



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
February 8, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, February 8, 2023 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.

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. Pepe, Mr. Lambros*, C/W Zabrosky, Mr. Beck, Mr. Pado, Mr. Ziner, and Ms. Riley (Alt. I).

Absent: Mr. Kotby and Ms. Sinha; 1 vacant seat (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. Kotby.

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 January 11, 2023 – Reorganization and Regular 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 January 11, 2023 – Reorganization and Regular Planning Board Meeting, which was seconded by Ms. Riley. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado, Mr. Ziner, and Ms. Riley.

RESOLUTION(S):

PB2023-07 Adopting Rules and Regulations (By-laws) of the Township of Millstone Planning Board

Chairman Newman noted he is continuing to review the proposed document and would like to carry it to the next meeting.

APPLICATION(S) BEFORE THE BOARD:

**TO ACCEPT WITHDRAWAL OF APPLICATION
XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC**

**Block 18.01, Lots 1, 2, 3 & 4 (proposed Lots 1.01 and 1.02) – Farrington Blvd. & Debaun Road
Minor Subdivision and Preliminary and Final Major Site Plan and Variance Application # P21-13**

*Mayor Ferro certified he reviewed the recording/transcript and exhibits in order to be eligible to act on the continued hearing on March 8, 2023 (Mr. Lambros is the mayor's designee, who will not be attending on 3/8/23 and the Mayor would be in attendance).



Proposal to modify existing subdivision lines and to consolidate Lots 1 & 2 into one lot, and to consolidate portions of Lots 3 & 4 into another lot. Applicant proposes to construct a 60,000 s.f. warehouse on proposed Lot 1.01 (57,600 s.f. warehouse, 2,400 s.f. office) and associated site work. **Applicant is requesting a withdrawal of application (4/13/22, 6/8/22, 7/13/22 meetings).**

Attorney Steib reviewed the status of the application, noting the applicant's request to withdraw without prejudice. This application was previously heard by the Board on July 13, 2022, but adjourned with an extension of time to act in order to allow the applicant time to make some changes to their plan. The revisions were never submitted and the Board did not conclude the hearing on this matter. The Board was provided a copy of a draft resolution accepting the request to withdraw without prejudice in advance of the meeting. Chairman Newman a motion to accept the request and to adopt the resolution to withdraw without prejudice, which was seconded by Mr. Ziner. There were no comments or discussion from the Board. The resolution was adopted on the following roll call vote: Chairman Newman, Mr. Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado, Mr. Ziner, and Ms. Riley.

TO ACCEPT WITHDRAWAL OF APPLICATION
XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC

**Block 18.01, Portion of Lots 3 & 4 (proposed Lot 1.02) – Farrington Blvd. & Debaun Road
Preliminary and Final Major Site Plan and Variance Application # P22-02**

Proposal to construct a 65,000 s.f. warehouse building (4,000 s.f. office and 61,000 s.f. warehouse) and associated site improvements on a future lot (See Application P21-13) which will consist of 5.97-acres, in the PCD Zoning District. Variance relief is required for exceeding the maximum building coverage and exceeding the maximum building height. **Applicant is requesting a withdrawal of application.**

This application has not been scheduled or heard previously by the Board. Attorney Steib reviewed the status of the application, noting the applicant's request to withdraw without prejudice. The Board was provided a copy of a draft resolution accepting the request to withdraw without prejudice in advance of the meeting. Chairman Newman made a motion to accept the request and to adopt the resolution accepting the withdrawal without prejudice, which was seconded by Mr. Ziner. There were no comments or discussion from the Board. The resolution was adopted on the following roll call vote: Chairman Newman, Mr. Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado, Mr. Ziner, and Ms. Riley.

REQUEST TO ADJOURN
JLE, LLC

**Block 20, Lot 3.13 – 530 State Highway 33
Preliminary and Final Major Site Plan Application # P21-03**

Applicant did not notice and will provide new notice for future meeting.

Mr. Kenneth Pape, appeared on behalf of the applicant. He stated that they are still working on the substantial changes to the plan. He stated they would provide new notice for the new hearing date. Board Secretary Sims asked that any revisions be submitted with enough time to review the substantial changes, Mr. Pape acknowledged that they would be submitted at least twenty-one days prior to the meeting date, with a goal of having the revised submission within the next 10-days. The matter was adjourned by the Board. An extension of time to act through April 30, 2023 is on file.

The Board adjourned this matter and new notice would be required.



REQUEST FOR A ONE-YEAR EXTENSION OF MAJOR SITE PLAN APPROVALS

Novad Court, LLC

Block 57.01, Lot 19.03 – Novad Court and Pine Drive

Preliminary and Final Major Site Plan Application # P19-03(Ext.)

Request for a One-Year Extension of Approvals of previous preliminary and final major site plan to construct a 15,997 sf, 2-story building with 8,206 sf of retail space on the first floor and 7,791 sf of office space on the second floor, with associated site improvements. Variance relief was granted for side yard setback and buffering from residential or rural preservation zone, 78 parking stalls whereas 88 stalls are required (10 banked parking spaces to be provided), light intensity exceeding the maximum permitted, design standard for proposed flat roof. No outdoor display of merchandise is permitted.

Mr. Kenneth Pape, appeared on behalf of the applicant. He explained that the approvals were granted in August of 2020. The approvals expired on August 12, 2022 and they are seeking a one-year extension, tolling from August 2022 through August 12, 2023. Board Engineer Shafai noted that some of the outside agency approvals have come through, so the applicant has continued to work towards perfecting their approvals.

Chairman Newman a motion to grant the request for a one-year extension of approvals, which was seconded by Mr. Ziner. There were no comments or discussion from the Board. The resolution was adopted on the following roll call vote: Chairman Newman, Mr. Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado, Mr. Ziner, and Ms. Riley.

37 Burnt Tavern, LLC

Block 57, Lot 17.04 (Consolidated 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, 12/14/22, 1/11/23 then 2/8/23.

Attorney Steib noted that the Board took jurisdiction on the application and has carried the matter without further notice to this meeting. The Board continues to have jurisdiction. He read the exhibits into record:

APPLICANT'S EXHIBITS	
A-1	Jurisdictional Notice (Proof of Service)
A-2	Application, Checklists and Administrative Forms
A-3	Correspondence
A-4	Outside Agency Approvals and Will Serve confirmations
A-5	Series of six (6) Legal Descriptions, prepared by Clearpoint Services, LLC, dated March 14, 2022
A-6	Historically Applied Pesticide Investigation, dated 4/6/22
A-7	Commitment Package, dated 1/6/21
A-8	Threatened & Endangered Species Habitat Evaluation, prepared by Dubois & Associates, dated 4/5/22
A-9	Environmental Impact Statement, prepared by Dynamic Engineering, dated November 2021



A-10	Traffic Impact Study, prepared by Dynamic Traffic, revised 4/5/22
A-11	Stormwater Management Report, prepared by Dynamic Engineering, revised December 2022
A-12	Architectural Elevations and Floor Plans, prepared by Feltz Collins Architecture, LLC, revised 3/30/22
A-13	Conceptual Improvement Plan "B", prepared by Dynamic Traffic, LLC, 2 sheets, dated 2/17/22
A-14	Outbound & Topographic Survey, prepared by Clearpoint Services, LLC, sheet 1 of 4, revised 3/21/22
A-15	Critical Area Exhibits "A", "B", & "C", prepared by Dynamic Engineering, three (3) sheets, dated 4/5/22
A-16	Preliminary Major Site Plan, prepared by Dynamic Engineering, forty (40) sheets, revised 12/1/22
A-17	Extension of Time to Act through 10/31/22
A-18	Extension of Time to Act through 12/31/22
A-19	Prelim. Construction Plan – Roadway Improvements, prepared by Dynamic Engineering, 2 sheets, dated 10/27/22
A-20	Conceptual Improvement Plan 'C'-Intersection Improvements, prepared by Dynamic Engineering, 2 sheets, revised 8/16/22
A-21	Truck Routing Exhibit-Intersection Improvements, prepared by Dynamic Engineering, 3 sheets, dated 8/10/22
A-22	Extension of Time to Act through 1/30/2023
A-23	Extension of Time to Act through 2/28/2023 & Adjourn to 2/8/23
A-24	Response & Resubmission memo, prepared by Dynamic Engineering, 12 pages, dated 1/12/23 (Rcvd. 1/13/23)
A-25	Copy of Millstone Twp. Ordinance §35-4-14.9 (re: Stormwater Plan)
A-26	Monmouth County Board of Health conditional approval dated 4/26/22

APPLICANT'S EXHIBITS

A-27	Contech - Flow Control Product Spec Sheet, dated 2006
A-28	Stormwater Management Operation & Maintenance Manual, prepared by Dynamic Engineering, dated December 2022
A-29	Aerial Map Exhibit, prepared by Dynamic Engineering, dated 2/8/23
A-30	Arch. Plans & Color Renderings, prepared by Feltz Collins Architecture, LLC, revised 3/30/22
A-31	Phase I, Preliminary Site Plan Rendering, prepared by Dynamic Engineering, dated 2/8/23
A-32	Phase II, Preliminary Site Plan Rendering, prepared by Dynamic Engineering, dated 2/8/23
A-33	Offsite Intersection Improvement Plan Exhibit, prepared by Dynamic Engineering, dated 12/13/22
A-34	Recorded Lot Consolidation Deed, Lot 17.04
A-35	Letter Re: Trailer Storage Area, Dynamic Engineering, dated 2/7/23
A-36	Freehold Soil Conservation District Review Revisions, dated 2/1/23
A-37	Extension of Time to Act through 4/30/2023

BOARD'S EXHIBITS

P-1	Completeness Determination dated 5/20/22
P-2	Engineer's Review dated 7/19/22
P-2b	Engineer's Review dated 1/27/23



P-3	Planner's Review dated 6/27/22
P-3b	Planner's Review revised 1/27/23
P-4	Environmental Commission review dated 6/29/22
P-4b	Environmental Commission review dated 9/13/22
P-4c	Environmental Commission review dated 2/14/23
P-5	Shade Tree review dated 6/14/22
P-5b	Shade Tree review dated 2/10/23
P-6	Fire Official review dated 6/6/22
P-7	Tax Assessor's Review dated 10/5/22

Mr. Kenneth Pape, appeared on behalf of the applicant. He provided a summary of the application before the Board and provided a list of the witnesses he plans to call for the hearing.

Mr. Pape introduced Mr. Muller. Thomas Muller was sworn in and provided his credentials as a licensed professional engineer and planner and the Board accepted him as an expert. Mr. Muller provided a brief description of the proposed application, the zone and the surrounding area. The property is 10.88-acres and is located in the BP zone. The property is known as Block 57, Lot 17.04 (Lots 17.02 and 17.03 have recently been consolidated to Lot 17.04). The property is in the area of County Route 537/Monmouth Road and Burnt Tavern Rd. There are The Elks Club is located north of the site and across the street. There is a residential home across the street (which appears to be somewhat using the property partially in a commercial manner - Mr. Shafai stated the property only has approvals for residential use and may be in violation). There are some pockets of wetlands on the property. Mr. Muller reviewed the surrounding area and zones, including the proximity to Jackson Township (Ocean County). The proposed building would be 148,553 s.f. (6,160 s.f. for office spaces and the balance would be dedicated to warehouse space).

Mr. Muller stated that they will be seeking three (3) design waivers and potentially one variance for not providing a 300' residential buffer to the neighboring semi-residential use. Mr. Shafai stated that the area in question is residential and does require the 300' of buffer area and would require relief.

The applicant is proposing substantial roadway improvements as part of the application.

The site would be in operation 24 hours a day, seven days a week.

Mr. Muller reviewed the proposed drainage and stormwater measures on the site. An Operation and Maintenance Manual will be provided for review and approval by the Board Engineer. This will be filed with the County Clerk and the owner would be required to maintain the structure in accordance with the filed maintenance manual. The proposal meets all of the NJDEP 2021 Stormwater regulations, as well as the Township Ordinances for stormwater regulations.

There is a 4-5 foot berm buffer from the parking lot area to the roadway. There is only approximately 2 feet provided between the berm from the roadway. Mr. Shafai noted that part of the proposed berm is located in the right-of-way and the Township is going to be doing sidewalks and there may be intersection improvements which would conflict with the proposed berm. There will be a drip system irrigation within the berm area.

The Board of Health has provided the necessary approvals. There is an above ground fire suppression tank provided on site.

The building height is proposed at 38' from the street level.

Mr. Muller stated there is a mostly deciduous area between the adjacent group home (Ladacin) and affordable housing units adjacent to the site, but does not meet the minimum buffer requirement.



Mr. Ziner stated he is concerned about the truck traffic impact to these existing residential areas. Mr. Pape stated that the site is zoned BP – Business Park, and that the residential properties in the area are not in alignment with the zoning.

The lighting will be LED to comply with the ordinance. It is a slim, modern light that will be able to be digitally altered. The light poles will be 15' – 18' in height. There would be no light spillage in the area of the residential lots, but some would spill in the roadway area. There will not be any signage along the road, only interior site signage, a concrete monument sign, 70 s.f. in size with uplighting to light the sign (no back-lighting) and will be 12' in height, setback 15' from the right-of-way to comply with the ordinance.

The wetlands were identified by the NJDEP, which received an LOI with a 50' buffer to the wetlands. The proposed application does not have any wetland disturbance. The Threatened and Endangered Species Report had no findings. He reviewed the outside agency approvals required. The applicant will provide the required conservation easements and monumentation. The applicant will require a soil removal/fill permit from the Board and must file the application. The applicant can comply with the other technical comments of the Engineer's review.

Mr. Muller stated the masonry dumpster enclosure will have dumpsters with lids.

Chairman Newman opened the matter to the public for questions of Mr. Muller.

Mr. Anthony Cipriano of 21 Arrowhead Way appeared and asked about the variance relief for the 300' residential buffer area. Mr. Pape stated that he would reserve the question for the Planner, who would be testifying later.

There were no other comments from members of the public and the public question session of Mr. Muller was closed, but he would be available for any possible future questions.

Justin Taylor was sworn in and provided his credentials as a licensed professional engineer and the Board accepted him as an expert traffic engineer. He noted there will be signage saying "no left turn" onto Monmouth Road.

Mr. Pape stated the site would not be a fulfillment center and would not be a public warehouse. He stated that there would be one, two or three tenants-maximum and agreed that this would be an acceptable condition of any approval.

The applicant has presented some substantive preliminary plans at Burnt Tavern and CR 571. The Board has some concerns, particularly with the proposed right turn onto Monmouth Road (Rt. 537) from CR 571 as proposed. The Board expressed that they would prefer that the truck traffic be directed directly from Burnt Tavern Road and asked that the applicant take a hard engineering look at the intersection of CR 537 and Burnt Tavern Road. This manner is preferred by the Board. After a lengthy discussion, the Board also identified that the Burnt Tavern Road and CR 571 intersection improvements also seem necessary; however, noting that the preferred access to the site would be directly from Burnt Tavern Road to CR 537. The applicant will meet with the County Planning Board and will include the Board Engineer in the meeting. Mr. Lambros noted that there is discussion with Open Space and the County to purchase some of the property in the area of this intersection. Board Engineer Shafai noted that there is some discussion with the County to do some intersection improvements and he would provide the applicant with any preliminary plans available.

Chairman Newman offered the witness to the public for questions. With no members of the public coming forward, he closed the public question session of this witness to the public.

Due to the lateness of the meeting, Chairman Newman asked that this application be carried to the March 8, 2023 Planning Board meeting without any further notice. The meeting would be held at



7:30 pm in the Public Meeting Room. The applicant would need to provide an extension of time to act.

CORRESPONDENCE/BOARD DISCUSSION:

Chairman Newman reminded the Board of the Special Meeting Scheduled for February 16, 2023 at 3:00 pm

Chairman Newman asked for volunteers to sit on the Master Plan Subcommittee. Mr. Lambros, Mr. Pado, Mr. Ziner and C/W Zabrosky asked to be placed on the Master Plan Subcommittee. Chairman Newman set the subcommittee including Planner Mertz, Board Secretary Sims, and Attorney Steib. Board Planner Mertz will work on preparing a proposal for the work.

Ms. Sims noted that Showplace asked about the painting of the water tower on site, as required by the resolution. The Board suggested that they informally present some options and visual aids for the Board to consider, noting it would not require any notice.

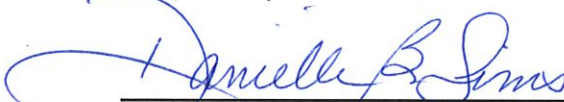
NEW/OLD BUSINESS:

None.

ADJOURNMENT:

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

Respectfully submitted,


Danielle B. Sims, Board Secretary