



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
May 8, 2024**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, May 8, 2024 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, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Lambros.

Absent: Mr. Pepe, Ms. Sinha and Mr. Parrino; 1 vacant seat (Alt. II).

Attending: Michael Steib, Esq., Board Attorney; Matt Shafai, PE, PP, Board Engineer; McKinley Mertz, AICP, PP, 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 10, 2024

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, C/M Ziner made a motion to adopt the Minutes from the April 10, 2024 Planning Board Meeting, which was seconded by Mr. Beck. The Minutes were adopted on a roll call vote: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Beck, and Mr. Lambros.

RESOLUTION(S):

None.

REQUESTS FOR SUBMISSION WAIVERS:

**King's Den Lounge, LLC
Block 24, Lot 1 – 2 Conover Rd.
Minor Site Plan Application #P24-02**

Request for submission waivers for Minor Site Plan Application proposal to convert the existing building, previously used for Barrett Outdoors (P13-07-office, design and showroom), into a Category 2 Restaurant to serve coffee and prepared food. The restaurant is proposing a band area for live music on weekends. The restaurant will have seating for nineteen (19) patrons, plus a lower seating area and have 2-3 employees on site. Business hours are proposed to be 5:00 pm to 11:00 pm daily. Ten (10) parking spaces are proposed, including one handicap space and no exterior site improvements are proposed. Not a public hearing, only for submission waivers.



Salvatore Alfieri, Esq. appeared on behalf of the applicant.

The applicant is seeking submission waivers only. Attorney Steib noted that the incomplete memo indicates there may be a jurisdiction issue due to the proposed band and open areas. This additional use may trigger the need for a use variance and would then need to be heard by the Zoning Board of Adjustment. The applicant has not requested any variance relief.

Mr. Alfieri stated that the applicant is no longer proposing the band area and it will not require a use variance, stating there will not be a jurisdiction issue.

Engineer Shafai stated that the incomplete items may trigger the need for other things. Planner Mertz gave an example that if there are additional seats added to the remaining area of the building, it may trigger a variance for the parking and/or change from a minor to a major site plan.

The Board reviewed the waivers requested that the Board Engineer was not comfortable recommending. He noted that things such as a proper seating/floor plan, lighting, landscaping plan, a current survey (the survey provided is from prior to the previous applicant's improvements), an updated site plan.

Planner Mertz also noted there is a considerable amount of extra pavement, likely from the previous tenant. Although the applicant is not proposing anything outdoors, which has potential for outside use and additional parking which may have an effect on the site. If the applicant resubmits and it triggers variance relief, they would have to include it in their submission.

The Board deliberated and agreed that they were not comfortable with granting the waivers for the six items as indicated in the Board Engineer's completeness review memo. The items he noted as n/a, Board Engineer Shafai stated are either not applicable or he is comfortable with recommending the waiver. The Board felt that even if the applicant submits the remaining six submission items, they may still need some more waivers.

Mr. Alfieri suggested that the Board not take any action and that the applicant will provide the six items so that they can, again, be reviewed for completeness.

The Board agreed and took no action on the request for submission waivers while the applicant addresses the informal concerns of the Board. The application remains "incomplete."

APPLICATION(S) BEFORE THE BOARD:

JLE, LLC

Block 20, Lot 3.13 – 5300 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 10/12/22 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, 10/11/23, 11/8/23 and 12/13/23 without further notice. New notice for 2/22/24, carried to 3/13/24 without further notice. Extension of Time to Act through 6/30/24.

Kenneth Pape, Esq. appeared on behalf of the applicant.

Board Attorney Steib noted that the Board carried this application from the March 13, 2024 Planning Board meeting without any further notice and the Board maintains jurisdiction.



Attorney Steib reviewed the additional exhibits that were submitted since the last hearing and read them into the 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-1b	Jurisdictional Notice (Proof of Service) for 2-22-24
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, 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
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
A-69	Email 8/10/23 – Extension of Time to Act through 11/1/23
A-70	DRCC Report 8/29/23
A-71	Response Memo, prepared by MidAtlantic, dated 9/26/23
A-72	Sound Attenuation Plan, prepared by Russell Acoustics, rvsd. 9/18/23
A-73	Stormwater Management Report, prepared by MidAtlantic, rvsd. 9/18/23
A-74	Site Plan, 28 sheets, prepared by MidAtlantic, rvsd. 9/18/23
A-75	Overall Site Rendering, 1 sheet, prepared by MidAtlantic, dated 8/3/23
A-76	Building Exterior Sample Board, prepared by Perez + Rodasti, rcvd 10/11/23
A-77	Email 10/12/23 – Extension of Time to Act through 12/31/23
A-78	Extension of Time to Act through 2/29/24
A-79	Berm & Sound Barrier Exhibit, one (1) sheet, prepared by MidAtlantic Engineering Partners, dated 2/9/24
A-80	AIL Sound Wall Product Guide
A-81	Acoustical Analysis Executive Summary, prepared by Ostergaard Acoustical Associates, dated 2/23/24
A-82	Extension of Time to Act through 3/31/24



A-83	Berm & Sound Barrier Exhibit, one (1) sheet, prepared by MidAtlantic Engineering Partners, dated 3/13/24
A-84	Extension of Time to Act through 6/30/24

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-2(c)	Engineer's Review dated 10/6/23
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-3(d)	Planner's Review dated 10/10/23
PB-3(e)	Planner's Review dated 3/6/24
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-4(e)	Environmental Commission review dated 10/5/23
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-5(e)	Shade Tree review dated 10/18/23
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
PB-8	Acoustic Engineer's review dated 11/16/23
PB-8(b)	Acoustic Engineer's review dated 3/4/24

The following witnesses were sworn in or remained under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner
- Matthew Murello, PE – Board Sound Engineer
- Luis Zuegner, PE – Applicant's Engineer
- Benjamin Mueller – Sound Engineer (replacing Norman Dotti)
- Scott Kennel, PE – Applicant's Traffic Engineer
- Dr. Raymond Walker – Environmental Specialist
- Steve Rodasti – Applicant's Architect
- Alison Coffin – Applicant's Planner (did not testify)
- Ming Kong, Applicant

Ms. Sims confirmed all Board members that were present have either been present at all previous hearing on this matter or have reviewed the record and signed certification, so that they are eligible to vote.

Mr. Ken Pape recapped where they left off from the prior hearing and would be continuing with their sound expert's testimony.

Attorney Steib reviewed the outstanding questions and requests from the prior hearings.

Mr. Pape re-introduced Benjamin Mueller, sound engineer for the applicant, who is still under oath. Mr. Mueller reviewed his findings in analyzing the ambient noise on the site. When they did the



monitoring, they deployed two long-term sound monitors for approximately ten (10) days. As expected, he stated, the levels were high (daytime average of 59 and nighttime average of 53). He reviewed the data and analyzed the findings for the Board.

The Board had concerns regarding the trucks and backup alarms, particularly at night time. Mr. Pape said the applicant would stipulate that they would prohibit backing into the docks on the north side of the building between the hours of 10:00 pm and 7:00 am. They would install signage throughout the site memorializing this.

Mr. Mueller concluded his testimony.

The Board Sound Consultant, Mr. Murello confirmed Mr. Mueller's analysis of his monitoring data. Mr. Murello reminded that Board that the County Health Office enforces the State's Noise Regulations.

The Board took a ten-minute break.

Upon return, Chairman Newman opened the witness to the public for questions.

Mike Oliu of 7 Indian Path appeared and was sworn in. Mr. Olea inquired about the construction noise and the fluctuation of the added noise. Would the amplitude be higher than the current level, In short, Mr. Murello stated "no." Mr. Olea stated that Silvi Concrete is operating throughout the night and he hears the operation. The Board advised Mr. Olea to contact the Code Enforcement office to make a complaint so they can look into their operations. Mr. Olea stated that he recalls hearing the applicant was to provide a rendered view from a second floor and the applicant did not provide this per the request. Mr. Pape noted that the ordinance requirements are related to sound, they have acknowledged that they will see the top of the building from the requested view shed, but there are no requirements for this.

Anthony Cipriano of 21 Arrowhead Way appeared and was sworn in. He inquired about the locations used to measure the ambient noise levels. Mr. Cipriano also inquired if the footprint of the warehouse were to be reduced, would the sound levels also be reduced. Mr. Mueller stated that it may or it may not, however there are other factors. Ultimately, the applicant would still need to meet the State requirements.

Michael Mannino of 16 Dugans Grove Rd. appeared and was sworn in. He confirmed that there are also docks located on the south side of the site, facing Dugan's Grove Rd. Mr. Mannino stated that Silvi concrete is 1,800 feet from his bedroom window and he hears backup alarms at 2:00 am, at 1,800 feet, through the trees. Mr. Mueller stated that they are not representing that the sounds will not be audible, just that it is at a low enough level and within the noise codes. He asked if they would consider not operating at night at all. Mr. Pape stated they have agreed to limit at the back side of the building, but cannot cease all operations at night.

Brian Scott of 19 Arrowhead way appeared and was sworn in. He asked who determines the nighttime levels. Mr. Mueller stated that it is the State Statute. He confirmed the houses on Dugans Grove are still considered residential. He asked if the 6'-8' retaining wall on Arrowhead Way had any effect on the ambient noise levels that were measured. Mr. Murello stated the manner of the installation as described should not have any effect. Mr. Scott asked if the neighbor that was working on a week-long landscape project may have an effect. Mr. Mueller stated they noticed that, too, during their evaluation. Mr. Scott inquired about the readings taken in Exhibit A-81, page 7 of 10. Mr. Mueller responded and then explained the sound levels as measured in Hertz vs. decimals. Mr. Scott asked if the building can be reduced to meet the standards. Mr. Pape stated that while



they may not be meeting the expectations of the residents, but they are meeting all sound standards.

Alyssa Cipriano of 21 Arrowhead Way appeared and was sworn in. She asked if there would be some consideration to restrict the backing up of trucks to an earlier time, rather than 10 pm, since she has young children with an early bedtime. Mr. Mueller stated that they are permitted to, under all standards, operate as long as they do so under the "umbrella," but he does not believe any further restriction is needed. He would recommend any further restraints unless there is any proof that there is a need. Mr. Pape confirmed that Mr. Mueller stated they will not exceed 50 db from the site, 24 hours a day.

Mr. Pado confirmed that any noise incident, may, at some point, put them over the limits. Mr. Mueller stated that it could.

Scott Demonte of 17 Indian Path appeared and sworn in. He inquired about the potential to create a moment that exceeds the standards. Chairman Newman suggested there were other hearing that discussed safeguards in this instance.

Brian Scott of 19 Arrowhead Way reappeared. He referred to page 6 of Exhibit 81. He asked if the noise levels crossed over his property line in excess of 50 db. Mr. Mueller stated that the 50 db line is outside the property line, but inside the property is shade between 45 and 49 db.

Michael Olea of 7 Indian Path asked if the location of the ambient noise levels were used since they were most favorable to the applicant. Mr. Mueller stated that they picked the locations because they were more appropriate.

There were no other members of the public that came forward and Chairman Newman closed the public questions of this witness.

Chairman Newman confirmed that all examination of the prior witnesses by the Board and the Board's professionals and those of the public have concluded. He confirmed with Mr. Pape that the only witness remaining is the Applicant's Planner. The other witnesses are not anticipated to testify and the Board does not anticipate to have questions of those other witnesses.

Due to the lateness of the evening, the Board offered to continue this matter at a later date for the Planner's testimony. Attorney Steib announced that the matter would be carried without any further notice to the June 12, 2024 Planning Board meeting at 7:30 pm to be held in the same location.

NEW/OLD BUSINESS:

None.

BOARD DISCUSSION/CORRESPONDENCE:

None.

ADJOURNMENT:

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

Respectfully submitted,


Danielle B. Sims, Board Secretary