



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

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, November 8 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. Lambros, Mr. Beck, Mr. Pado and Mr. Ziner.

Absent: C/W Zabroski, Mr. Kotby, Mr. Pepe, Ms. Sinha and Mr. Parrino (Alt. I).
1 vacant seat (Alt.II).

Attending: Michael Steib, Esq.; 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 October 11, 2023

Chairman Newman carried the minutes to the December meeting.

APPLICATION(S) BEFORE THE BOARD:

(Continued Application)

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, 8/9/23 and 10/11/23, without further notice. Extension of Time to Act through 12/31/23.

Attorney Steib stated that the Board received confirmation earlier in the day that the applicant has requested that the matter be carried to the December meeting after hearing that there were only going to be five Board members at the meetings, and some were not eligible to vote on the application. He also noted that at the previous meeting, the applicant suggested that the Board get a sound expert to review the application. The Board did so: however, only to find out several weeks later that they did the conflict check and found a conflict and could not proceed with this expert. The Board is working with another sound expert to be available at the December meeting.



Attorney Steib announced that the application would be carried to the December 13, 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.

Unknown member of the public asked if there was a deadline to decide on the application. Attorney Steib stated that the Board currently has through December 31, 2023 to act on the application, but the applicant may offer an extension.

DISCUSSION OF THE BOARD AND RESOLUTION(S):

Consistency Report – Ordinance No 23-16

Ordinance amending Chapter 35 (Land Use Development), Article 11 (Design and Performance Standards and Construction Specifications), Section 35-11-25 (Tree Preservation) and Section 35-11-32 (Tree Clearing)

Attorney Steib explained that this change relates to design standards, construction preservation, define heritage trees, recommendations for the removal and protection of trees. This ordinance is required by the NJDEP and the NJ Administrative Code. The Shade Tree Commission provided a letter of support of the proposed ordinance to the Board.

Chairman Newman noted that the Board would be charged with implementing these new standards when an application comes before the Board. He inquired if there was a Tree Expert or Arborist available to review these new standards. Board Secretary Sims noted that site plans are reviewed by the Shade Tree Commission, where a LTE (Licensed Tree Expert) would review and comment on the plans. Chairman Newman asked if the Board Engineer's office has an arborist or Tree Expert that they may also use. Secretary Sims will inquire and report back.

Mr. Pado inquired about what trees would be permitted to be taken down or if a resident is able to clear cut a lot. Attorney Steib noted that the ordinance is designed to prevent clear cutting a lot. It would identify specific trees and may require replacement of certain trees. The ordinance is a protection of the trees and meant for preservation.

Mr. Pado made a motion to memorialize the resolution of approval, which was seconded by Chairman Newman. 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. Lambros, Mr. Beck, Mr. Pado and Mr. Ziner; Motion Approved, 5-0.

Consistency Report – Ordinance No 23-17

Ordinance amending Chapter 35 (Land Use Development), Section 35-3-9.4 (Fee Schedule), Section 35-3-3.8 (Publications of Decisions) and Section 35-6-3.8 (Application for Modifications That Do Not Substantially Change First Priority Locations)

Attorney Steib explained this is an update to the fee ordinance and administrative procedures when processing applications. He noted there is nothing specific in the Master Plan regarding the fees and procedures, so he would recommend that the Board find it consistent with the Master Plan.

Mr. Pado inquired if the ordinance addresses COAH. Attorney Steib noted that COAH is covered by the State Statute and there is a separate section of the ordinance regarding affordable housing.

Chairman Newman made a motion to memorialize the resolution of approval, which was seconded by Mr. Pado. 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. Lambros, Mr. Beck, Mr. Pado and Mr. Ziner; Motion Approved, 5-0.



**Consistency Report – Ordinance No 23-18
Ordinance amending Chapter 35 (Land Use Development), Article 4 (Regulations Applicable to All Zoning Districts), by adding new Section 35-4-14A (Privately Owned Salt Storage), and amending Section 35-4-6 (Outdoor Storage)**

Attorney Steib state that this is directed at controlling and mitigating potential negative stormwater impacts of privately owned salt and de-icing materials. This is a requirement of the NJDEP and the proposed ordinance mimics the model ordinance provided by the State. This ordinance is to control runoff from salt and de-icing materials and to protect the watersheds.

Chairman Newman 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: Chairman Newman, Mr. Lambros, Mr. Beck, Mr. Pado and Mr. Ziner; Motion Approved, 5-0.

CORRESPONDENCE/BOARD DISCUSSION:

Board Secretary Sims will prepare a draft 2024 meeting schedule and reviewed the upcoming applications for the agenda.

NEW/OLD BUSINESS:

None.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Danielle B. Sims".

Danielle B. Sims, Board Secretary