
Minor Subdivision and Bulk Variance Application # P21-15 (Ext.)

Request for an Extension of Time to file the Minor Subdivision approved by the Planning Board on February 9, 2022. The approval granted a two-lot minor subdivision of the 140.1-acre site in the PCD zoning district; whereas proposed Lot 8.01 would contain a 1,000,000 s.f. warehouse and Lot 8.02 would contain a 220,000 s.f. warehouse with car/trailer parking and a wet pond basin. Lot 8.02 would not have any direct access to a public right-of-way. The warehouses were granted site plan approval under application P19-12 and construction is almost complete. The applicant did not meet the filing deadline for the minor subdivision.



Ken Pape, Esq. appeared on behalf of the applicant. He stated they had some minor delays but the plans have now been finalized and are ready for the Board's signatures. He requested the Board consider an extension 60 days from date of adoption of the resolution to file.

Mr. Ziner asked if this is the property that has the berm with the dead trees. Mr. Pape confirmed this and acknowledged that the applicant has been in constant discussion regarding this. The Board requested that this be addressed in the next planting season, Mr. Pape acknowledged.

The applicant was reminded that the conditions of the previous resolution of approval are still in place.

With no members of the public having any comments and no further comments or questions from the Board, Chairman Newman made a motion to approve the request for a 60-day extension of time to file to commence upon adoption of the Board's resolution. This motion was seconded by Mr. Pado. The request was approved with the following roll call vote in favor: Chairman Newman, Mayor Ferro, C/W Zabrosky, Mr. Beck, Mr. Pado, Ms. Sinha, Mr. Ziner, Mr. Kotby and Ms. Riley.

JLE, LLC

Block 20, Lots 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 took jurisdiction on October 12, 2022 and carried without further notice to 11/9/22, then 12/14/22.

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

Attorney Steib reminded the Board that the Board previously took jurisdiction on the application which was carried without further notice to this meeting and the Board continues to have jurisdiction to hear and act on this application.

Attorney Steib reviewed the exhibits provided to the Board as marked below:

A-1	Jurisdictional Notice (Proof of Service)
A-2	Application, Checklists and Administrative Forms
A-3	Correspondence
A-4	Outside Agency Approvals
A-5	Extensions of Time to Act by 7/31/22, 8/30/22, 9/30/22 & 10/31/22
A-6	Deeds and Easements
A-7	Will Serve confirmations
A-8	Fiscal Impact Report, prepared by Art Bernard & Assoc., LLC, dated 10/26/21
A-9	Threatened and Endangered Species Report, prepared by DuBois & Associates, dated November 2021
A-10	Traffic Impact Analysis, prepared by McDonough & Rea Associates, Inc, dated 7/27/21
A-11	Statement of Environmental Impact & Assessment, prepared by MidAtlantic Engineering Partners, dated 7/22/21
A-12	Groundwater Mounding Report, prepared by MidAtlantic Engineering Partners, dated 4/15/21



A-13	Operation & Maintenance Manual, prepared by MidAtlantic Engineering Partners, dated 4/18/22
A-14	Stormwater Management Report, prepared by MidAtlantic Engineering Partners, revised 4/18/22
A-15	Limited Site Investigation Letter Report, prepared by MidAtlantic Engineering Partners, dated 11/4/21
A-16	Preliminary Assessment/Phase I Environmental, prepared by MidAtlantic Engineering Partners, dated 10/14/21
A-17	Truck Turning Plan prepared by MidAtlantic Engineering Partners, revised 7/22/21
A-18	Architectural Plans prepared by Perez + Rodasti Assoc., 2 sheets, dated 9/8/21
A-19	Aerial Image, prepared by MidAtlantic Engineering Partners, dated 7/22/21
A-20	Earthworks Plan, prepared by MidAtlantic Engineering Partners, dated 7/22/21
A-21	Site Plan, prepared by MidAtlantic Engineering Partners, 28 sheets, dated 7/22/21
A-22	Response Memos to Bd. Eng., Bd. Planner & Shade Tree, prepared by MidAtlantic Engineering Partners, dated 7/25/22
A-23	Tree Survey Plan, prepared by MidAtlantic Engineering Partners, 1 sheet, dated 4/21/22
A-24	Earthworks Plan, prepared by MidAtlantic, one sheet, revised 7/25/22
A-25	Site Plan, prepared by MidAtlantic Engineering Partners, 29 sheets, revised 7-25-22
A-26	Notice of Application for Flood Hazard Area and FWW, prepared by MidAtlantic, dated 8/26/22
A-27	Request to adjourn & Extension of Time to Act through 12/30/22
A-28	Extension of Time to Act through 12/31/22 and 1/30/23
A-29	Existing Site Aerial Image dated 10/12/22
A-30	Site Rendering dated 10/12/22
A-31	50-scale site rendering dated 10/12/22
A-32	Site Rendering – Basin Locations (stormwater) dated 10/12/22
A-33	NJ-33 Cross Section dated 12/14/22
A-34	Arrowhead Way Cross-Section dated 12/14/22
A-35	Turning Template Plan, 3 sheets, prepared by MidAtlantic, dated 7/22/21
A-36	JLE Site Plan revised 8/25/22

BOARD'S EXHIBITS

PB-1	Completeness Determination dated 10/20/21
PB-2(a)	Engineer's Review dated 6/14/22
PB-3(a)	Planner's Review dated 6/15/22
PB-3(b)	Planner's Review dated 8/17/22
PB-4(a)	Environmental Commission review dated 12/5/21
PB-4(b)	Environmental Commission review dated 9/13/22
PB-5(a)	Shade Tree review dated 5/20/22
PB-5(b)	Shade Tree review dated 8/16/22
PB-6	Fire Official review dated 8/5/22
PB-7	Tax Assessor's review dated 11/4/22 RESCINDED



The following witnesses were sworn in and were under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PE – Board Planner
Luis Zuegner – Applicant's Engineer

Mr. Pape, Esq., on behalf of the applicant, noted that the original application was filed to include Block 20, Lots 3.12 and 3.13. He noted that it was brought to his attention early on in the application process that Lot 3.12 was in a different zoning district and is no longer included in the application. He noted that Exhibit PB-6, the Tax Assessor's review memo suggests that the lots be consolidated. He asked that this be rescinded since Lot 3.12 has been removed from the application.

Mr. Luis Zuegner provided his credentials as a licensed engineer and the Board accepted his as a professional in his field. Mr. Zuegner introduced some additional exhibits.

Mr. Pape noted that the site is a previous golf center and he also represented the applicant for the golf center. He noted there were areas determined by the DEP that were delineated with the golf center approvals and would continue. Mr. Pape noted that the restrictions were not use driven and would remain. Mr. Zuegner noted that the State will still review the stormwater for the site.

Mr. Zuegner explained that the site is of an irregular shape. There is a "neck" area of the site and the proposed development maintains the "neck." He reviewed the design plans for the golf center. The golf center moved a lot of dirt to create the golf site. The proposal will maintain most of the existing tree line along the border of the site.

Referring to Exhibits A-30 and A-31, Mr. Zuegner reviewed the site and the surrounding areas. He reviewed the proposed basin locations. He explained that the proposed first floor elevation is higher than the road, but is lower than the ridge. The overall elevation of the proposed building is lower than the existing grade. The Board inquired about the elevation of the neighboring homes on Arrowhead Way. It was noted the building is at a higher ground level. Mr. Pape stated that there are buffer areas and that there is also a sound attenuating wall proposed at the rear of the proposed warehouse.

The proposed building is pushed back away from Route 33, but not all the way back. There is a 300' set back requirement which is met. There is a buffer required of about 440'; whereas 202.5' appears to be provided. Ms. Mertz clarified that there is a 25% buffer requirement and at about 1,700 feet in depth, approximately 440' of buffer appears to be required; therefore, the applicant does not meet this requirement.

C/W Zabrosky noted that there is a 50' buffer to the existing residential use on Dugan's Grove Rd. Ms. Mertz noted that the requirement for a greater buffer is a commercial to a residential zone. She noted that although there are residences in this location, they are not within a residential zone and do not require additional buffer areas.

Mr. Zuegner noted that the steep slopes are addressed by adding some retaining walls (on the right side of the side, near the creek). As a result of the installation of the retaining walls, the slopes will be reduced from about 45% to approximately 25%. Mr. Zuegner reviewed the proposed stormwater, which is designed to go to eventually flow towards the Cranbury Brook. The retaining wall will tier the slopes. The applicant indicated that the retaining wall will be less than 4' in height, but if it is going to be 4' or greater, they agree to put the required fencing on top of the wall.



Mayor Ferro asked if the applicant considered removing additional grade to lower the first-floor elevation so that the top level of the building would be less visible. Mr. Pape noted that they would not be able to lower any further. Mr. Shafai noted that lowering the building any further would cause other problems with water quality and drainage. There would not be enough pitch to allow proper flow.

The proposed warehouse would house up to four tenants. Mr. Pado asked about the configuration of the different units and signage.

The applicant would be required to file an approved Operation and Maintenance Manual for Stormwater. It will show the maintenance for maintaining the basins, ponds, inlets and such. The Township's and the State's Stormwater regulations would be met (fully compliant). The applicant would be subject to the required monitoring with the State. There would be no fueling of trucks on the site.

Mr. Zuegner reviewed the proposed landscaping design. The applicant will be able to comply with all of the comments contained within the Shade Tree Commission's review memos. The applicant committed to place irrigation within the proposed landscaping.

The Board inquired about the applicant has done a sound study to determine the effectiveness of the proposed sound wall. The landscaping abutting the sound wall is intended to screen the sound wall.

The Board took a 10-minute break.

Upon coming back into session, Mr. Zuegner reviewed the site lighting design. The propose LED lighting can be controlled and can be dimmed during evening hours. The site would have potential 24-hour operation. Lighting would also be able to be controlled with motion sensors to lessen the site lighting at night. There will be LED lighting above the loading bays and above the doors. The existing street pole lights for the former golf center will be removed. There are new LED pole lights shown on the plan and will not spill onto the neighboring lots.

The vehicle parking is separated from the tractor parking on the site. There are 103 parking spaces required, and the applicant is proposing 113. The required EV spaces will be included. The proposed driveway is shown at 24', but the ordinance requires 25' and the applicant agrees to provide the required 25' width. There are 96 loading bays provided and there are four loading ramps provided, for a total of 100 loading areas. The loading areas are shown on both sides of the building. There are about several loading areas that technically are located within the front yard and require variance relief. The applicant is requesting trailer storage on site. The proposal is for a trailer storage drop-off and pick up area. The PCD zone does not allow trailer storage yards. Mr. Pape explained that while product comes in and is off-loaded and waiting for product to be removed from the site. The Board needs to interpret if this qualifies as a "trailer storage yard" and if they would allow this. The Board clarified that trailer storage is proposed on site at all times and cannot regulate if the trailers are not being stored. The proposal provides 103 trailer storage spaces, including within the front yard of the site. C/W Zabrosky stated her concern as trailer storage yards are not permitted. The Board will need to consider if this is considered trailer storage areas or a trailer storage yard. Ms. Mertz will provide some planning information from other towns prior to the next meeting to assist the Board in making their determination. If the Board determines that the proposal is for a trailer storage yard, which is not permitted, the Board would no longer have jurisdiction as the use would trigger the application to be moved to the Zoning Board of Adjustment.



Mr. Pape and Mr. Zuegner confirmed that the applicant will be able to comply with all of the comments from the Fire Official. Mr. Zuegner described the proposed 30' water tower and would have a generator to run the well and the water. This would service the fire suppression.

The trash enclosure area will have an enclosed compactor system. Recycling will be stored inside the building and collected by a private hauler.

Mr. Shafai reviewed the comments in his memo and the responses provided by the applicant. Mr. Shafai confirmed that the applicant will not require a soil removal/fill permit. Mr. Zuegner indicated that they hope to be net zero on site.

Mr. Pape asked the Board to provide their preference on how the water tower would be painted.

Chairman Newman asked that the applicant be prepared to address the truck traffic and to be able to explain that truck traffic would not use Township roadways.

Ms. Mertz reviewed the comments within her memo. Ms. Mertz noted there is an area of the areas which may fall below the minimum requirement. She noted that these area(s) are at the edge of pavement and she feels this is an appropriate request.

Chairman Newman opened the witness to the public.

Ms. Dorothy Szluzas of 7 Arrowhead Way appeared and asked how the Board could consider a 24-hour operation, noting another use was not permitted to operate 24-hours. Mr. Shafai noted that the prohibition, in that particular case, was part of a court order.

Bernie Szluzas of 7 Arrowhead Way inquired about the trailer bay use. There are 100 bays, noting the trailer storage would bring additional trailers on site, with a possibility

Mike Oliu of 7 Indian Path confirmed the variances and asked about the process for an applicant seeking variance relief. He inquired about the truck traffic impact. Chairman Newman noted that the applicant's traffic engineer will address this when he testifies. Mr. Oliu asked if there would be overnight stay from the drivers on the site. Mr. Pape noted that only the trailers are proposed to be stored on site, not the tractors, so there would not be any overnight stay on site.

With no members of the public coming forward at this time, Chairman Newman closed the public questions session.

Due to the late hour, the Board discussed to carry the application to January 11, 2023. It was announced that this matter would be carried to the January 11, 2023 Planning Board meeting at 7:30 pm, to be held in the same location, without any further notice.

Mr. Pape provided an extension of time to act through February 28, 2023, noting he would offer any further extensions, if needed, to have the matter heard.

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 took jurisdiction on October 12, 2022 and carried without further notice to 11/9/22, then 12/14/22.

As the Board did not get to this application due to the late hour, this matter was carried to January 11, 2023 at 7:30 pm. It was announced that this matter would be carried to the January 11, 2023 Planning Board meeting, to be held in the same location, without any further notice for the purpose of announcing the hearing date.

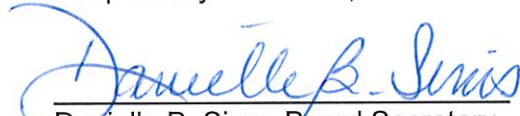
Mr. Pape provided an extension of time to act through February 28, 2023, noting he would offer any further extensions, if needed, to have the matter heard.

BOARD DISCUSSION:

Mr. Steib stated he expects that the Hexa Builders, LLC application will also be ready to be heard after the reorganization portion of the January 11, 2023 Planning Board meeting.

With no further business, the Board wished everyone happy holidays, and with all in favor, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary