

**MILLSTONE TOWNSHIP
PLANNING BOARD
NOVEMBER 10, 2020
MEETING MINUTES**

Due to the Covid-19 Pandemic State of Emergency the Millstone Township Planning Board meeting scheduled for Tuesday, November 10, 2020 at 7:30 p.m. was held using the Zoom Video Conferencing platform. Members of the public have the option to attend the meeting either by using a device (PC, laptop, tablet, or smartphone) or by dialing in via telephone. This information was provided on the Township Website and on the Planning Board Agenda.

The Meeting is called to order at 7:30 p.m.

Salute to the Flag.

Reading of Adequate Notice by Secretary D'Andrea

Roll Call: Present: Arpaia, Beck, Conoscenti, Curtis, Newman, Pepe, Oxley, and Ziner
Absent: Grbelja, Pado and Pinney.

APPROVAL OF MEETING MINUTES: October 14, 2020

The Minutes have been tabled to the December 9, 2020 Meeting.

PUBLIC COMMENT PORTION: 15-Minute Limit

Chairman Newman opened the open public comment portion of the meeting at 7:33. Seeing none, he closed that portion at the same time.

Attorney Matt Kalwinski standing in for Board Attorney Michael Steib.

P19-02 BABBITT/MESHKI – Block 51, Lot 8 known as 2 Carrs Tavern Road consisting of 38.75 acres located in the R-80 Zoning District. Applicant seeks minor subdivision approval to create two lots; Lot A, consisting of 10.16 acres fronting Carrs Tavern Road and Lot B consisting of 28.50 acres with two frontages on Millstone Road. Lot A requires no variance relief. Lot B requires 4 variances, lot frontages where 200 ft. is required where 100.44 ft. is provided; minimum lot width is 200 ft. and 50 ft. are provided. Deemed Complete 3-20-20. Date of Action 7-8-20. Noticing required. Extensions Granted through 11-30-20.

Attorney Kalwinski advised that Attorney Steib had reviewed the noticing packet and found same to be deficient. The applicant has not provided the Board an extension of time and the time runs 11-30-20. Attorney Kalwinsky advised that the applicant must, in writing, provide an extension of time through January 2021 and he must do this by

November 20, 2020 or the matter will be dismissed without prejudice at the December meeting.

Chairman Newman made the Motion and Ms. Curtis offered a Second. Roll call Vote: Newman, Curtis, Conoscenti, Beck, Oxley, Pepe, Ziner and Arpaia vote yes to these conditions.

P20-07 SOARES, JOHN – Block 41, Lot 1.08 located at Stillhouse Road consisting of 8.226 acres in the R-80 and RU-P Zoning District. Applicant seeks relief from one of the Conditions of approval in the Memorialized Resolution dated 10-10-19. Deemed Complete: 10-28-20. Date of Action 12-12-20.

Attorney Steib advised that he had read the noticing packet and finds same in order to accept jurisdiction over the application.

Attorney Jared Pape representing the applicant.

Attorney Kalwinsky read the Exhibits into the record as follows:

- A-1 Jurisdictional Packet
- A-2 Application dated 10-23-20
- A-2a Schedule A
- A-3 Concept Plan prepared by Crest Engineering 9-23-20
- A-4 Certification of Property Owners of Block 41, Lot 1.06
- A-5 Certification of Property Owners of Block 41, Lot 1.05
- PB-1 Resolution Estate of Halka 9-2019 Memorialized 10-10-2019

Mr. Pape is before the Board this evening requesting an amendment to a condition of approval in the prior Resolution. Attorney Pape provided a brief history of the minor subdivision.

The lot is for the building of a single-family dwelling. Mr. Pape advised that Condition #4 of the Resolution presents a problem in that the applicant wishes to move the home from 250 feet back to 100 feet to a flatter area of the lot. Mr. Pape advised that they had met with the property owners of both lots 1.06 and 1.05. The proposed house is aligned with the driveway off of Lot 1.08 so that the home is not directly located behind either home on lots 1.05 and 1.06.

Mr. Pape advised that is the only condition that they are seeking to amend. All others remain. Mr. Pape advised that no new variances or waivers are triggered by this amendment.

Board Engineer Shafai asked about the red lines on Exhibit A-3. He asked how does the Board know where those are located at. There was discussion on how to solidify where the 100 feet measurement is measured from. Engineer Shafai stated that the proposed home is about 300 feet off of the road. He stated that where it sits is a better location since the area is flat.

Board Planner Mertz feels that this proposed location is better and satisfies the neighbors' concerns. Board Engineer Shafai stated that the landscaping is proposed in the buffer easement.

Attorney Kalwinsky swore in Mr. Valdes of 88 Stillhouse Road, Lot 1.05. He had a concern about the arsenic content and his water. Mr. Pape advised that the Resolution stipulates at the time of construction permitting, new soil samples are to be taken. Engineer Shafai stated that a letter from the NJDEP is needed to either remove the arsenic or they will advise that it is naturally occurring.

Mr. Pape advised that the tree plantings will be approved by the Board Engineer's office. Engineer Shafai stated that he will have his firm's landscape architect review this item.

Chairman Newman asked if any other member of the public had any questions.

Seeing none, he closed the public portion of the application at 8:05 p.m.

Attorney Kalwinsky swore in John Soares the applicant and property owner. He testified that the 100 feet does not include the driveway location.

Attorney Kalwinsky read the conditions of approval, should the Board vote positively for this application are including but not limited to, the property owner is responsible for the planting of the trees and maintenance, the red line location must be identified where the single-family home can be constructed per the Board engineer, the Resolution will be recorded, all accessories will be located behind the proposed house, etc.

Vice-Chairman Pepe made a Motion to approve the application as conditioned and Mr. Ziner offered a Second. Roll Call Vote: Pepe, Ziner, Beck, Conoscenti, Oxley, Curtis, Arpaia and Newman voted yes to approve the application as conditioned.

Chairman Newman has stepped down for the application and has left the zoom meeting.

Attorney Michael Steib is taking over the Meeting for Attorney Kalwinsky

P20-03 – SCANNELL PROPERTIES #434 – Block ,18.02, Lots 3,4 & 5. Known as 801/851 Farrington Blvd. & 1 DeBaun, consisting of 12.27 acres located in the Planner Commercial Development (PCD)Zoning District. Applicant seeks to consolidate the

three lots into one lot, construct a 132,930 s.f. warehouse building with 132 parking spaces, 29 truck loading docks and 28 truck parking spaces. Applicant seeks variances for building height where 35 feet is permitted, 37 feet is requested; building lot coverage where 20% permitted, 25% is requested; Waivers requested. Deemed Complete: 7-9-20. Date of Action: 11-6-20. Extensions granted through 11-30-20.

Attorney Steib advised that he had read the noticing packet and finds same in order to accept jurisdiction over the application.

Attorney Kenneth Pape representing the applicant.

Attorney Steib read the Exhibits into the record as follows:

- A-1 Jurisdictional Packet
- A-2 Application Dated 3-6-20
- A-3 Boundary & Topo Survey prepared by Maser dated 12-13-19
- A-4 Lot consolidation Plan prepared by Maser Dated 3-10-20; last rev. 4-22-20
- A-5 Preliminary & Final Major Site Plan consisting of 15 pages, prepared by Maser dated 3-11-20; last rev. 5-26-20
- A-6 EIS consisting of 63 pages prepared by Crest Engineering dated 12-1-05; last rev. 8-1-06
- A-7 SEIA updated letter prepared by Maser dated 5-7-20
- A-8 Construction Details prepared by Maser consisting of 15 pgs. dated 3-11-20, Last Rev. 4-6-20.
- A-9 Declaration of Covenants Deeds and Restrictions for Riverside Center recorded 1-23-09
- A-10 Traffic Report prepared by McDonough & Rae dated 3-12-20
- A-12 SWM Report prepared by Maser dated 3-11-20; Last Rev. 9-29-20
- A-13 SWM Report prepared by Crest Engineering dated 12-30-16; last rev. 10-19-18
- A-14 Site Plan prepared by Maser dated 3-11-20; last rev. 9-29-20
- A-15 Truck Turning Plan prepared by Maser dated 3-11-20; last rev. 9-29-20
- A-16 Millstone Development Scannell Properties Rendering
- A-17 Aerial prepared by Maser Consulting dated 9-3-20
- A-18 Aerial Exhibit prepared by Maser Consulting dated 9-3-20
- A-19 Elevation of Ground Floor prepared by Pratt Design dated 10-30-20
- A-20 Elevations prepared by Pratt Design dated 10-30-20
- PB-1 Report of Board Engineer dated 7-9-20; revised 10-23-20
- PB-2 Report of Board Planner dated 7-22-20; revised 11-2-20
- PB-3 Environmental Commission Report dated July 20, 2020
- PB-4 Millstone Township Fire District Report dated 3-24-20
- PB-5 Monmouth County Planning Board Final Approval dated 4-13-20
- PB-6 Freehold Soil Conservation District Certification dated 5-6-20
- PB-7 DRCC Jurisdictional Determination dated 9-29-20
- PB-7 DRCC report dated 3-16-20

Mr. Pape advised that the application before the Board is for Preliminary and Final Major Site Plan approval. He advised that the site plan is for the construction of a 132,900 s.f. building to be constructed on three lots that are contiguous and will be merged into one functional lot.

Mr. Pape stated that Riverside development is located partially in Monroe and partially in Millstone. The building has frontage on three roads, Farrington Blvd., DeBaun and Route 33 with no access from the property to Route 33.

Mr. Pape advised that the berm has substantially increased in height and vegetation. He offered that the building is intended to be attractive with considerable features.

Attorney Steib swore in Mr. Janiszewski of Maser, presenting his credentials including earning his degree in civil engineering and masters of business from La Salle. He has been a licensed PE in the State of New Jersey since 2005. Vice-President Pepe advised that the Board accepts him as a professional witness.

Mr. Janiszewski refers to Exhibit A-17, 200 foot scale aerial and explains the area consisting of three lots.

Exhibit A-18 - aerial reflects the property itself which was a former farm and reflects that construction on the development as begun. Mr. Janiszewski described the current property including the moving of dirt to grade in accordance with the previously approved plan. He stated that surrounding the property are some improvements under construction with Riverside Center, including a stormwater basin. Mr. Janiszewski stated that there is a regional septic field that has been installed along with a regional fire tank.

Referring to Exhibit A-16, Mr. Janiszewski explains the location of the building as being parallel to Route 33, having corner office with parking lot abutting DeBaun Road, loading zone located along the north facade of the building, areas for trailer parking and showing the entrances to the site. He stated that the regional basin is not located on their property. Mr. Janiszewski provided that fire suppression system is located on the east side of DeBaun Road.

Board Engineer Shafai clarified that the regional septic system is for the entire subdivision. Mr. Pape advised that the concept of regional stormwater, firefighting and septic were imposed on the applicants at the initial creation of the subdivision. Mr. Pape advised that both Millstone and Monroe are members of an association responsible for the regional systems.

Ms. Oxley asked for clarification regarding the onsite potable well asking if it is a regional for firefighting.

Mr. Pape advised that he had spent time during the summer going over the plan with Shade Tree Commission. He discussed the landscape buffer.

Mr. Pape clarified that the warehouse is not for retail. Mr. Janiszewski stated that the building will be leased with one tenant to take the building with an office and warehouse component. There possibly may be two tenants which is why there are parking in two locations. The 135 spaces meet the ordinance requirement.

Mr. Janiszewski explained how tractor trailers maneuver on the site. There are 29 loading dock doors for trucks to have access as far away from the public as possible. He explained the purpose of the 10 foot wide concrete dolly pads.

Mr. Janiszewski stated that a small detention basin will have a significant amount of landscaping around it. The lighting plan was discussed. He stated that the applicant is in compliance with the ordinance using highly efficient led lights and he explained the location of the lights. Mr. Janiszewski stated that light spillage kept within the property. There will not be any lighting located on the front lawn area.

The ground mounted monument signs were discussed. The property is a corner lot with three frontages. Two monument signs will be located on DeBaun Road and second by the truck entrance. The applicant felt it was important to have a sign located at the driveway entrance for the trucks, explaining that the property is set back 300 feet from Route 33 and Farrington Blvd.

Mr. Janiszewski advised that he has read all Board professionals' reports and has revised the plans in accordance with their initial letters and had resubmitted to address their comments.

Mr. Pape addressed the variances. The property has three front yards. He stated that no loading spaces are permitted in the front yards. There is a maximum height variance needed where 35 feet and 2 stores are permitted, their height is 37 feet. Mr. Janiszewski explained the height is needed to store their product. The clear height is the internal height. It was offered that the applicant had an increase of the berm out front to accommodate the height increase. The berm is now 6 feet in height.

Mr. Pape advised that they do not have a tenant at this point in time.

Attorney Pape sworn in Amanda Henry, 3121 Battersea Lane, Alexandria, VA. Ms. Henry works for the applicant Scannell as a development manager, involved with land acquisitions and warehouses countrywide. She stated that industrial warehouses have a standard minimum of 32 foot clear. She advised that in northern New Jersey, 36 to 40 feet is common. Ms. Henry explained that 32 feet clear interior equates to 37 feet exterior.

Board Planner Mertz stated that any deviation from the standards requires each applicant to make their argument and present their case for the variance.

Mr. Pape stated that they are under total impervious coverage. Mr. Janiszewski stated that where 55% is the limit, they are at 54%. The Floor Area Ratio (FAR) for the zone is 0.25 and

Mr. Pape is asking the Board to consider favorably 25% building coverage which requires a variance.

Board Planner Mertz stated that there is a building coverage issue. They are meeting the FAR requirement to control massing and bulk of a building. She stated that the Township does have a coverage standard here. Planner Mertz stated that there are checks and balances. She wants to hear the applicant's need for an increase of 5% building coverage.

The applicant addressed the two design waivers requests. For stormwater piping, the applicant is proposing a high density piping on site. The clay soil does not allow the groundwater recharge. The clay soil not permeable.

Engineer Shafai advised that the applicant is not adding any more water. The applicant just cannot have a recharge because of the clay layer and he stated that this happens quite often. Engineer Shafai has no problem with this waiver request. Soils do not recharge but all other elements are in place.

Mr. Janiszewski advised that he comply with the reports of the professionals and the fire department. The plans would be amended or supplemented with the Shade Tree Commission's report.

Attorney Steib swore in Rick Pratt, AIA of 74 Ocean Blvd., Atlantic Highlands. Mr. Pratt provided his credentials stating that he received his architectural education from Drexel and has testified before Boards located in Ocean, Monmouth and Middlesex Counties. Vice-Chairman Pepe accepts him as an expert witness.

Referring to Exhibit A-19, floor plan, Mr. Pratt explained that there is a parking lot at each end an office at each end should there be two tenants. Mr. Pratt explained what clear height means. Mr. Pratt stated that roof drains happen on two sides. He explained the location of the units located on the roof and advised that they will not be seen and he explained how they are screened. Mr. Pratt explained the location of the parapet wall located at the corners.

Referring to A-20, Mr. Pratt explains the exhibit. He advised that he worked with the Planner to achieve a more appealing building including color changes, glass at the entrances, canopies to help with shade and shadow. They wanted to achieve more of

an office feel rather than a warehouse. The building is actually more of earth tone colors.

Mr. Pratt explained the renderings to the Board, including the proposed landscaping, the entrances to the building, the main sign, the change in height and color of the building, the canopies and parapets. Mr. Pratt advised the units in the warehouses are only heated and ventilated and he explained how the air in the warehouse is changed.

Ms. Henry advised they have no tenant so they will address the AC in the office space at that time. The Board is concerned about the height of the building with reference to hiding the units located on the roof. Ms. Henry stated that the size of the units depends on the office space. She does not see an office at either end of the building exceedingly more than 2,500 s.f.

The color renderings are entered into evidence as:

Exhibit A-21A-D.

Mr. Ziner asked if there would be a generator associated with this building. Ms. Henry advised not at this time.

Mr. Pratt addressed the signage for DeBaun Road. He explained that stone pillars are located on both sides and a curved top. The sign is 6-foot in height to the peak of the sign and 16 feet in length

The signage colors match those of the building. This is the proposed monument side for the side entrance to the building and the rear entrance sign will be the same.

Engineer Shafai asked about how many tenants will they have. Ms. Henry advised that they would only lease to two. Engineer Shafai asked about the large warehouse on the Monroe side behind this building. He asked if this building would hide the warehouse. Mr. Janiszewski advised that he does not know how tall the Monroe building is. Ms. Henry advised she believes the Monroe building is 45 feet in height. Mr. Pape advised that the Monroe ordinance allows for a larger height.

Planner Mertz asked if there is any signage proposed for the building that could be seen from Highway 33. Ms. Henry advised no, just the two ground monument signs. The address will be located on the building..

Ms. Mertz does not have any issue with what they are seeking for the HVAC units. She advised that she feels parties driving down Route 33 will not be seen from the Highway.

In discussing possibly lowering the height of the building, Mr. Pape advised that the height of the building they have to meet the fire departments recommendation for the

fire suppression system. Mr. Janiszewski provided the construction of the roofing system accounts for the change in height need.

Attorney Steib swore in Gerald DeFelice, Washington Avenue, Palmyra, New Jersey. He has a degree in environmental planning from Rutgers and has been professional since 2005. He is licensed in the State of New Jersey. Vice-Chairman Pepe accepts him as an expert witness.

Mr. DeFelice advised how he prepared for this hearing. He stated that both variances that are being requested are C Variances. He stated that where 35 feet is the maximum height allowed, they are seeking to construct a building that is 37 feet to accommodate the needs of the warehouse to provide the needs of current warehouse practices. Mr. DeFelice explained that the added height does not affect the site suitability. No detriment to public good by the increased height and the increased height will not impact light, air and open space with adequate setbacks to the surrounding buildings. The setback requirements are met.

Mr. DeFelice addressed the variance requested for exceeding maximum lot coverage where 20 percent is permitted, they are seeking an additional 5% over that amount or 25% lot coverage. He offered that this would allow for a better building design and does not exceed the Floor Area Ratio of the building (FAR). There is sufficient light and air per the standards. Mr. DeFelice stated that the benefits of granting this variance have no substantial detriment to public good. He addressed the additional stormwater management plan for the site.

Planner Mertz feels she does not see a negative impact in granting the height variance. She advised that the Ordinance tries to eliminate long, continuous, monotonous group lines for buildings being constructed. Planner Mertz worked with the applicant's architect to break up the building with vertical deviations in the design.

Planner Mertz discussed the applicant's need for the additional need for the 5% exceeding the impervious coverage maximum of 20%. Planner Mertz advised that the Township has an FAR requirement and a building coverage requirement stating that they act as a check and balance on each other. She would like to hear why the extra square footage is necessary.

Mr. DeFelice stated that in laying out the building this building is a single loaded building. He explains that the first 60 feet for trucks to move the material around. He explained that a certain depth is needed for the building.

Vice-Chairman Pepe opened the application to the public at 10:30 p.m. Seeing no public comment, he closed that portion of the application.

Mr. Pape offered a summation of the application for this Class A warehouse building.

Attorney Steib read the conditions of approval should the Board vote positively for the application, including but not limited to, granting a height variance where 35 feet is permitted they are seeking 37 feet, Building coverage where 20% is permitted, they are seeking 25%, waivers for location of loading and maneuvering space, storm drain pipe material made of HPED instead of concrete where the Board engineer has no problem with this request, groundwater recharge requirements due to clay soil and the Board Engineer has no objection to this waiver, continuing to work with the Shade Tree Commission, comply with the reports of the professionals.

Planner Mertz stated that the Off street loading is technically a variance and not a waiver.

Vice-Chairman Pepe offered that the two foot height variance does not seem to be detrimental.

Mr. Ziner feels the Ordinance should be left at 35 feet. A matter of protocol an applicant should come to the Board and let the Board address.

Vice-Chairman Pepe asked for a Motion and a Second. Mr. Ziner made the Motion to approve as conditioned. Ms. Curtis offered a Second, Roll Call Vote: Ziner, Curtis, Arpaia, Beck, Conoscenti and Oxley.

NEW BUSINESS: Changing meeting time for December 9th, change time to 6:00 p.m. Introducing new Planning Board and Board of Adjustment Secretary for 2021, Robin Tillou. The Board welcomed Ms. Tillou.

Respectfully submitted,

Pamela D'Andrea