



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
August 9, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, August 9, 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.

SWEARING IN OF NEW BOARD MEMBER: Steve Parrino, Alternate I (unexpired term)

Attorney Steib swore in new Board member Parrino in advance of the hearing.

Roll call for the below members was called:

Present: Chairman Newman, Mr. Lambros, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Pado, Ms. Sinha, Mr. Ziner and Mr. Parrino (Alt. I).

Absent: Mr. Pepe; 1 vacant seat (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.

Mr. Parrino 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.

Ms. Dorothy Sluzas of 7 Arrowhead Way appeared. She stated that the minutes from June 14, 2023 reflect that the applicant's traffic consultant indicating that the NJDOT is no longer considering a new traffic light at Rt. 33 and there was previous consideration for the signal; however, she stated in February there was correspondence from an Assemblyman saying that they are waiting for information from the applicant. There is a disconnect and was not sure what has changed.

Engineer Shafai stated he was not familiar with this correspondence; but he would guess that there was originally retail also proposed and now it is proposed to be warehouse and four lots have become one lot. This may be the change of circumstances why they may no longer require the signal. Ms. Sluzas will provide Engineer Shafai with a copy of the correspondence.

With no other members of the public coming forward, Chairman Newman closed the public comments session.

MINUTES:

Minutes from July 12, 2023

Chairman Newman introduced the minutes. With no comments from the Board, Mr. Pado made a motion to adopt the Minutes from the July 12, 2023 Planning Board Meeting, which was seconded by Chairman Newman. The Minutes were adopted on a roll call vote: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Mr. Ziner. Motion approved, 6-0.



RESOLUTION(S):

**YS Millstone, LLC (Approvals previously granted to Yomesh Patel)
Block 24, Lot 6 – 455 Route 33
1-Year Extension of Preliminary and Final Major Site Plan Approval # P19-05 (Ext.)**

Mr. Ziner made a motion to memorialize the resolution of approval, which was seconded by Mr. Beck. Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Mr. Ziner. Motion approved, 6-0.

**XXXIII Associates/Riverside Center, LLC
Block 18.01, Lots 1, 2, 3 & 4 (proposed Lot 1.01) – Farrington Blvd./DeBaun Rd.
Preliminary and Final Major Site Plan Application # P23-03**

Mr. Kotby made a motion to memorialize the resolution of approval, which was seconded by Mr. Lambros. Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Mr. Ziner. Motion approved, 6-0.

**Arbia Antico Land Subdivision, LLC
Block 60.02, Lots 12, 12.02, 13 & 14.01 – Brookside Rd.
Preliminary and Final Major Subdivision Application # P23-06**

Mr. Pado made a motion to memorialize the resolution of approval, which was seconded by Mr. Beck. Vice-Chairman Pepe asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Pado; and against: Mr. Ziner. Motion approved, 5-1.

APPLICATION(S) BEFORE THE BOARD:

**REQUEST FOR EXTENSION OF MAJOR SITE PLAN APPROVALS
BH of Millstone N, LLC (Previously granted to XXXIII Associates/Riverside Center)
Block 18, Lot 2.03 – 10 Farrington Blvd.
Preliminary and Final Major Site Plan Application # P20-05 (Ext.)**

Request for Declaration of Vested Rights under the Permit Extension Act and alternatively, seeks a One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 100,240 s.f. warehouse/office building, including 2,500 s.f. of office space, with associated site improvements. Zoning changes have occurred to the PCD Zone since the site was approved in 2020.

Engineer Shafai was sworn in.

Mr. Ron Cuchiara, Esq. entered his appearance on behalf of the applicant. He explained that he appearing to request a declaration of vested rights under the Permit Extension Act (PEA) and alternately, seeks a one-year extension of Preliminary and Final Major Site Plan approvals. There was a zone change on this property since the Board adopted the resolution. He reviewed the various permits and outside agency approvals obtained and maintained. He also stated that there was a Zoning Permit that was applied for in 2022, which he stated never received a response.

Ms. Mertz confirmed the Zone change was April 2022. Engineer Shafai stated that in July 2021 the developer's agreement was filed and July 2021 the plans were signed. There was a pre-construction meeting early 2022.



Attorney Steib reviewed the law regarding vested rights for land use applications.

Mr. Cuchiara requested that the Board determine that the applicant retains their vested rights.

The Board had no further comments on this matter. Mr. Ziner made a motion to confirm the applicant has retained its vested rights and that no extension of time is necessary, which was seconded by Chairman Newman. The motion passed with the following roll call vote in favor: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado, Ms. Sinha, Mr. Ziner and Mr. Parrino; Motion approved: 9 – 0.

JLE, LLC

Block 20, Lot 3.13 – 530 State Highway 33

Preliminary 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 to 11/9/22, and 12/14/22, but adjourned. Applicant re-noticed for 4/12/23, carried to 5/10/23, 7/12/23, and 8/9/23 without further notice. Extension of Time to Act through 8/30/23.

With the exception of Mr. Parrino, all present Board members either attend all prior hearing on this matter or have reviewed the recordings and transcripts and are eligible to vote on this application.

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

Attorney Steib read the additional exhibits into record:

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
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

* Certified reviewed the recording(s)/transcript(s) and exhibits in order to be eligible to act on the continued hearing.



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
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
A-60	Transmittal for Threatened & Endangered Species Report, prepared by K. Pape, dated 6/14/23
A-61	Threatened & Endangered Species Report, DuBois Environmental, rvsd 6-9/23

* Certified reviewed the recording(s)/transcript(s) and exhibits in order to be eligible to act on the continued hearing.



A-62	Email 6/5/23 – Request to Carry/Extension of Time to Act through 8/31/2023
A-63	DRCC Review – Request for Adtl Info. Dated 7/6/23
A-64	Response Memo, prepared by MidAtlantic, dated 7-12-23
A-65	Dam Operations & Maintenance Manual, prepared by MidAtlantic, dtd. 7/12/23
A-66	Earthworks Plan, prepared by MidAtlantic, one sheet, revised 6/14/23
A-67	Site Plan, 28 sheets, prepared by MidAtlantic, rvsd. 7/12/23
A-68	Overall Site Rendering, 1 sheet, prepared by MidAtlantic, dated 8/3/23

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-4(d)	Environmental Commission review dated 6/20/23
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-5(d)	Shade Tree review dated 8/16/23
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

The following witnesses were sworn in or remained under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner
- Luis Zuegner, PE – Applicant's Engineer
- Norman Dotti – Sound Engineer
- Scott Kennel, PE – Applicant's Traffic Engineer (was not sworn in, did not testify)
- Tom McKelvey, Warehouse Logistics Consultant
- Dr. Walker, Environmental Specialist (was not sworn in, did not testify yet)
- Steve Rodasti – Applicant's Architect (was not sworn in, did not testify yet)
- Alison Coffin – Applicant's Planner (was not sworn in, did not testify yet)

Ken Pape appeared on behalf of the applicant. He provided a summary of the previous appearances before the Board. Mr. Pape stated that the applicant has made several commitments, including adding substantial landscaping. The Board requested that the applicant There was 190,000 cubic yards of excess fill. The Engineer has designed a plan to eliminate the sound walls on the west of the property and instead, utilize approximately 75,000 c.y. of the fill to create 12'-17' berms to act as sound attenuating features in lieu of the wall. To the east, they intend to install a sound barrier to buffer the two residential properties.

Luis Zuegner was previously sworn in and remains under oath. There are two primary changes, which are the added berms and landscaping. The average height of the berm is at 159' and there will be trees from Halka nursery ranging from 12'-16' in height. The applicant would also be willing to install a fence on the outside of the berm area. Planner Mertz suggested that the applicant work with the Shade Tree Commission to determine the placement and quantity if the plantings.

* Certified reviewed the recording(s)/transcript(s) and exhibits in order to be eligible to act on the continued hearing.



Chairman Newman inquired if the berm could extend further. Mr. Zuegner stated that they may be able to add some berms. The current design would accomplish the visual and sound barrier goal. They would have to be careful to not disturb the stormwater flow. They would have to meet the NJDEP requirements, the Township Stormwater Ordinance and would be required to file the Operations and Maintenance Manual with the County Clerk.

Mr. Ziner inquired about the comments from the Environmental Commission regarding the soil testing. Mr. Zuegner stated they have done many soil tests and borings. Once the final site design is determined to be acceptable, they intend to sample the basins. Based on their findings from the other samples, they are confident they will have no issues with the future basin testing.

Mr. Zuegner stated that they can design a sound attenuating wall to the east, with landscaping on the outside of the wall. Ms. Mertz noted that this wall would require a 'c' variance.

Mr. Pape indicated that they are only seeking preliminary site plan approval and would like to come back once they receive the outside agency approvals for final approval.

Mr. Lambros requested that tall grasses not be installed as part of the landscaping plan. The applicant agreed to this. The Board still will need to determine if a fence is necessary, but this can be determined prior to final site plan. The applicant agreed to look into extending the berm further.

Mr. Norman Dotti was previously sworn in and remains under oath. Mr. Dottie stated that he is confident that the design would be able to meet the sound requirements.

The Board requested that the applicant provide the height, material and the wind load for the proposed sound wall. He described the different types of sound walls, some made of panels and wood, some made of 4" thick tongue and groove hollow PVC, and can even be made of concrete panels. Once there is enough mass to the structure, it does not make a difference what the material is made from.

Mr. Dotti cannot analyze the proposed added berm effect on sound attenuation until it has been fully designed. If the berm is able to attenuate the sound, then they would not need a sound wall.

Chairman Newman opened the meeting to the public for questions of Mr. Zuegner and Mr. Dotti.

Anthony Cipriano of 21 Arrowhead Way requested that the Board consider allowing the applicant to install the wall in addition to the proposed berm. Mr. Dottie stated it doesn't change anything; it would be equal to the wall. The Board would review the sound plan once it has been submitted.

Glen Brown of 18 Winding Creek asked if extending the berm and adding it to the northeast corner adjacent to the two residents who would be affected by the warehouse.

Brian Scott of 19 Arrowhead Way inquired if the sound changes with acceleration and deceleration. Mr. Dotti stated it was evaluated appropriately for warehouse operations. Mr. Scott inquired what the finished floor of the building would be. Mr. Zuegner stated the finished floor would be at approximately 151'. He stated that a chain link fence would not be preferred. A 6' privacy fence, he stated, would better provide the safety that was brought up when the public requested a fence at the previous meeting. There would be no way to climb a privacy fence. Mr. Scott noted that winter salt will affect soils and can affect wells. Mr. Zuegner stated that the design meets all the requirements.

With no other members of the public with questions of these witnesses, the Board took a five-minute recess.

Thomas McKelvey was sworn in as a warehouse logistics consultant. He provided a summary of his qualifications as a warehouse consultant. McKelvey is a licensed customs broker with over 30 years



of logistics and warehousing business and has been a consultant for warehousing since 2014. The Board accepted his experience in being a warehouse and logistics consultant. He has reviewed the proposed plan. He stated that on site trailer staging is important for a warehouse site. Mr. McKelvey explained how onsite trailer staging brings efficiency to the warehouse operations.

Mr. Pado stated the scale of the trailer staging does not appear proportionate to the scale of the proposed building. It seems that a smaller building with this amount of staging may seem more appropriate.

Mr. Ziner inquired about the difference between trailer storage/parking and trailer staging, since trailer parking is prohibited. Mr. McKelvey stated that trailer storage/parking is when you rent out space to someone. Trailer staging would be when a trailer is temporarily held to build out a container. It is for efficiency of the site operation. The current proposal is for staging, not storage/parking. He suggested it would be better to relocate the trailer staging area to the rear of the site, rather than the front of the building. C/W Zabrosky stated that temporary staging is relative, seven days is a long time to some, but is temporary or short term to others. Mr. Pape stated that they looked into why they didn't design the site with the trailer storage in the rear of the building and noted that when they removed the 130-trailer parking/storage spaces, they just left the trailer staging areas in the front of the site. Mr. Zuegner stated that the site can be redesigned to relocate the trailer staging to the rear of the building. Mr. McKelvey explained that a site operating without staging areas can cause delays, create truck idle, mismanagement, accidents, or cause parking where trailer parking is not designed. Trailer staging being located in the rear of the building also helps with site security.

Mr. Pape indicated that there will be one owner and there is no intent to "condo-out" the building.

Chairman Newman opened this witness to the public for questions.

Mr. Brian Scott of 19 Arrowhead Way inquired if they would be able to eliminate or designate staging docks or if the site can designate staging docks instead of trailer staging. He asked what the Board's determination of the difference of trailer storage vs. trailer staging. Mr. McKelvey is not sure if there is any formal determination, although it is very typical to have staging for up to seven-days. In his opinion, anything under 30-days is short term staging, and he would consider anything over 30 days as long-term storage.

Mr. Pape indicated that they have no problem with restricting the trailer staging to only trailers for onsite association (no outside trailer staging).

Chairman Newman summarized some items they would like to see before the next meeting: if the "ponies" for the site can be electric powered (or other less noisy options),

Bernie Sluzas of 7 Arrowhead Way inquired about the closest location McKelvey had consulted. He responded "Memphis." Mr. Sluzas also asked if he evaluated the truck traffic on the site. Mr. McKelvey stated the Applicant's Traffic Engineer evaluated this.

Anthony Cipriano of 21 Arrowhead Way expressed a concern over theft and how it would be controlled. He asked that security be put in place. Mr. Pape stated they intend to have security protocols in place.

Brian Scott of 19 Arrowhead Way asked if trailer staging area would have filled trailers or empty trailers. Mr. McKelvey stated it can be filled, empty or in process of being loaded, or may not be loaded until the next day.

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



Due to the lateness of the hour, Chairman Newman inquired about the next potential date for the continued hearing. Secretary Sims noted October 11, 2023 would be the next available hearing date. Chairman Newman thanked the public for their patience through the hearing process.

Attorney Steib announced that the application would be carried to the October 11, 2023 Planning Board meeting at 7:30 in this same location without any further notice. If there is a significant change, new notice may be required.

CORRESPONDENCE/BOARD DISCUSSION:

No comments.

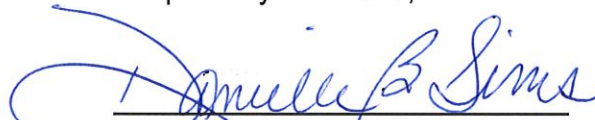
NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Chairman Newman made a motion to adjourn, and with all in favor, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary