



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
October 9, 2024**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, October 9, 2024 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, C/M Ziner, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Lambros and Ms. Sinha.

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

Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; McKinley Mertz, Board Planner; Danielle B. Sims, Board Secretary; Court Reporter (for US Tank Painting, LLC).

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 September 11, 2024

Chairman Newman introduced the minutes. With no comments from the Board, Mr. Kotby made a motion to adopt the Minutes from the September 11, 2024 Planning Board Meeting, which was seconded by Mr. Lambros. The Minutes were adopted on a roll call vote: Chairman Newman, C/M Ziner, C/W Zabroski, Mr. Kotby and Mr. Lambros. Approved 5-0.

RESOLUTION(S):

None.

APPLICATION(S) BEFORE THE BOARD:

REQUEST TO AMEND CONDITIONS OF PRIOR SUBDIVISION APPROVAL

Michael Bucca & Darlene Rosetti

Block 57, Lot 27.02 – 15 Pine Drive

Application # P24-05

Request to Amend conditions of the Minor Subdivision Approval PMN99-07. Specifically, the applicant is requesting that the 60' conservation easement that was not properly filed be amended to allow for the existing utility easements, the existing driveway encroachments and landscaping. Additionally, the applicant is requesting that the requirement (filed as a deed restriction) that the property be put into a State Woodland Management Plan be removed (this request was withdrawn during the course of the hearing).

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



Board Attorney Steib reviewed the proof of service notice package in advance of the Planning Board meeting, which was appropriate and in proper form. The Board has jurisdiction to hear this application.

Attorney Steib reviewed the Applicant's Exhibits and Board's Exhibits that were submitted in support of the application and read them into record:

EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence & Prior Submissions
- A-4 Proposed 60' Conservation Easement Deed and Description
- A-5 Minor Subdivision Resolution PMN#99-07, memorialized 5/26/1998
- A-6 Partial Survey dated 8/4/2000 with proposed pool drawn on survey (9/2023)
- A-7 Subdivision Deed for Block 57.01, Lot 27.02, filed 7/29/1999
- A-8 Existing Conditions Survey, one (1) sheet, prepared by DMC Associates, Inc., revised 6/10/2024
- A-9 Zoning Denial for In-ground Pool dated 9/8/2023

BOARD'S PROFESSIONAL'S REVIEW EXHIBITS

- PB-1 Engineer's Review dated 7/29/24
- PB-2 Planner's Review dated 8/7/24

The following witnesses were sworn in and were under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner

Mr. Pape provided a history of the minor subdivision which created the lot in 1999. The subdivision was perfected by filing of deeds. It appears that there was an oversight at the time of the filing, where the deed restriction was not recorded 25 years ago. The property had four prior owners before the applicant, being the current owner. He stated the applicant was unaware of the prior conditions including the required 60' preservation area along the easterly side of the property. The applicant became aware of the conservation easement when they filed an application for a pool permit. The property has underground utility easements that were filed in 1999. The title report from time of purchase did not reflect the 60' conservation area. Mr. Pape noted that there were conditions of the subdivision approval, but not all of the conditions made it to the deed. The Board required that there be a 60' wide preservation area along the easterly side of the property that shall be preserved as woodlands. To accomplish this, the Board Engineer required that this area be placed onto conservation easement, but this was not included on the filed subdivision deed.

Mr. Pape stated the applicant is requesting to modify this condition. The applicant would grant the 60' conservation easement, as was intended by the Board at the time of approval, with the exception of three existing encroachments into the 60' area. There are underground electrical and underground gas easements and there is an existing driveway encroachment within this area. The applicant has requested that the property not be required to be placed into a woodland management plan (a condition of the original subdivision approval), but they are now withdrawing this request, and they are actively seeking a woodlands manager. The ask of the Board is to amend the condition of the prior subdivision approval to grant the three encroachments within the 60' wooded preservation area. Mr. Pape confirmed that the Board Engineer at the time commented in his resolution compliance letter that the 60' wide area was to be placed into conservation easement



to preserve its current wooded condition. This subdivision was filed by deed, not by plat and the verbiage never made it to the deed.

Engineer Shafai asked if the entire site would be placed into woodlands management. Mr. Pape indicated that the applicant will hire a woodlands manager to manage all the woodlands on his property. Engineer Shafai confirmed that there will be no further clearing on the property. Mr. Pape stated that the applicant has never cleared trees from the property, Engineer Shafai acknowledged.

Planner Mertz withdrew the comment in her review memo requiring the applicant to place the remaining wooded areas of the site into conservation easement. The applicant will instead be placing these remaining areas into a woodlands management plan, in accordance with the original approvals.

Chairman Newman opened the matter to the public. With no members of the public coming forward, Chairman Newman closed this matter to the public.

The Board had no further comments on this matter. C/M Ziner made a motion to amend the condition of the subdivision approval to allow the existing encroachments in the preservation area and the conservation easement be filed as such, which was seconded by Chairman Newman. The motion passed with the following roll call vote in favor: Chairman Newman, C/M Ziner, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Lambros and Ms. Sinha. Approved 7-0.

US Tank Painting, Inc.

Block 16, Lot 9.06 – 900 Rike Drive

Preliminary and Final Major Site Plan and Variance Application # P24-03

Proposal to construct a one-story addition to the existing warehouse of approximately 13,480 sf, a two-story addition to the existing office of 2,520 sf and a second-story addition to the existing office space of 1,260 s.f. on the main building. The property previously received approvals under P17-16. Variance approval is required for the expansion of the non-conforming front yard setback, the minimum side yard setback, the minimum combined side-yard setback and the lot width of 246' (existing condition). Prior approvals were granted under Resolution P17-16.

Board Attorney Steib reviewed the proof of service notice package in advance of the Planning Board meeting, which was appropriate and in proper form. The Board has jurisdiction to hear this application.

Attorney Steib reviewed the Applicant's Exhibits and Board's Exhibits that were submitted in support of the application and read them into record:

Peter Klouser, Esq. appeared on behalf of the applicant.

EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence & Prior Submissions
- A-4 Outside Agency Approvals
- A-5 List of Proposed Witnesses
- A-6 Traffic Statement, prepared by McDonough & Rea Associates, Inc., 3 pages, dated 6/25/24
- A-7 Planting Plan, prepared by Kurek Landscaping, LLC, one (1) sheet, dated 7/1/24
- A-8 Statement of Environmental Impact and Assessment, prepared by Crest Engineering, dated 11/16/17
- A-9 Site As-Built Plan, prepared by Crest Engineering, one (1) sheet, dated 10/3/19, last revised 2/15/24



- A-10 Survey of Property, prepared by Crest Engineering, one (1) sheet, dated 10/3/19, last revised 6/13/24
- A-11 Architectural Floor Plans & Elevations, prepared by 3D Architecture, four (4) sheets, dated 10/26/22, last revised 4/11/24
- A-12 Preliminary and Final Major Site Plan, prepared by Ronald Sadowski, PE, six (6) sheets, dated 3/22/24
- A-13 Stormwater Management Plan, prepared by Crest Engineering, dated 2/29/24
- A-14 Elevation Rendering, prepared by 3D Architecture, one (1) sheet, dated 10/26/22, revised 4/11/24
- A-15 Site Plan Rendering, prepared by Ronald Sadowski, PE, one (1) sheet, rvsd. 10/9/24
- A-16 Prior Resolution P17-06, US Tank Painting, Inc., 2/14/18

BOARD'S PROFESSIONAL'S REVIEW EXHIBITS

- PB-1 Engineer's Completeness 8/14/24
- PB-2 Engineer's Review dated 9/18/24
- PB-3 Planner's Review dated 9/24/24
- PB-4 Environmental Commission's Review dated 9/23/24
- PB-5 Fire Bureau Review dated 8/22/24
- PB-6 Shade Tree Commission's Review dated 9/27/24

The following witnesses were sworn in or remained under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner
- Bryan Batchler – US Tank Painting, LLC
- Ron Sadowski, PE – Applicant's Engineer
- John Rea, PE – Traffic Engineer
- Joesph Primiano, AIA – Applicant's Architectural witness (in lieu of William Doran, AIA)
- James Higgins, PP – Applicant's Planner

Peter Klouser, Esq. appeared on behalf of the applicant. He stated the applicant is a resident of Millstone Township and the applicant's business is in Motto Park. The business has been very successful and has outgrown their current buildings. They are looking to put an addition on both the main building, as well as the storage building/warehouse in the rear of the site.

Bryan Batchler, CFO, US Tank Painting, was sworn in. He stated that they are currently renting 3,000 s.f. of space in Freehold and would like to move the additional space back to their site in Millstone. They also have a satellite office in Ohio. They have hired several more employees to handle the additional business. The mechanics work in the back of the main building. There is a storage building/warehouse that was constructed in 2018. The applicant stated that the area between the building and the warehouse as well as the front of the property, has been used to store equipment, which is in conflict with the prior Board approvals. They would like to obtain approvals to temporarily stage equipment in the area between the building and the warehouse while pending pick-up/delivery. The applicant has some containers on the site, which are not permitted. They would also like approval to keep some of these containers on the site for storage. Planner Mertz noted that the Township has an ordinance which prohibits storage containers on site. Mr. Klouser stated they are withdrawing the request to keep the storage containers on site and if they would like to have them on site in the future, they will make an application to the Zoning Board of Adjustment.

Mr. Batchler stated that US Tank Painting; however, Sandblast Solutions is owned by the same owner and also operates from the site. Sandblast Solutions rents equipment from US Tank. Chairman Newman opened this witness to the public. With no member of the public who came forward, Chairman Newman closed the question session of this witness.



Ron Sadowski, PE, provided his credentials as a licensed engineer and the Board accepted him as a professional engineer. He described the existing buildings, parking and drive aisles. They are proposing to add a second-floor addition to the existing office space (1,260 s.f.) and a two-story addition (2,520 s.f.), a second warehouse building (13,480 s.f.). They are proposing a landscaped area along the front of the building and near the parking area. They will plant the additional required shade trees. They would need to remove one existing tree (18" dbh) to construct new two-story addition. They will comply with the replacement requirements. They will provide the required second handicap parking space. There are currently two electric vehicle charging spaces and will install a third in the handicap stall, as required. They are required to have 23 parking spaces, but with the EV spaces bonus credits, they gain spaces. With the new handicap space, they will lose one space, so they will provide two spaces more than required.

Mr. Sadowski stated that they will provide the required 18' circulation on site. The equipment that is currently being stored in the front yard setback and throughout the site will be removed. The site plan drawings correctly reflect the new warehouse size of 13,480 s.f. (the architectural plans will be revised to correctly reflect this).

Engineer Shafai noted they may require a Soil Removal/Fill Permit from the Board. Regarding the proposed soil removal/fill, Mr. Sadowski stated they are seeking approval for an amount to be determined, in excess of 400 c.y., which requires an approval from the Board. There was no application filed for this request. The applicant would be required to submit the application and fees for the Soil Removal/Fill Application. There will not be any changes to the existing site signage. There are pole mounted lights proposed for the new parking areas.

Variance relief is requested for the existing non-conforming lot width of 246'. The front yard setback is 100' required and the existing building is 85' (which met the previous zone regulations) and the proposed additions would exacerbate this condition, 50.8' side setback will be reduced to 20' due to the new warehouse addition and also require relief for combined setback; 125' is required, existing 103' combined and they are reducing the combined setback, increasing the variance to 70.9'.

Mr. Sadowski stated that there will be a 14' garage door to the right of the existing warehouse to access the new warehouse. From the interior of the existing warehouse, there will be an opening between the new structure into the existing structure. He confirmed that there are going to be two different roof lines (the two warehouses will be connected).

Chairman Newman opened this witness to the public. With no member of the public who came forward, Chairman Newman closed the question session of this witness.

Joseph Primiano was sworn in and provided his credentials as a licensed architect and the Board accepted his credentials as a licensed architect. Mr. Primiano is filling in for William Doran, the architect of record. He is familiar with the plans. Referring to Exhibit A-11, he described the proposed floor plan of the office building and the new warehouse building/addition. The warehouse is a one-story gable roof metal structure. The expansion is to the rear and east side of the existing (the plan will be amended to show a 14' door and the wall in that wing will be removed).

Mr. Primiano described the proposed building façade. The proposed warehouse building will match the exterior of the existing building. The gable roof line will be the same height as the existing roof line. They will need to accommodate for the snow drift in between the peaks of the roofline and will use a "Cricket" roof for water to pitch away from the middle. The roof drains will be connected to the storm water system. Mr. Primiano described the proposed façade materials and design. Referring to Exhibit A-14, the warehouse area would barely be visible. They will be cladding the building for aesthetics and enhancing the building.



Chairman Newman opened this witness to the public. With no member of the public who came forward, Chairman Newman closed the question session of this witness.

John Rea was sworn in and provided his credentials as a licensed traffic engineer who has previously testified before this Board. The Board accepted him as a professional traffic engineer. Mr. Rea explained the expansion is to accommodate their existing needs, but reviewed the expansion against the national standards. There will be a minimal impact on trips. They will have 30 parking spaces; whereas 28 are required, so there will be a surplus of two spaces on site. Mr. Batchler stated there is an 18-wheeler delivery, one time per week, which arrives overnight during off-hours and parks on Rike Drive or backs into the driveway. They try to have the deliveries made directly to their customers, off-site, whenever possible.

Chairman Newman opened this witness (Mr. Rea) to the public. With no member of the public who came forward, Chairman Newman closed the question session of this witness.

James Higgins was sworn in and provided his credentials as a licensed planner who has previously testified before this Board. The Board accepted him as a professional Planner. Mr. Higgins explained that some of the variances being sought are pre-existing. He noted that the ordinance has changed since the original approvals, creating a front setback variance. He stated that the proposed office addition increases the existing front setback variance, but he believes it is more aesthetically pleasing to put the addition in the front and better for the operations to keep the offices together.

The warehouse addition is going to have a new, matching garage door to the new section immediately to the right of the existing warehouse building, requiring relief for the 20' setback. This area is going to be used to access the new warehouse and is adjacent to the existing solar farm. He testified that the equipment and material will be relocated into the warehouse building and off the site, cleaning up the site. He does not believe there is any negative impact in granting the requested variances. There would not be any impact on the adjacent lot since it is a solar farm. Planner Mertz agrees with the reasons described by Mr. Higgins. The roofline of the warehouse meets the requirements, but the new office additions will not meet the design requirements; however, she feels the waivers are appropriate with the stone and stucco enhancements being added and given the design of the building. Planner Mertz noted that the applicant has removed the request for relief of the 16' drive aisle (they will provide the required 18').

C/M Ziner noted that the site currently looks like a junkyard and would condition any approval that no outside storage would be permitted and any temporary staging of equipment within the designated area would be limited to 24-hours, but no material would be stored or staged outside.

Chairman Newman opened the matter to the public. With no members of the public coming forward, Chairman Newman closed this matter to the public.

Mr. Klouser confirmed that the applicant is also requesting the Board grant the Soil Removal/Import in excess of 400 s.f. and work out the details with the Board Engineer, without the need of returning to the Board.

The Board had no further comments on this matter. Attorney Steib reviewed the conditions placed on record through the course of the hearing, including compliance with the Board's professional review memos. Ms. Sinha made a motion to approve the application with these conditions, which was seconded by C/M Ziner. The motion passed with the following roll call vote in favor: Chairman Newman, C/M Ziner, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Lambros and Ms. Sinha. Approved 7-0.

CORRESPONDENCE/BOARD DISCUSSION:

None.



EXECUTIVE SESSION:

C/M Ziner called for the Board to go into Executive Session in order to discuss litigation, making a motion to adopt a resolution under the Open Public Meetings Act to go into executive session; which was seconded by Chairman Newman. On a roll call vote in favor: Chairman Newman, C/M Ziner, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Lambros, and Ms. Sinha; none opposed. With all Board members in favor, applicants and members of the public were excused from the public meeting room for the executive session.

The Board returned to the public session on a motion from Chairman Newman to end the Executive Session and continue with the regular Planning Board meeting; which was seconded by C/M Ziner, with all in favor; none opposed.

NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary