



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
April 13, 2022**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, April 13, 2022 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, including a notice for change of venue from being held virtually, to be held at the Municipal Meeting Room, in person.

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, Mayor Ferro, C/W Zabrosky, Ms. Balint, Mr. Beck, Mr. Pado and Mr. Ziner.
- Absent: Vice-Chairman Pepe, Ms. Curtis and Mr. Youngs (Alt. II), with one vacant seat.
- Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; M. McKinley Mertz, AICP, PP, Board Planner; Danielle B. Sims, Board Secretary; Angela Buonantuono, Board Court Reporter.

CORRESPONDENCE:

The Board reviewed the correspondence provided to the Board. Ms. Mertz reviewed the State's recent Electric Vehicle (EV) Charging Station requirements which is being phased in over the next six years and described the "make ready" spaces requirement for any new or revised sites, and construction.

PUBLIC COMMENTS:

Chairman Newman opened the meeting up to members of the public for comments on matters not before the Board. With no members coming forward, Chairman Newman closed the public comments session.

MINUTES:

March 9, 2022 – Chairman Newman suggested that the Minutes from the March 9, 2022 meeting be carried to the next meeting as the transcripts have been ordered and would allow the Board Secretary some time to review the transcript and help with the minutes. Chairman Newman made a motion to carry the minutes, with all Board members in favor.

RESOLUTION(S):

**Millstone Plaza, LLC
Block 24, Lot 4 – Route 33
Preliminary and Final Major Site Plan Application # P21-01**

Mr. Pado made a motion to memorialize the resolution of approval for Application P21-01, which was seconded by Mr. Beck. The motion passed with the following roll call vote: Ms. Balint, Mr. Beck and Mr. Pado.

Approved: 3 – 0.



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**Consistency Report – Ordinance No. 22-05
Chapter 35 (Land Use and Development), Article 5 (Zoning District Regulations), BP and
PCD Zones**

Mr. Steib provided a summary of the consistency report. Ms. Mertz explained that the proposed requirements in BP and PCD zones would now calculate certain standards in a different manner and more consistently. Lot coverages would be based on the amount of land that does not have any restraints, such as steep slopes, wetlands, etc. She recommended that the Board find the proposed Ordinance is in conformance with the Master Plan. Chairman Newman made a motion to find proposed Ordinance 22-05 is consistent with the Master Plan and to adopt the resolution in this regard, which was seconded by Mr. Pado. The resolution was memorialized with the following roll call vote: Chairman Newman, Mayor Ferro, C/W Zabrosky, Ms. Balint, Mr. Beck, Mr. Pado and Mr. Ziner.

Approved: 7 - 0

NEW APPLICATION(S):

Green, George

**Block 62, Lot 16.02 (proposed lots 16.03 & 16.04) – 97 & 103 Stage Coach Rd.
Extension Request of Minor Subdivision Approval # P19-11(Ext.)**

Request for an extension of approval granting a two-lot subdivision of a 9.83-acre lot in the R-130 Zoning District. Proposed Lot 16.04 (#97 Stage Coach Road, 3-acres) will maintain an existing dwelling and swimming pool. Proposed Lot 16.03 (#103 Stage Coach Road, approximately 6.6-acres) will be a single-family residential building lot. No variance relief was required to create this subdivision. Applicant is requesting an extension as the subdivision must have been perfected and filed within 190 days of the resolution memorialization, which expired on 9/17/20.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PP – Board Planner
George Green – Applicant

Mr. George Green of Stage Coach Road appeared on his own behalf and was sworn in. Mr. Steib explained that the applicant was required to file the deeds for the minor subdivision approval by September 17, 2020 and failed to do so. The Applicant is seeking extensions of the approval in order to file the required deeds and perfect the subdivision approval. Mr. Steib reminded the Board that in order to grant a requested extension, an applicant must show that they had delays of outside agency approvals, and that they actively pursued the approvals granted and that the length of time is relative to the delay. One condition of the approval was the Applicant was required to obtain Monmouth County Planning Board approval as the property fronts on a county roadway. The County originally requested road widening and on February 14, 2022, Monmouth County issued a Final Approval.

Mr. Shafai noted that the Applicant has submitted to the County Planning Board seven times and that there may have been some errors during the review, and Covid delays. Mr. Steib stated the Board should consider if the Applicant diligently pursued the approvals and the delay was beyond his control. The 90-day time frame to file the required deeds to perfect the subdivision would begin on February 15, 2022, as the date of the County's Final Approval.



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Chairman Newman asked if Mr. Green would be able to perfect his subdivision within the 190-day deadline (approximately August 2022). Mr. Green confirmed this.

The Board considered the request to grant the extension of the approvals, beginning the 190-day time to file on February 15, 2022. A motion to grant this extension was made by Mayor Ferro and was seconded by Mr. Ziner. The request for extension was approved by a roll call vote: The resolution was memorialized with the following roll call vote: Chairman Newman, Mayor Ferro, C/W Zabrosky, Ms. Balint, Mr. Beck, Mr. Pado and Mr. Ziner.
Approved: 7 - 0

**TOTALSTONE, LLC, c/o Robert McKay
Block 53, Lot 4.02 – 4 Wren Haven Drive
(Amended) Preliminary and Final Major Site Plan Application # P21-04
(Carried without further notice from 3/9/22 meeting)**

The 5.27-acre property is located in the BP Zoning District on a private road, with frontage on, but no access to, CR 526 and I-195. The applicant proposes to add outdoor storage to an existing site to store cultured stone that is sold and distributed from the existing 44,687 +/- square foot warehouse building. The applicant does not request any expansion of the building footprint or size or any modification of the existing use of the building. A variance is required for outdoor storage within the required front yard area of the lot.

Mr. Steib, Esq. confirmed that the Board took jurisdiction on this application at the March 9, 2022 meeting and the matter was carried without further notice to this meeting and is eligible to hear the application.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PP – Board Planner
Loralie Totten – Applicant's Engineer
Jim Higgins – Applicant's Planner
Robert McKay – Total Stone, LLC, Chief Operating Officer

The following exhibits were marked in advance of the hearing, as follows:

Exhibit A-1: Jurisdictional Notice (Proof of Service)
Exhibit A-2: Application, Checklist and Administrative Forms
Exhibit A-3: Monmouth County Planning Board – letter (application not required)
Exhibit A-4: Traffic Statement, prepared by McDonough & Rea Associates, dated 10/19/21
Exhibit A-5: Environmental Impact Statement, prepared by Crest Engineering, dated 9/30/21
Exhibit A-6: Stormwater Management Report, prepared by Crest Engineering, dated 9/30/21
Exhibit A-7: Survey of Property, prepared by Crest Engineering, 1 sheet, revised 3/10/21
Exhibit A-8: Aerial Display, prepared by Crest Engineering, 1 sheet, revised 9/30/21
Exhibit A-9: Site Plan, prepared by Crest Engineering, 6 sheets, revised 12/2/21
Exhibit A-10(a): Photo – View from Trenton-Lakewood Road, dated 12/31/21
Exhibit A-10(b): Photo – (Near) View from Trenton-Lakewood Road, dtd.12/31/21
Exhibit A-10(c): Photo – View from I-95, dated 12/31/21



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- Exhibit PB-1: Completeness Determination dated 12/13/21
- Exhibit PB-2: Engineer's Report dated 12/15/21
- Exhibit PB-3: Planner's Report dated 12/17/21
- Exhibit PB-4: Shade Tree Commission review dated 2/21/22

Mr. Peter Klouser, Esq. appeared on behalf of the applicant. He explained that the business has been at the site and has been in operation at this site since 2005. The site is located on Wren Haven Drive, near Trenton-Lakewood Road. There is a warehouse next to the site. The property is unique as it has three front yards, with three frontages, Wren Haven Dr., Trenton Lakewood Rd. (County) and Highway 195 (State). The applicant is proposing to have storage within this front yard area to include cultured stone stored on pallets, requiring a variance.

Ms. Totten has previously appeared before the Board and was accepted as a professional licensed Engineer. Ms. Totten provided a summary of the site and the surrounding area. There is no access permitted to Rt. 526 or to I-195 There is an existing warehouse on the site, which pre-existed the subdivision. It is serviced by septic and well. No wetlands or flood plains are on this property. There is a variance being requested for outdoor storage within the front yard (three front yards exist). Mr. Klouser, Esq. confirmed that the proposed plan will reduce the amount of impervious coverage, bringing it to 69%; whereas 70% is permitted. She stated that 5,400 s.f. of outdoor storage area is proposed, along with a stormwater management element. A basin will re-infiltrate the runoff the drains towards 195. The storage in the front of the building (between building and Wren Haven Drive) has already been removed from the site. The sidewalk along the property no longer has any use and will be removed to reduce the impervious coverage. The stormwater management system has been analyzed for the changes in impervious coverage. The site can handle the increase in the flow. Ingress/egress is out to Wren Haven Drive. There are twenty-two (22) parking spaces and the applicant only has five (5) employees for the site. Although they are including some gravel area, it is still considered impervious coverage. The applicant would not be able to store on top of the basin areas with stone. Chairman Newman suggested some signage to prevent storage on these areas. Mr. Shafai stated that the storage area will be located within a fenced in area. Ms. Totten explained that the landscape buffer area will be refurbished. Mr. Ziner inquired how tall the storage area would be. Mr. Klouser Esq. indicated that it would be up to 8' tall and would be stone wrapped on pallets. The storage material will be hard, cultured stone. Mayor Ferro asked if the applicant would agree to restrict the outdoor storage to cultured stone within the storage areas shown.

Mr. James Higgins has previously appeared before the Board and was accepted by the Board as a professional licensed Planner. He introduced and described Exhibit A-10(a): photo of site from northbound side of Lakewood Trenton Road (12/31/21), Exhibit A-10(b): photo from Lakewood Trenton Rd. with existing vegetation (near-side view) and Exhibit A-10(c): photo taken from eastbound 195.

The Board expressed concern over the height of the pallets and outdoor storage in the photo exhibits (Exhibits A-10 (a, b & c). Mr. Higgins stated that the proposed landscaping will buffer this view. He would suggest that any approval could be conditioned on the site to be sufficiently landscaped to the satisfaction of the Township Engineer. Mr. Higgins explains that the areas in the photos is in the side yard of the site. Mr. Klouser, Esq. suggested that the Applicant would agree to restrict the height of the storage area to 8' in height. Councilwoman Zabrosky suggested that the sheathing on the fence be extended to help shield the view of the pallets.



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Mr. Higgins explained that outdoor storage is permitted; however, it is not permitted in the front yard. He stated that it is typical that 14.4% of a lot is restricted from outdoor storage due to being in the front yard. On this particular site, 38.5% of the lot is part of a front yard where the applicant is restricted from using outdoor storage. For these reasons, Mr. Higgins believes it is reasonable to grant the requested relief, providing the required proofs. If this were an interior lot, Mr. Higgins noted, these areas would be able to be used for storage. This application, he believes, encourages the efficient use of land. The applicant stated the applicant is supplementing the landscaping, limiting the visual impact. Having multiple frontages has created a hardship, restricting the unusable area to almost 40% of the site.

Ms. Mertz inquired about how long the items would be stored on the site. Chairman Newman would like to know why the items could not be stored inside the warehouse building. Mr. Pado did not believe that outdoor storage was permitted in the business park area. Ms. Mertz stated that the business model is different and the Board has put certain restrictions on applications. She explained that, historically, the Boards have preferred to not have any outdoor storage; however, the ordinance does allow for this, as long as it is screened from street view and not in the front yard.

Mr. Ziner expressed his concern with the visual impact on the County roadway and State Highway 195.

Mr. Klouser, Esq. stated the hours of operation are 7:00 am to 4:00 pm.

Ms. Mertz confirmed that if the county roadway and State Highway 195 were not adjacent to the property, the storage would be permitted in the proposed location; however, the applicant would still be required to enhance the landscaping to buffer these areas.

Mr. Klouser, Esq. would stipulate to restricting the outdoor storage from being placed in the true front yard areas, fronting on Wren Haven Drive.

Mayor Ferro is concerned with any additional traffic that may be generated with the proposed additional outdoor storage.

Mr. Robert McKay stated that cultured stone has been around since the 1960's. The stone is expected to last a lifetime. He said stone typically does not sit at the site more than a few weeks to a month. The additional storage is needed due to the expansion of the product line and demand due to a successful business. They typically will store larger items (that require a forklift) outside and smaller items are typically stored indoors. Product is wrapped and stored on pallets. Products stored outside are stacked 3 high, and would not be higher than 8' for safety reasons. He stated that Total Stone is the sole operator at the building and there are five (5) employees for the company. Mr. McKay stated that he is not sure how many additional pallets are anticipated, but they are restricted. They alphabetize the products and keep the site very neat. Ms. Mertz stated that they have maxed out and would not be able to continue to expand beyond the requested approvals.

There was a sign recently placed at Red Valley Rd. that says "No left Turns" to prevent traffic going onto Red Valley Rd. as a result of the approvals for the adjacent warehouse, which recently received a C.O.

Chairman Newman opened the matter to the public. With no members of the public who came forward, the public portion was closed.

The applicant requested a brief break and the Board took a brief recess.



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Mr. Klouser, Esq. suggested that the applicant would restrict the outdoor storage to wrapped pallets of cultured stone and would not have loose stone/material. The applicant would also agree to restrict the height of the outdoor storage to 8' in height or would have to come back to the Board. He summarized that it is a successful business and would like to expand with the growth of the business. The applicant has a hardship due to the three "front yards" and a site plan creates a framework that would be easily enforceable. This business is in an appropriate area. He asked that the Board act favorably and approve the application.

Mr. Beck wanted to confirm that the applicant would be restricted from placing storage on the stone basin areas, noting the applicant has expanded without approvals in the past. The applicant agreed to place a fence to demarcate the storage area in all outdoor gravel storage areas. Mayor Ferro asked that the applicant would be required to maintain the screening and replace any vegetation within a reasonable amount of time to replace this. Mr. Steib, Esq. explained that the applicant would be required to post a two-year maintenance bond. Mr. Shafai stated that there is an ordinance that requires an applicant to maintain the site.

Mr. Steib reviewed the various conditions considered by the Board.

Ms. Balint made a motion to approve the application with the conditions discussed on record, which was seconded by Chairman Newman. The motion passed with the following roll call vote in favor: Chairman Newman, Mayor Ferro, Ms. Balint, Mr. Beck and Mr. Pado; with those against: Councilwoman Zabrosky and Mr. Ziner.
Approved 5 – 2.

XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC

Block 18.01, Lots 1, 2, 3 & 4 (proposed Lots 1.01 and 1.02) – Farrington Blvd. & Debaun Rd. Minor Subdivision, Preliminary & Final Major Site Plan and Variance Application # P21-13
Proposal to modify existing subdivision lines to increase lot size of Lots 1 & 2 and to consolidate Lots 1 & 2 into one lot (proposed Lot A), and to consolidate the remaining portions of Lots 3 & 4 into one lot (proposed Lot B). Applicant proposes to construct a 60,000 s.f. warehouse on proposed Lot A (57,600 s.f. warehouse, 2,400 s.f. office) and associated site improvements. No variances are requested.

Mr. Steib, Esq. confirmed that the proof of notice was correct in form, published and properly served, so the Board has jurisdiction to hear the application.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PP – Board Planner
Loralie Totten – Applicant's Engineer

The following exhibits were marked in advance of the hearing, as follows:

Exhibit A-1: Jurisdictional Notice (Proof of Service)
Exhibit A-2: Application, Checklist and Administrative Forms
Exhibit A-3: Application Correspondence
Exhibit A-4: Will Serve Requests
Exhibit A-5: Traffic Impact Study, prepared by McDonough & Rea Associates, dated 11/17/21
Exhibit A-6: Environmental Impact an Assessment, prepared by Crest Engineering, dated 11/17/21



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- Exhibit A-7: Stormwater Management Report, prepared by Crest Engineering, dated 11/17/21
- Exhibit A-8: Architectural Elevation/Floor Plan, prepared by S. Gran Wityk, Architect, 1 sheet, revised 11/22/21
- Exhibit A-9: Minor Subdivision Plat, prepared by Crest Engineering, 1 sheet, dated 11/17/21
- Exhibit A-10: Preliminary and Final Major Site Plan, prepared by Crest Engineering, 11 sheets (sheet 8 reserved), dated 11/17/21
- Exhibit A-11: Site & Circulation Plan, sheet 3 of 11 of Site Plan set, prepared by Crest Engineering, revised 3/15/22
- Exhibit A-12: Rendering of Proposed Building Lot A (proposed Lot 1.01)
- Exhibit A-13: Rendered Site Plan – Riverside Center–Lot A (proposed Lot 1.01)
- Exhibit A-14: Rendered Elevations– Riverside Center–Lot A (proposed Lot 1.01)
- Exhibit A-15: Aerial Display, prepared by Crest Engineering, dated 11/17/21
- Exhibit PB-1: Completeness Determination dated 1/16/22
- Exhibit PB-2: Engineer’s Report dated 2/18/22
- Exhibit PB-3: Planner’s Report dated 4/6/22
- Exhibit PB-4: Shade Tree review dated 2/21/22
- Exhibit PB-5: Fire Official review dated 3/30/22
- Exhibit PB-6: Tax Assessor assignments of Block/Lots and Addresses, 12/2/21

Mr. Licata, Esq. appeared on behalf of the applicant.

Ms. Totten has previously appeared before the Board and was accepted as a licensed professional by the Board. She provided a summary of the history of the site and explained the need for the minor subdivision.

Employees would park on the side of the building. Ms. Totten described the proposed landscaping as shown on Exhibit A-13 and Exhibits A-10 and A-11. The applicant would comply with the comments from the Fire Official. The site is part of a regional stormwater system. The applicant would not be able to exceed 55% coverage in order to meet the design of the regional stormwater system. Porous pavement is provided for water quality and infiltration. Dry wells are shown on the site plan for roof runoff. The application meets all of the stormwater requirements, including the new stormwater requirements.

The applicant agreed to work with the Board Planner to comply with the landscaping comments and with the Shade Tree Commission comments. The applicant would stipulate to replace any necessary landscaping by the next planting season. Ms. Totten stated that there will not be any outdoor storage. The application requires variance relief for lightning levels. The project is a sister project to Lot 2.03 and the tenant will be Duck River Textiles, who distributes textiles (bedding, towels, etc.). The hours of operation will be from 8:30 am to 6:00 pm, Monday through Saturday. With the exception of security lighting, site lighting will be on up to about an hour or two after business hours. There will be nine employees on site. Management may work on site after business hours. Lighting will be on about an hour before and after hours of operation and there will be 9-10 truck deliveries (in and out) per day. Mr. Ziner inquired about the truck traffic to/from the site. Mr. Licata asked that this be addressed by the Applicant’s traffic engineer.

Ms. Totten stated the trash/recycling has been sized to accommodate the needs of the sister building located on Lot 2.03.



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The site requires a variance for the proposed height of 38.4'; whereas 35' is permitted. Any future buildings on proposed lot 1.02 (referenced also as Lot B) would shield the view of this building. The height is necessary because the loading dock height is needed by the tenant, Duck River. A building coverage variance is required for building coverage of 24.5%. Mr. Licata, Esq. confirmed that they are compliant for lot coverage (44% provided, 55% maximum permitted), but do not meet the building coverage of 20%. There is no mezzanine proposed for this warehouse and would not trigger a Floor Area Ratio variance (FAR). In theory, the applicant could design a building with a mezzanine that would meet the building coverage. The additional impervious area proposed is "clean" and does not require infiltration. Porous pavement is being provided and is being counted as "pervious" areas in calculating coverage. The applicant is also requesting a variance for off-site loading areas within a front yard due to the curve of Farrington, making the property almost have three front yards. It makes it almost impossible to not have loading within a front yard.

Ms. Totten reviewed the outside agency approvals. Monmouth County Planning Board will not be required as the drainage will go towards Monroe and into Middlesex County. NJDEP approval for the wastewater system, so they will need to obtain a TWA permit. The applicant will provide additional information including soil borings for the water table to make sure the proposed drainage works.

Ms. Mertz confirmed that proposed Lot "A" as shown on the plan would be known as proposed Lot 1.01 and proposed Lot "B" would be known as Lot 1.02, as per the Tax Assessor's review comments. Ms. Totten will continue with the planning testimony at the following meeting.

Chairman Newman opened the meeting to the public to address the Engineering testimony.

Ms. Dorothy Sluzas of 7 Arrowhead Way, Millstone, appeared and was sworn in. She expressed concern with tractor trailer traffic access to the site and movement to and from the site.

There were no other members of the public that came forward at this time, the public session was closed.

Due to the late hour, the Applicant agreed to grant any appropriate extension of time for the Board to act in order to carry the application to the next available meeting date.

Mr. Steib, Esq. announced that the Board will carry Application PB21-13, XXXIII Associates/ Riverside Center, LLC, to the Wednesday, May 11, 2022 meeting, which will be held in person at 7:30 pm at Wagner Farm Park Facility, 4 Baird Road, Millstone Township, NJ 08535. There will be no further notice of this meeting. The public was informed that there is another application on the agenda and this matter may again be carried to the June meeting, and they may contact the Board office for information or attend the meeting on May 11, 2022 for further information.

BOARD DISCUSSION:

With no further business, Chairman Newman closed the meeting.

Respectfully submitted,

Danielle B. Sims, Board Secretary