



**MILLSTONE TOWNSHIP PLANNING BOARD
SPECIAL MEETING MINUTES
June 29, 2022**

The Millstone Township Planning Board Special Meeting was called to order by Chairman Newman on Wednesday, June 29, 2022 at 7:30 p.m. at the Wagner Farm Park Facility, 4 Baird Road, Millstone Township, NJ 08535. The purpose of this special meeting is for the continued hearing of Application P21-05, Hexa Builders, LLC, Block 11, Lot 19 – 711 Perrineville Road. Formal Action may be taken. 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. Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado and Mr. Ziner.

Absent: Ms. Balint, Ms. Sinha and Mr. Youngs (Alt. II), one vacant seat (Alt. I).

Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; Leigh Fleming, AICP, PP, Board Planner; Danielle B. Sims, Board Secretary; Angela Buonantuono, Board Court Reporter.

In advance of the meeting, Mr. Pepe and C/W Zabrosky reviewed the record and exhibits from May 11, 2022 regarding the Hexa Builders, LLC application (P21-05) and have signed the certification to be eligible to participate and act on the hearing for this application.

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 June 8, 2022

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Ziner made a motion to adopt the Minutes from June 8, 2022, which was seconded by Mr. Pado. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Pado and Mr. Ziner.

RESOLUTION(S):

None.

EXECUTIVE SESSION:

Chairman Newman called for the Board to go into Executive Session in order to discuss potential litigation, making a motion to adopt a resolution to go into executive session; which was seconded by Mr. Ziner. With all Board members in favor, the Board left the dais to convene in the adjoining room for the executive session.



The Board returned at 7:55 pm. On a motion from Chairman Newman, Mr. Ziner seconded a motion to exit the Executive Session and proceed with the special meeting, with all in favor.

CONTINUED/CARRIED APPLICATION(S):

Hexa Builders, LLC

Block 9, Lot 7 – 711 Perrineville Road

Preliminary and Final Major Site Plan Application # P21-05

(Carried without further notice from 3/9/22, 5/11/22, and 6/8/22 meetings)

The following witnesses were sworn in or still under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PP – Board Planner
Leigh Fleming, PP – Board Planner
Chester DiLorenzo – Applicant's Engineer
Scott Nicholl – Applicant's Architect
Dr. Christopher Huss – Superintendent of Schools
John Rea – Applicant's Traffic Engineer
Greg Barkley – Applicant's Engineer (specializing in water and wastewater)

Mr. Steib, Esq., reviewed the additional exhibits provided to the Board since the hearings held on March 9, 2022 and May 11, 2022, additional exhibits were also introduced:

- Exhibit A-1: Jurisdictional Notice (Proof of Service)
- Exhibit A-2: Application, Checklist and Administrative Forms
- Exhibit A-3: Traffic Impact Analysis, prepared by McDonough & Rea Associates, dated 11/21/21
- Exhibit A-4: Environmental Impact Statement, prepared by Trident Environmental, dated 11/11/21
- Exhibit A-5: Drainage Study prepared by Midstate Engineering, dated 11/21/21
- Exhibit A-6(a): Survey of Property, prepared by Midstate Engineering, 1 sheet, dated 1/29/21
- Exhibit A-6(b): Survey of Property, prepared by Midstate Engineering, 1 sheet, revised 8/9/21
- Exhibit A-7: Aerial Display, undated, source unknown
- Exhibit A-8: Arch. Floor Plans/Elevations-Townhouses, prepared by Tekton Architecture Studio, LLC, 2 sheets, dated 6/22/21
- Exhibit A-9: Arch. Floor Plans/Elevations-Apartments Buildings, prepared by Tekton Architecture Studio, LLC, 2 sheets, revised 9/30/21
- Exhibit A-10: Site Plan, prepared by Midstate Engineering, 22 sheets, revised 10/11/21
- Exhibit A-11: Color Rendering of Proposed Apartment Buildings, dated 9/30/21
- Exhibit A-12(a): Extension of Time to Act through 5/31/22
- Exhibit A-12(b): Extension of Time to Act through 6/30/22
- Exhibit A-13: Site Plan, prepared by Midstate Engineering, 23 sheets, revised 4/2/22
- Exhibit A-14: Analytical Report-Environment Testing America, prepared by Eurofins Edison, released 4/18/22
- Exhibit A-15: Hydrogeologic Evaluation for Wastewater Discharge, prepared by Dwyer Geosciences, Inc., dated January 2022
- Exhibit A-16: Monmouth County Planning Board, Development Review, "Incomplete Application" dated 3/17/22
- Exhibit A-17: Notice (CRR) of NJPDES-DGW Permit is being submitted to the NJDEP, prepared by G Barkley Engineering, dated 2/4/22, received 2/7/22
- Exhibit A-18: Stormwater Management Report, prepared by Midstate Engineering, revised 4/25/22
- Exhibit A-19: Rendered Site Plan



- Exhibit A-20: Aerial Photo w/ proposed development shown
- Exhibit A-21: Monmouth County, Site Specific Amendment App. Review 5/16/22
- Exhibit A-22: Townhouse Elevations for Cluster, prepared by Tekton Architecture Studio, LLC, 1 sheet, dated 5/23/22
- Exhibit A-23: Correspondence
- Exhibit A-24: Analytical Report-Environment Testing America, prepared by Eurofins Edison, released 5/31/22
- Exhibit A-25: Stormwater Management Report, prepared by Midstate Engineering, revised 6/6/22
- Exhibit A-26: Soil Log & Soil Sample Location Map, prepared by Midstate Engineering, 2 sheets, dated 2/1/22
- Exhibit A-27: Site Plan, prepared by Midstate Engineering, 23 sheets, revised 6/6/22
- Exhibit A-28: Soil Sample Evaluation, prepared by Grelis Environmental Services, LLC, 3 pages, dated 6/17/22
- Exhibit A-29: Revised Arch. Floor Plans/Elevations-Townhouses, prepared by Tekton Architecture Studio, LLC, 2 sheets, dated 6/22/21 (no revision date noted)
- Exhibit A-30: Series of 22 photos of 131 Hankins Road Disposal Field and Pretreatment Plant, taken 6/21/22
- Exhibit A-31: Updated Rendered Site Plan dated 6/29/22
- Exhibit PB-1: Completeness Determination dated 12/8/21
- Exhibit PB-2: Engineer's Report dated 1/11/22
- Exhibit PB-2(b):Engineer's Report dated 5/3/22
- Exhibit PB-2(c):Engineer's Report dated 6/22/22
- Exhibit PB-3: Planner's Report dated 2/17/22
- Exhibit PB-3(b):Planner's Report dated 5/5/22
- Exhibit PB-3(c):Planner's Report dated 6/23/22
- Exhibit PB-4: Environmental Commission review dated 3/2/22
- Exhibit PB-4(b):Environmental Commission review dated 5/5/22
- Exhibit PB-4(c):Environmental Commission review dated 6/24/22
- Exhibit PB-5: Shade Tree Commission review dated 11/18/21
- Exhibit PB-5(b):Shade Tree Commission review dated 4/27/22
- Exhibit PB-5(c):Shade Tree Commission review dated 6/27/22
- Exhibit PB-6: Fire review dated 6/22/22

Mr. Guinco, Esq. again appeared on behalf of the applicant.

Chet DiLorenzo stated that they have amended the plans and supplemented their He stated that on March 17, 2022 Technical Review completed by the NJDEP, but there has not been any findings granted. He stated that they have added the required electric vehicles to the plan as required. Mr. DiLorenzo noted that they have received a review from the Fire Official and can comply with the comments in this review memo (PB-6).

Mr. DiLorenzo noted that soil samples were taken and the samples have been taken to the lab. The Monmouth County Engineering Department advised him that they need to sample in a particular manner. He personally took the samples and has engaged an environmental specialist to evaluate these samples and will be providing testimony after Mr. DiLorenzo's testimony.

Mr. Pepe inquired about the review that was done by the NJDEP. Mr. Guinco stated that the application has been deemed complete.

The drainage inlets have been revised to comply with the SWM and all landscaping and buffering have been relocated as requested. They also removed some impervious coverage from the site. There are six total basins to serve the site and the bio-retention basin complies



with the green infrastructure requirements. In his opinion, the site is completely compliant with the ordinance requirements in regards to stormwater.

Mr. Pepe asked how the proposed application would have any negative impact on the nearby wells. Mr. DiLorenzo stated that they are not going to be drawing from the same aquifer. Most wells in Millstone draw from 100'-150' with some down to 200'. This application will be drawing from at least 250' feet and if they take away the water from a neighboring property, they would have to drill a new well from them. C/W Zabrosky would like to know how Mr. DiLorenzo could certify that this aquifer will be available. Mr. Ziner is concerned about the magnitude of necessary water to be drawn from the aquifer. He would like to know about any back-up system in place.

Mr. Gregg Barkley provided his credentials as a licensed engineer, with a specialty in water and waste water treatment. The Board asked several questions about Mr. Barkley's credentials as a specialist in wastewater. The Board accepted Mr. Barkley as a licensed professional. Mr. Barkley described the proposed facility which is centrally located to the site. He explained how the treatment center handles the flow for the treatment process. The pumps will pump into a screen system to remove larger particles, the liquid follows into other tanks which are set up to break down into innocuous material. Residual sludge would be removed as liquid sludge and hauled off-site. The nitrates would be removed from the wastewater discharge. This is a biological process. The microbes grow and require an excess energy in order to grow and thrive. There is nothing toxic. A well performing treatment plant does not have anything other than an "earthy-like smell" and can be remediated, if needed. Mr. Pepe is concerned that methane smell may emit from the plant. Mr. Barkley stated that there would be little to no smell from the plant and noted that the system is not yet fully designed. There are vessels and a series of tanks that process the wastewater. The liquid would go through a UV light to remove any bacteria and is discharged into the disposal field.

C/W Zabrosky inquired about how often the site will require the sludge to be hauled off-site. Mr. Barkley stated that they anticipate it to be about once a month and that it is required to be hauled by a licensed hauler. The treatment facility will require a licensed treatment operator for the site. They will be required to comply with any permits and to prepare monthly monitoring reports. The NJDEP would designate the areas for the required monitoring wells.

Mr. Barkley noted the pumps would be maintained and inspected, there would be a standby generator and there are back-ups to the critical parts. There are numerous systems like this in the state. Mr. Ziner is concerned about the amount of iron in the ground in Millstone. Mr. Barkley stated that he is only charged with the design of the wastewater system, but is not involved in the potable water system and design. He has some experience in this work and provided some generic background, not specific to the site. Mr. Ziner would like to hear from an expert regarding the water.

Mr. Lambros is concerned that the only open space area shown on the plan is the septic treatment area. Mr. Barkley stated that the treatment area would be available for passive recreation use. Mr. Lambros inquired about the life-expectancy of the system. Mr. Barkley stated that the various components have various life expectancy. Mr. Lambros inquired If the field were to fail or would need some replacement, how would the site function. Mr. Barkley noted that they can turn beds "off" while others are working and would allow for maintenance. He explained that all the wastewater flows to the treatment facility and then is treated and turned into the ten disposal beds, which in essence is really a recharge area. This system is a lot cleaner than a typical septic system. This system is an aerated device which breaks down waste in a quicker time periods and produces a cleaner product.



Mr. Lambros inquired about the cost of a system similar to this. Mr. Guinco stated the cost, based on a similar local system, would be about \$150/ unit/ quarter. The overall cost to install this system would be in the area (estimated) of \$750,000.00. Additionally, the facility owner (HOA) would be responsible for any repairs. Also, Mr. Guinco noted, the NJDEP holds a surety on the facility and can file against the surety to make any required repairs. Mr. Guinco stated that the Township would also require performance guarantees for any public improvements. Mr. Barkley stated that copies of any monthly monitoring reports are posted only be at the NJDEP website.

Mr. Barkley stated the facility would be about the size of a large garage, approximately 43' x 65', with a couple of overhead doors for equipment access. The generator would be outside of the treatment facility with a sound attenuating structure.

Mr. Ziner is concerned with potential impact on the Millstone River and Rocky Brook River. Chairman Newman inquired about how one would handle an emergency. Mr. Barkley stated that there is an emergency contact and there are alarms to alert to issues. He noted there is also excess capacity within the tanks. High level alarms would be the primary alert, should there be issues with the system.

Mr. Pepe inquired if there would be any situation where the Township would be responsible (developer goes into default, for example). The applicant did not provide a response.

Mr. Shafai inquired if Mr. Barkley has prepared a report. Mr. Barkley stated that he has not. He stated that they have submitted a groundwater discharge permit application in February 2022. They have responded that they are awaiting an amendment and cannot process with their technical review of the proposal. The proposed building is about 2,500 s.f. and would be approximately 16'-18' and about 12' interior height. Mr. Shafai inquired about the impact of the facility on the nearby units. Mr. Barkley stated that the loudest part of the facility would be the generator and there would be minimal smell, if any.

Mr. Barkley stated that the system is a gravity system. The applicant has submitted for groundwater discharge with the NJDEP. The applicant will provide a copy of this permit application to the Board. Mr. Shafai confirmed that the NJDEP will not review the plan until the County has approved a plan. Mr. Barkley stated that they are working on a wastewater management amendment with the County and the State. They are required to submit a letter of interpretation for the wetlands along with their application. The applicant confirmed they have not yet received any approvals/permits from the County, or anything looked at as part of wastewater, such as wetlands or threatened and endangered species. Chairman Newman asked that the applicant provide the application or case number for the pending wastewater management amendment to the Board so that Mr. Shafai can follow up on the status of this. Mr. Berkley stated that this was being processed by a consultant, Tony Dilodovico. He would also handle the wastewater management monitoring wells.

Mike Pisauro, policy director of The Watershed Institute, appeared and asked about the impact of the proposed disposal site on the wetlands. Mr. Berkley stated he doesn't believe the wastewater system would have an impact as it is not in the wetlands or the wetlands buffer area. inquired about the number of residents in each unit that would produce wastewater. Mr. Pisauro inquired whether the projected flow was considered in reviewing the impact on the wetlands. Mr. Berkley noted this was part of the assessment in the groundwater discharge permit. This report will be forwarded to Mr. Shafai.

Cathy Lugo of 112 Baird Road appeared. She inquired how they would be able to control the number of people in each unit in order to align with the projected wastewater flows. In his



experience, Mr. Barkley stated that when you have multiple dwelling units, the number of occupants usually “averages out.”

Peter Laszlo of 14 Saddlebrook Road asked if there would be someone to educate the residents about what would be able to be put down the drain (ex: bleach is not good for a system such as this). Mr. Barkley stated that they would hope they would know what they can put down a drain, but any chlorine going into a system this large would not have such affect as it would on an individual system. He suggests the builder or HOA should provide a brochure or something to the residents.

Chairman Newman would like the opportunity to review any disclosure documents that would be provided to the residents of the site.

Susana Roges of 14 Rocky Road inquired how the hauling truck would function within the site. Mr. Guinco stated that the traffic engineer previously testified to the operations and the ability for trucks to circulate the site. Mr. Berkley noted that these are standard size trucks and would be scheduled during off peak times.

Cathy Lugo again appeared and wanted to know if the haul truck for the treatment plant was a “tractor trailer” size truck. Mr. Barkley suggested the traffic engineer would be better to answer any questions related to site accessibility.

Tony Cacciotti of 9 Cheryl Lane asked about the responsibility of maintaining the facility. Mr. Barkley stated that this would be responsibility of the operator of the treatment facility and would be at the cost of the homeowners/tenants as part of their fees. He also inquired the affect on the surrounding property values. Mr. Guinco suggested they may want to ask a certified appraiser.

There were no other members of the public that had questions of Mr. Barkley and the public question session for this witness was closed.

The Board took a short break.

Upon going back in session, Chairman Newman requested that Mr. DiLorenzo continue with his testimony to respond to the comments in the Board Engineer’s most review memo. Mr. Shafai noted that the applicant submitted revised plans and reports about two weeks earlier so they did not have much time to review the changes, but have prepared a review memo, but reserves to review things and ask follow up questions, for example, he did not agree with the numbers in regards the proposed flow calculations. Mr. Pepe inquired why the submission was only received two weeks earlier when the applicant was expected to submit a month or 5 weeks earlier. Mr. Shafai noted that he did not receive test pits to determine the water table in the area of the recharge basin to the detention basin. Mr. Shafai inquired if the site would be affected by the 150-year storm requirements recently enacted by the NJDEP. The drainage details have been corrected satisfactorily.

Chairman Newman inquired about the Shade Tree Commission review memos. Mr. DiLorenzo stated that some of the items can be addressed; however, some things, such as placing the plantings on the berm would prevent the equipment from accessing the site.

Mr. DiLorenzo stated that he intends to meet with the Environmental Commission for their upcoming meeting in July to address their comments.

Mr. Ziner inquired about the fire hydrants would be located on the site. Mr. DiLorenzo stated that they are located to be not more than 500’ from any dwelling. One of the wells will be utilized for drafting the hydrants.



The Environmental Commission has noted they have not received the Threatened and Endangered Species Report. Mr. Shafai stated that this has been in all three of his review memos. He suggested that this be considered before the applicant meets with the Environmental Commission. Mr. Shafai stated the applicant has not yet satisfied his concerns in regards to stormwater management. He brought up the new NJDEP Emergency 150-year Flood Elevation and inquired how this may impact the proposal. Mr. Guinco stated he heard that this was put on "hold" by the NJDEP. Mr. DiLorenzo stated that it would not impact the stormwater management design since they are not in the 100-year floodplain with the Rocky Brook. He noted he still has outstanding comments on the soils report. The applicant's next witness would address this.

Chairman Newman inquired about the latest Shade Tree review memo. Mr. DiLorenzo reminded the Board of his previous testimony suggesting that they wanted a variation around the detention basin to use a type of pine tree in order to spend a little more money landscaping the more visible areas. Addition, Mr. DiLorenzo noted that the request for trees on top of the berm would conflict with the applicant's ability to maintain the area.

Mr. DiLorenzo indicated he would be meeting with the Environmental Commission to discuss their concerns.

Ms. Leigh Fleming was sworn in, as the Board Planner. She inquired about the

C/W Zabrosky stated that roadways "B" and "C" still appear to "dead-end" and do not circulate the site. She cited the statute that requires that the special needs students receive door to door service and explained that the School Board policy limits the distance a child may walk to a bus stop due to it being a rural community.

Mike Pisauo of The Stormwater Institute appeared and asked if the formulas used to calculate the stormwater rates are appropriate. He asked questions about the Emergency Plan. Mr. Guinco objected to the line of questions. Mr. Pisauo stated he did look at the additional elevations and has submitted to D & R Canal Commission for review and approval.

Cathy Lugo of 112 Baird Road appeared and inquired why an Endangered Species Report was not provided. Mr. DiLorenzo indicated they are only disturbing about 14-15 acres of the 36-acre site.

Peter Laszlo of 14 Saddle Brook Road inquired about the water aquifer and the impact on the current surrounding areas.

Jennifer Restine of 240 Stage Coach Road asked if there was an expert to speak on the wells to confirm the aquifer would not be depleted. Mr. DiLorenzo stated that there are approximately 106 wells within a one-mile radius and they are following the laws and requirements. Ms. Restine stated her farm is about two miles away and is concerned about the availability of water for the surrounding area. She also expressed her concern for the soil and possible contamination. Mr. Guinco explained that this is all under the NJDEP jurisdiction, not the Planning Board's jurisdiction.

Ashley Dillon of 10 Fitzpatrick Road appeared and stated that she has been a bus driver for ten years and is not permitted to drive on a gravel access driveway and it is intended to handle emergency vehicles. Mr. Pepe clarified that this is designed for emergency use and not for everyday use. Mr. DiLorenzo will look into if they can make an appropriate turnaround area. Mr. Shafai noted that the plans are in conflict as there is one sheet that states this is a grass paver area and another sheet states it consists of gravel. The applicant will review this.



Mr. Lambros inquired about the site to review the contamination on the adjacent site. The soil expert will provide testimony to the testing reports. Mr. Shafai noted some major contamination at the site across the street. Mr. DiLorenzo suggested that they take some water sampling to evaluate in advance of the next meeting. The Applicant's LSRP will need to provide testimony.

Due to the lateness of the night, Chairman Newman inquired about dates to continue the application. Ms. Sims indicated that the next two scheduled meetings have full agendas. Mr. Guinco requested another special meeting. All parties agreed to carry the meeting to the July 13, 2022 agenda for the purposes of announcing the hearing date of the special meeting for the continued application. The matter would not be heard on this date and any member of the public may also contact the Board Secretary or refer to the Planning Board webpage for information on the next meeting date. There would be no further notice.


The Applicant agreed to grant the Board an extension of time to act through July 31, 2022.

Mr. Steib, Esq. confirmed that the Board will carry Application PB21-05, Hexa Builders, LLC to the Wednesday, July 13, 2022 meeting, which will be held in person at 7:30 pm at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535 for the purpose of scheduling a continued meeting date. There will be no further notice of this meeting.

BOARD DISCUSSION:

With no further business, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary