



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
May 10, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, May 10, 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, Mayor Ferro, C/W Zabroski, Mr. Beck, Mr. Pado and Ms. Sinha.

Absent: Mr. Pepe, Mr. Kotby*, and Mr. Ziner*; 2 vacant seats (Alt. I & Alt. II).

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

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 April 12, 2023

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Ms. Sinha made a motion to adopt the Minutes from the April 12, 2023 Planning Board Meeting, which was seconded by Mr. Beck. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Beck, Mr. Pado and Ms. Sinha.

RESOLUTION(S):

Resolution of Approval

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**

Chairman Newman made a motion to memorialize the resolution of approval, which was seconded by Mr. Beck. Secretary Sims noted that an earlier version of the resolution only included the prior lot numbers and not the newly consolidated lot number. The resolution before the Board references the new Lot 17.04. With no objection of this correction, Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Chairman Newman, Mr. Beck, Mr. Pado and Ms. Sinha. None against.

BOARD DISCUSSION:

CRP/CHI Showplace Farms Owner, LLC

Block 23, Lot 8 – State Highway 33



The Board held an informal discussion to confirm that the condition of approval (resolution compliance) regarding the painting of the water tank has been met. Mr. Pape appeared and presented an exhibit of the water tower and view location plan. The applicant suggested that although it is not exactly what was presented to the Board at the time of the hearing, the existing color appears to meet the intent of the condition of the resolution. He asked that the Board affirm this and offered that they would further buffer the site and supplement the landscaping with approximately \$10,000 of additional/supplemental plantings. The Board did not take any exception to this offering. The Board appointed a subcommittee (Chairman Newman, Mr. Pado, Ms. Sinha, Shade Tree Commission and Board Engineer Shafai) that would be charged with reviewing the additional landscaping proposal. Attorney Steib suggested that this should be done by way of a resolution from the Board. Chairman Newman asked if there were any other comments from the Board. With none, the Board approved the request to maintain the existing color on the water tower and to supplement the plantings to the satisfaction of the appointed subcommittee. This was approved with all in favor, none opposed.

MASTER PLAN (Public hearing and Resolution):

PB2023-07 Millstone Township's Housing Element and Fair Share Plan – Public Hearing and Adoption of Proposed Amendments

Pursuant to N.J.S.A. 40:55D-28, the Planning Board of the Township of Millstone has prepared an amendment to the "Housing Plan Element and Fair Share Plan" of the Millstone Township Master Plan.

Chairman Newman noted that this matter will be carried to the June 14, 2023 Planning Board meeting. There may be some minor changes to the plan, which will be available no less than ten (10) days prior to the meeting. Attorney Steib confirmed that this would be carried without further notice to June 14 2023 at 7:30 pm in the same location without any further notice. Members of the public can review the amendments in the same manner as for this meeting.

APPLICATION(S) BEFORE THE BOARD:

REQUEST FOR A SIX-MONTH EXTENSION OF MINOR SUBDIVISION APPROVAL

AACDML Property, LLC

Block 53, Lots 2.03 & 3 (proposed Lots 3.01 & 3.02) – State Highway 33

Preliminary and Final Major Site Plan and Minor Subdivision Application # P21-10(Ext.)

Request for a Six-Month Extension of previous Minor Subdivision approval to subdivide two lots into two new (reconfigured) lots. Proposed Lot 3.01 would be used to construct a 130,242 s.f. warehouse building with office space. Proposed Lot 3.02 would remain vacant and would be deed restricted for future land development and put into conservation easement. Minor subdivision approval expires on June 22, 2023.

Mr. Pape appeared on behalf of the applicant. Mr. Pape stated that they are requesting a six-month extension of approvals, concluding December 14, 2023, in order to file the minor subdivision. He noted that they are working on the outside agency approvals, pending approval from the NJDOT. The metes and bounds descriptions have been reviewed by the Board Engineer and are acceptable. There has been a change in zoning since the application was filed, but would not affect the minor subdivision approvals.

Chairman Newman made a motion finding that the applicant is entitled to the extension as requested. This motion was seconded by Mayor Ferro. This motion passed with the following roll call vote: Chairman Newman, Mayor Ferro, C/W Zabrosky, Mr. Beck, Mr. Pado and Ms. Sinha.



REQUEST FOR THREE ONE-YEAR EXTENSIONS OF MAJOR SITE PLAN APPROVALS

1 & 5 Wren Haven, LLC

Block 53, Lot 4.07 (previously Lots 4.06 & 4.07) – 1 Wren Haven Drive

Preliminary and Final Major Site Plan Application # P17-10 (Ext.- #1)

Request for Three One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 49,500 s.f. warehouse building including 5,000 s.f. of office space, with associated site improvements. Zoning changes have occurred to the BP Zone since the site was approved in 2018.

At the request of the applicant, this matter is being carried to June 14, 2023 at 7:30 pm, without any further notice.

REQUEST FOR THREE ONE-YEAR EXTENSIONS OF MAJOR SITE PLAN APPROVALS

1 & 5 Wren Haven, LLC

Block 53, Lot 4.04 (previously Lots 4.04 & 4.05) – 3 Wren Haven Drive (previously #5)

Preliminary and Final Major Site Plan Application # P17-10(Ext.- #3)

Request for Three One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 50,250 s.f. warehouse building including 5,000 s.f. of office space, with associated site improvements. Zoning changes have occurred to the BP Zone since the site was approved in 2018.

At the request of the applicant, this matter is being carried to June 14, 2023 at 7:30 pm, without any further notice.

JLE, LLC

Block 20, Lot 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, and 12/14/22, but adjourned for revisions on new notice. New hearing date 4/12/23. Extension of Time to Act through 5/30/23.

Attorney Steib noted that the Board previous took jurisdiction and this matter was carried without further notice and does continue to have jurisdiction on the application. He read the exhibits into record:

Mr. Kenneth Pape, appeared on behalf of the applicant. He provided a summary of the last public hearing and introduced the applicant’s potential witnesses.

Secretary Sims read into the record the additional exhibits since the meeting held on April 12, 2023.

APPLICANT’S EXHIBITS	
A-1	Jurisdictional Notice (Proof of Service) for 10-12-22
A-1a	Jurisdictional Notice (Proof of Service) for 4-12-23
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

* Certified reviewed the recording(s)/transcript(s) and exhibits in order to be eligible to act on the continued hearing (also, S. Lambros, Mayor’s designee)



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, dtd 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
A-37	Extension of Time to Act through 2/28/2023
A-38	Request to adjourn 1/11/23 hearing to 2/8/23, K.Pape, Esq.
A-39	Response Memo, prepared by MidAtlantic, dated 3/22/23 and Transmittal prepared by K. Pape, dated 3/23/23
A-40	Traffic Impact Analysis, prepared by McDonough & Rea, 1 page, dated 3/14/23
A-41	Groundwater Mounding Report, prepared by MidAtlantic, rvsd 3/21/23
A-42	Stormwater Management Report, prepared by MidAtlantic, rvsd. 3/21/23
A-43	Site Plan, 28 sheets, prepared by MidAtlantic, rvsd. 3/21/23
A-44	Email 2/2/23 from K.Pape, Extension of Time to Act through 4/30/23

* Certified reviewed the recording(s)/transcript(s) and exhibits in order to be eligible to act on the continued hearing (also, S. Lambros, Mayor's designee)



A-45	Architectural Floor Plans, Elevations and Monument Sign Detail, prepared by Perez + Rodasti, two (2) sheets, dated 3/30/23
A-46	Renderings of proposed view from Rt. 33 (pg. 1) and rear (page 2)
A-47	Rendered Site Plan dated 4/6/23
A-48	Acoustic Exhibit – With Barrier for 4/12/23
A-49	Acoustic Exhibit – No Barrier for 4/12/23
A-50	Email 4/13/23 - Extension of Time to Act through 6/30/2023
A-51	Freehold Soil Conservation District review revisions dated 4/17/23
A-52	Cross Section View – Arrowhead Way, rcvd. 5/10/23
A-53	Cross Section View – Indian Path, rcvd 5/10/23
A-54	Cross Section Key for Indian Path, prepared by MidAtlantic, dated 5/10/23
A-55	Acoustic Exhibit – 12' Modified Barrier Configuration for 5/10/23
A-56	Email 4/13/23 - Extension of Time to Act through 6/30/2023
A-57	Typical Sounds Chart, prepared by Russell Acoustics, LLC, undated
A-58	FSCD Certification dated 5/5/23
A-59	FSCD Notice NJPDES Permit Required dated 5/5/23

BOARD'S EXHIBITS	
PB-1	Completeness Determination dated 10/20/21
PB-2(a)	Engineer's Review dated 6/14/22
PB-2(b)	Engineer's Review dated 4/4/23
PB-3(a)	Planner's Review dated 6/15/22
PB-3(b)	Planner's Review dated 8/17/22
PB-3(c)	Planner's Review dated 4/4/23
PB-4(a)	Environmental Commission review dated 12/5/21
PB-4(b)	Environmental Commission review dated 9/13/22
PB-4(c)	Environmental Commission review dated 4/4/23
PB-5(a)	Shade Tree review dated 5/20/22
PB-5(b)	Shade Tree review dated 8/16/22
PB-5(c)	Shade Tree review dated 4/28/23
PB-6	Fire Official review dated 8/5/22
PB-6b	Fire Official review dated 3/29/23
PB-7	Tax Assessor's review dated 11/1/22 WITHDRAWN

Mr. Pape introduced Louis Zuegner, applicant's design engineer. Mr. Zuegner was previously sworn in and remains under oath. Mr. Zuegner stated that he was able to locate the 2,700-kelvin lighting fixture as requested by Mr. Lambros at the previous hearing. The lighting would be placed on timers/dimmers and the perimeter lighting would utilize motion detectors.

The Applicant would incorporate the larger landscaping trees (Halka Nursery has 10'-16' evergreen, pine and spruce trees available). Plantings will be added to introduced to provide a naturalized screening at different levels. A note would be added to the plan that the buffering plantings adjacent to the residential areas and in the area along the driveway would be reviewed by the Board Engineer and the Shade Tree Commission. Any visual gaps would be supplemented to the satisfaction of the Board's representatives.

Mr. Pape suggested that they would be willing to install a perimeter fence, with the style, design and color as desired by the Board, as requested at the previous hearing.

Mr. Louis Zuegner introduced additional exhibits, beginning with Exhibit A-52: Cross-Section Arrowhead Way. The proposed sound wall shown will be at 18' in height. There are proposed trees shown at installation height and extrapolated to the expected height at 10 years. Mr. Pape noted

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that a neighboring resident requested additional landscaping on their property and the applicant takes no exception to this, with proper authorization. Chairman Newman stated this is beyond the Board's jurisdiction and that can be worked out between the parties.

Mr. Zuegner introduced additional exhibits, reviewing the sight lines of the various views from the areas near the site. He also described the additional plantings as "layered" with different types of trees. Mr. Zuegner indicated they will comply with the Shade Tree Commission's review dated April 28, 2023.

Mayor Ferro asked if they would be able to excavate deeper on the site to lower the view shed. Mr. Zuegner stated they have already lowered the site by eight (8') feet. They have also lowered the actual height of the building to the 30' height, as required by ordinance. The obstacle they have with going lower is the stormwater. Rotating the building's direction already allowed them to lower the site height three feet.

The building is designed to have four potential tenants with four different office spaces. The six (6) electric vehicle (EV) stations will be dispersed in pairs throughout the site. Mr. Pape offered that the applicant will install eight (8) EV stations to allow two (2) for each of the potential tenant spaces and that they would be dispersed in pairs.

The Freehold Soil Conservation District is still reviewing the continued changes to the plans. Mr. Shafai asked if there were additional soil boring based on the change of plans. Mr. Zuegner noted there may be some additional soil borings required based on the changes. He noted they have delivered the requested documents to the Environmental Commission.

Mayor Ferro inquired about the potential storage of trailers on the site. Mr. Pape stated that this will not be public warehousing and would be permanent tenants. The trailers would potentially be on site for 24-hours to seven days. Mr. Pado stated he anticipates that there will constantly be trailers on site. Ms. Zabrosky confirmed this was discussed based on the transcript of the previous meeting. Any individual trailer will not remain on site, but there will be trailers on site at all times. The current proposal, Mr. Pape believes is trailer "staging areas." C/W Zabrosky believes that "staging" would mean that the trailer is hooked and ready to go and believes if it is to be kept there for an amount of time, that it would not be "staging", it would then be "trailer storage" and this is not what is permitted. Mr. Pape stated that the ability to have trailers on site and not on the dock is a benefit. The Board expressed concern and is not convinced that trailer staging is different than trailer storage.

Chairman Newman opened the witness to the public.

Brian Scott of 19 Arrowhead asked questions about the view shed from Arrowhead Way and asked about adding berms. Mr. Zuegner stated they may be able to add some berm areas and put the plantings on the berms to have a better screening of both the sound wall and the building. He also inquired about the amount of fill being removed from the site. It was explained that the applicant will be removing approximately 193,000 c.y. (approximately 10,000 truckloads). Mr. Pape indicated that they would come back to the Board for a Soil Removal/Fill application. Mr. Shafai stated the applicant would have to come back to the Board with this application.

Michael Mannino of 16 Dugan's Grove Road asked about the proposed view shed from Dugan's Grove Road. Chairman Newman noted the applicant offered to supplement any open gaps. Mr. Zuegner stated he may get some berms in the area adjoining Dugan's Grove Road, but due to the space restrictions, it would be difficult to achieve the same additional heights as they will be able to achieve with the berms between Arrowhead Way and the building.



Lisa Mannino of 16 Dugan's Grove Road inquired if there were any proposed tenants. Mr. Pape stated that they are not at that point of development to look for tenants and there are none currently proposed.

Christopher Leeds of 1 Indian Path asked about the proposed motion sensors on the site and whether the wildlife would trigger the motion sensors. Mr. Pape suggested wildlife may trigger the motion sensors. He asked about the distances to Indian Path that were requested at the last meeting. Mr. Zuegner stated he will provide them. Mr. Leeds asked about the vision line exhibits. Mr. Zuegner clarified the point was to show that the view would be distant or obscured, not that the site would be completely out of site. Mr. Leeds asked if it was able to be considered for COAH. Ms. Mertz noted there is no current application for COAH development at this site.

Scott Demonte of 17 Indian Path appeared and inquired about the line of site. They again reviewed the exhibits from Indian Path. He confirmed that the site will have 24/7 operations. He asked if the trailer spaces shown on plan are only to be used for operations on the site and will not be used to store (or "stage") trailers for other sites. Mr. Pape confirmed this.

Anthony Cipriano of 21 Arrowhead Way asked what size the building would need to be if it were to not require a variance for setback to residential property. Mr. Pape stated they have not put any variance testimony on record. He asked if the lighting and light poles would be visible from his property. Mr. Pado, looking at the view shed exhibit, stated that the site may always be somewhat visible from his house at 21 Arrowhead Way. Mr. Cipriano inquired about any potential environmental effect on his well and any connection to stormwater. Mr. Zuegner stated there are a total of ten (10) ponds that have various functions. He reviewed how they are designed for recharge. All developed pervious or developed areas are designed to go to one of the ten stormwater areas.

With no other members of the public coming forward, Chairman Newman closed it to the public.

The Board took a five-minute recess.

Upon returning on record, Norman Dotti was sworn in and provided his credentials as a licensed Engineer, with a specialty in acoustical engineering and was accepted by the Board as a professional in his field.

C/W Zabrosky asked if a sound wall was a permitted use. Ms. Mertz stated that they are not considered in the ordinance, but would generally consider it similarly to a retaining wall/accessory structure. She will review it further and report back to the Board at a subsequent meeting.

Mr. Pape noted that the sound wall may not be required and deferred to Mr. Dotti to explain. He stated that the State regulates noise. He reviewed the standards for the benefit of the Board, noting the daytime allowable level is 65 decibels and the allowable nighttime level is 50 decibels. Mr. Dotti explained how to analyze potential sound using a module and introduced an additional exhibit. According to the data the noise level at the residential properties on Indian Path were below the 50-decibel nighttime maximum. By adding the sound wall, the sound lowered.

C/W Zabrosky inquired about the sound at the properties on Dugan's Corner, noting it appears that they are above the allowable levels. Mr. Dotti agreed they are over 50 decibels and stated they are also near Route 33 and there is background additional noise from the highway. Mayor Ferro asked if there was any outside activities or maintenance proposed. Mr. Pape stated that there are no outdoor activities proposed, this includes vehicle maintenance, storage or otherwise. An adaptive broad-spectrum alarm can be used for back-up alarms on on-site yard tractors and forklifts to reduce the noise. The Board requested examples of decibel levels. Mr. Dottie noted that the regulation applies to continuous sound, which is described as lasting more than one second.



Background noise is not taken into consideration with the module and exhibit. Mr. Shafai noted there are four trash compactors proposed and asked about the sound effects. Mr. Pape explained the trash vessel is outside; however, the compressor is inside the building.

The Board asked Mr. Dotti to consider any possible adjustments to the wall that can further reduce the noise at the residential properties. He was also asked to consider options to bring the properties on Dugan's Grove into compliance with acceptable levels of sound.

Although Mr. Dotti is in the middle of his testimony, due to the lateness of the hour and that there is further information requested, Chairman Newman suggested that the Board conclude for the evening and carry the matter to the next available meeting for the additional testimony and public questions of the witness.

Chairman offered the witness to the public for questions for only those who stated they cannot attend the meeting on July 12, 2023. He also offered that they may pass along any questions to their neighbors who will be in attendance.

Gabrielle LaCroix of 9 Arrowhead Way appeared and asked if the noise level study included the existing noise from Route 33, noting the existing noise from Rt. 33 is already loud and the noise from the added warehouse and tractor trailers will add to the noise.

Brian Scott appeared and asked about the hearing process and if it was possible this would be revised again and at a meeting even into August. Chairman Newman stated it is possible as they may make changes to address comments throughout the hearing.

Jason Mendelsohn of 16 Winding Creek Drive appeared and asked if the sound model took into effect the speed of the truck. Mr. Dotti stated the model represents a truck going 20 mph and a truck at 20 mph has an insignificant effect on the model results.

Chairman Newman confirmed that there was no one in the public that will not be available to ask questions on July 12, 2023. With no one coming forward, he closed this portion to the public.

Attorney Steib stated that the application will be carried to the July 12, 2023 at 7:30 pm, in the same location - 215 Millstone Road, Millstone Township, NJ 08535, without any further notice. A further extension of time to act was provided through July 31, 2023.

CORRESPONDENCE/BOARD DISCUSSION:

No comments.

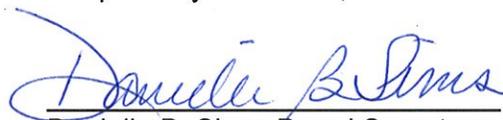
NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Chairman Newman made a motion to adjourn; which was seconded by Mr. Pado, and with all in favor, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary