



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
March 8, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, March 8, 2023 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, Mayor Ferro*, C/W Zabrosky, Mr. Kotby, Mr. Pado, Ms. Sinha and Mr. Ziner.

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

Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; Elena Gable, HGAPA, Board Planners; Angela Buonantuono, Board Court Reporter; Danielle B. Sims, Board Secretary.

PUBLIC COMMENTS:

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

MINUTES:

Minutes from February 8, 2023

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Pado made a motion to adopt the Minutes from the February 8, 2023 Planning Board Meeting, which was seconded by Mr. Ziner. The Minutes were adopted on a roll call vote: Chairman Newman, C/W Zabrosky, Mr. Pado and Mr. Ziner.

Minutes from February 16, 2023 – Special Meeting

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Pado made a motion to adopt the Minutes from the February 16, 2023 – Special Planning Board Meeting, which was seconded by Ms. Riley. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Kotby, Mr. Pado and Mr. Ziner.

RESOLUTION(S):

PB2023-07 Adopting Rules and Regulations (By-laws) of the Township of Millstone Planning Board

Chairman Newman noted he is continuing to review the proposed document. He suggested that there are several items that we should be considering, but thinks that it could be cut down quite a bit since much of it is required by statute. He would like to carry it in order to continue working with Secretary Sims on the document.

*Mayor Ferro certified he reviewed the recording/transcript and exhibits in order to be eligible to act on the continued hearing on March 8, 2023



**Novad Court, LLC
Block 57.01, Lot 19.03 – Novad Court and Pine Drive
One-Year Extension of Preliminary and Final Major Site Plan Application # P19-03(Ext.)**

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Chairman Newman made a motion to memorialize the resolution for a one-year extension, which was seconded by Mr. Pado. The resolution was adopted on a roll call vote: Chairman Newman, C/W Zabrosky, Mr. Pado and Mr. Ziner.

MASTER PLAN:

Millstone Township's Housing Element and Fair Share Plan – Public Hearing and Adoption of Proposed Amendments

Pursuant to N.J.S.A. 40:55D-28, the Planning Board of the Township of Millstone has prepared an amendment to the "Housing Plan Element and Fair Share Plan" of the Millstone Township Master Plan. The purpose of the public hearing is to hear comments from all interested parties regarding a proposed updates to the "Housing Plan Element and Fair Share Plan" Master Plan document, which was prepared by Heyer, Gruel & Associates. The Board shall consider and may take action to adopt the (HEFSP) Master Plan document.

Attorney Steib noted that the Board is looking to amend the Township's Housing Element and Fair Share Plan to allow for revisions to address some of the municipally sponsored affordable housing projects. The changes are necessary to be compliant with some of the funding sources for the municipally sponsored projects. The background material was also updated with the 2020 census data.

Board Planner Mertz prepared a draft plan for review and consideration. It revises the housing. The plan also takes into consideration the most recent, 2020, census.

The municipally sponsored "CKV" project with 49 units was proposed. The new funding available provides for funding on a slightly larger project of 60 units. This would put us in better shape to get the available funding. The additional units would roll over into the next round of affordable housing. The units have also changed from for sale units to rental units.

The Shu Lee project at 14 Novad Court was originally for 30 proposed units. The available funding on this project would only be available for up to 25 units, so the number of units is proposed to be reduced.

Allen House II is pretty much funded and the site has already been cleared. No changes are necessary.

There is a municipally owned property at 6 Novad Court with one rental unit which is in very poor condition and the tenant has passed away. The Township is now proposing a three-unit building and they are looking to gain funding for this project. This has also been approved by the Board and funding has been made available. These three units were not previously in the housing plan and are now proposed as part of the plan.

Attorney Steib stated that he has received positive feedback from Fair Share Housing on the proposed changes to plan. There is a net gain of nine (9) units proposed in the amended Housing Element and Fair Share Plan.

The Board inquired about the available funding and asked what happens if the funding is not available. Attorney Steib stated they would seek alternate funding or the State requires that the



Township would bond and fund the project. He noted that Allen House I and Allen House II were already fully funded and funding has also been acquired for Novad Court.

Chairman Newman offered this matter to the public for comments and questions. With no members of the public coming forward, this matter was closed to the public.

Mr. Ziner inquired if the CKV project would only be rental units for the additional 11 units. Attorney Steib stated that the entire site, all 60 units, would be rental units.

The Board took a voice vote with all in favor to carry the matter to the next meeting for purposed of a vote and for Attorney Steib to draft a resolution for the next meeting to adopt the proposed Housing Element and Fair Share Plan.

APPLICATION(S) BEFORE THE BOARD:

37 Burnt Tavern, LLC

Block 57, Lot 17.04 (Consolidated Lots 17.02 & 17.03) – 37 & 41 Burnt Tavern Road Preliminary Major Site Plan Application # P21-16

Proposal to construct a 148,553 s.f. warehouse building (142,393 sf warehouse and 6,160 office area) on an undeveloped 10.88-acre parcel of land within the BP (Business Park) Zoning District with associated site improvements (Phase I). Phase II would consist of nine (9) additional loading stalls and reconstruction of a portion of the parking area in the front of the building. Applicant is only seeking Preliminary Major Site Plan approvals and is not seeking any variance relief at this time. The Board took jurisdiction on October 12, 2022 and carried without further notice to 11/9/22, 12/14/22, 1/11/23 then 2/8/23.

Attorney Steib noted that the Board took jurisdiction on the application and has carried the matter without further notice to this meeting. The Board continues to have jurisdiction. He read the exhibits into record:

APPLICANT'S EXHIBITS	
A-1	Jurisdictional Notice (Proof of Service)
A-2	Application, Checklists and Administrative Forms
A-3	Correspondence
A-4	Outside Agency Approvals and Will Serve confirmations
A-5	Series of six (6) Legal Descriptions, prepared by Clearpoint Services, LLC, dated March 14, 2022
A-6	Historically Applied Pesticide Investigation, dated 4/6/22
A-7	Commitment Package, dated 1/6/21
A-8	Threatened & Endangered Species Habitat Evaluation, prepared by Dubois & Associates, dated 4/5/22
A-9	Environmental Impact Statement, prepared by Dynamic Engineering, dated November 2021
A-10	Traffic Impact Study, prepared by Dynamic Traffic, revised 4/5/22
A-11	Stormwater Management Report, prepared by Dynamic Engineering, revised December 2022
A-12	Architectural Elevations and Floor Plans, prepared by Feltz Collins Architecture, LLC, revised 3/30/22
A-13	Conceptual Improvement Plan "B", prepared by Dynamic Traffic, LLC, 2 sheets, dated 2/17/22



A-14	Outbound & Topographic Survey, prepared by Clearpoint Services, LLC, sheet 1 of 4, revised 3/21/22
A-15	Critical Area Exhibits "A", "B", & "C", prepared by Dynamic Engineering, three (3) sheets, dated 4/5/22
A-16	Preliminary Major Site Plan, prepared by Dynamic Engineering, forty (40) sheets, revised 12/1/22
A-17	Extension of Time to Act through 10/31/22
A-18	Extension of Time to Act through 12/31/22
A-19	Prelim. Construction Plan – Roadway Improvements, prepared by Dynamic Engineering, 2 sheets, dated 10/27/22
A-20	Conceptual Improvement Plan 'C'-Intersection Improvements, prepared by Dynamic Engineering, 2 sheets, revised 8/16/22
A-21	Truck Routing Exhibit-Intersection Improvements, prepared by Dynamic Engineering, 3 sheets, dated 8/10/22
A-22	Extension of Time to Act through 1/30/2023
A-23	Extension of Time to Act through 2/28/2023 & Adjourn to 2/8/23
A-24	Response & Resubmission memo, prepared by Dynamic Engineering, 12 pages, dated 1/12/23 (Rcvd. 1/13/23)
A-25	Copy of Millstone Twp. Ordinance §35-4-14.9 (re: Stormwater Plan)
A-26	Monmouth County Board of Health conditional approval dated 4/26/22
A-27	Contech - Flow Control Product Spec Sheet, dated 2006
A-28	Stormwater Management Operation & Maintenance Manual, prepared by Dynamic Engineering, dated December 2022
A-29	Aerial Map Exhibit, prepared by Dynamic Engineering, dated 2/8/23
A-30	Arch. Plans & Color Renderings, prepared by Feltz Collins Architecture, LLC, revised 3/30/22
A-31	Phase I, Preliminary Site Plan Rendering, prepared by Dynamic Engineering, dated 2/8/23
A-32	Phase II, Preliminary Site Plan Rendering, prepared by Dynamic Engineering, dated 2/8/23
A-33	Offsite Intersection Improvement Plan Exhibit, prepared by Dynamic Engineering, dated 12/13/22
A-34	Recorded Lot Consolidation Deed, Lot 17.04
A-35	Letter Re: Trailer Storage Area, Dynamic Engineering, dated 2/7/23
A-36	Freehold Soil Conservation District Review Revisions, dated 2/1/23
A-37	Extension of Time to Act through 4/30/2023
A-38	Response memo, prepared by Dynamic Engineering, dated 2/24/23
A-39	Driveway Easement Exhibit, 1 sheet, prepared by Dynamic Engineering, dated 2/24/23
A-40	Conceptual Improvement Plan 'A', 1 sheet, prepared by Dynamic Traffic, LLC, dated 2/22/23
A-41	Land Acquisition Survey for Monmouth County Park System, 1 sheet, prepared by Harris Surveying, Inc., dated 11/30/22
A-42	Overall Residential Setback Exhibit, 1 sheet, prepared by Dynamic Engineering, dated 3/7/23

BOARD'S EXHIBITS

P-1	Completeness Determination dated 5/20/22
P-2	Engineer's Review dated 7/19/22
P-2b	Engineer's Review dated 1/27/23
P-3	Planner's Review dated 6/27/22



P-3b	Planner's Review revised 1/27/23
P-4	Environmental Commission review dated 6/29/22
P-4b	Environmental Commission review dated 9/13/22
P-4c	Environmental Commission review dated 2/14/23
P-5	Shade Tree review dated 6/14/22
P-5b	Shade Tree review dated 2/10/23
P-6	Fire Official review dated 6/6/22
P-7	Tax Assessor's Review dated 10/5/22

The Board previously took jurisdiction and held the public hearing on February 8, 2023, carrying the application to this meeting without any further notice. The Board continues to have jurisdiction and those professionals previously sworn in continue to be under oath. Mayor Ferro reviewed the records from the previous meeting and signed the appropriate certification to be eligible to vote on this matter. Ms. Sinha and Mr. Kotby have not reviewed the records and can participate, but would not be eligible to vote on the matter if it goes to a vote this evening.

Attorney Steib read the additional exhibits introduced and marked since the last hearing. Mr. Kenneth Pape appeared on behalf of the applicant. He summarized where the hearing left off at the last meeting, noting the Board asked for alternative road improvements for Burnt Tavern Road. The Board had encouraged the applicant to consider restricting the truck traffic to Burnt Tavern Road and CR 537/Monmouth Road and not direct the traffic to intersection that was originally proposed.

Mr. Pado inquired about the intent of the proposed roadway improvements. He expressed concerns about the "pinch point" at the roadway. Chairman Newman noted that he, Board Attorney Steib and Board Engineer Shafai attended a meeting with the County regarding the proposed improvements. He indicated that the County did not seem to have any concerns about changing the direction of the truck traffic. The County expressed concern with trucks making a left onto Burnt Tavern Rd. Chairman Newman stated that the County indicated that they are planning improvements on CR 537, which they propose to include a round-a-bout in the area of the traffic light at the Jackson Outlets. Any trucks that would need to make a left onto Burnt Tavern would be directed to the round-a-bout to be able to access Burnt Tavern Road. The round-a-bout will be designed for large trucks to navigate.

Mr. Thomas Muller was previously sworn in and accepted as a professional licensed engineer and continued to be under oath. He introduced Exhibit A-39, a driveway Easement Exhibit. The driveway is being modified to offer a wider radius to make a turnout of the site and to avoid any conflict of cars in the opposite direction. The applicant will need to obtain a driveway easement from the adjacent "Peterbilt" site. The southern driveway will be egress only. All trucks would be eliminated from turning left onto Burnt Tavern Road and directed towards CR 537. The Phase II option would still be in play and would not be affected by this change.

Exhibit 40 was introduced as a conceptual improvement plan. The intersection improvements were designed to accommodate a WD-60 truck and would require right-of-way from the current vacant lot, currently privately owned by Mr. Liebowitz. No right of-way would be required from the current "Peterbilt" property as part of the proposed improvements. Mayor Ferro inquired if the applicant would still be willing to provide some improvements at the pinch point at Burnt Tavern Road. Mr. Pape explained that the Board is asking for several improvements and at some point, it may not be practical. He noted that the property is zoned business park and there are many properties that would benefit from any of the improvements and suggested that a road program with a pro-rata share would need to be in place in order to consider all of the Board's desired improvements. The Board noted that even though the surrounding area is business park, there are no other sites in the



area utilizing major trucks that currently exist. Mr. Pape noted the surrounding area is zoned highway commercial.

Mr. Muller explained that Phase I of the project would require 32,000 cubic yards of soil removal/fill and Phase II would require 31,000 cubic yards of fill. The Board requests that any transportation of soil be done using CR 537 and not Township owned roads.

The residential uses near the site are shown on Exhibit A-42. The nearest affordable housing property adjacent to the site is 303.3' from building to property line and is 334' from building to building. The property across Burnt Tavern Road, #30 Burnt Tavern Road, also known as Block 50, Lot 9.04, is 126.4' from building to property line and 276' from building to building. It was noted that although the property is known to be residential in nature, it is in the HC-Highway Commercial zoning district and appears as it is being used as a business with several trucks and trailers on site and what appears to be landscaping equipment.

Mayor Ferro inquired about the maintenance of the landscaping on site, particularly the roadside berm. Mr. Pape stated that the berm would be irrigated and that the applicant would be required to maintain the site landscaping. The applicant noted that there is a water tower and a pump for the water tower and the pump would require a generator.

Chairman Newman opened this witness to the public for questions. With no members of the public coming forward, the public question session for this witness was closed.

Mr. Justin Taylor was previously sworn in and accepted as a professional licensed engineer with a specialty in traffic engineering. He continued to be under oath. He explained that they took a look at the concerns of the Board based on their comments at the last meeting. They designed the CR 537 and Burnt Tavern Road intersection to accommodate the possible turning movements. They have designed a plan with proposed roadway widening (Exhibit A-40). The applicant would have to engage the current property owner to purchase the property for the necessary right-of-way. The proposed roadway widening would not affect the intentions of the County improvements, but would require Monmouth County Planning Board approval. The proposed driveway modifications (Exhibit A-39) would prohibit truck movement turning left onto Burnt Tavern Road. The northern driveway is proposed to be full traffic movement. Assuming the sixty (60) parking spaces are provided for employees, Mr. Pado explained that the full movement driveway would allow for sixty cars to enter/exit the site at shifts changes. These cars would have full movement and would likely use Burnt Tavern Road to exit out onto CR 571. Mr. Taylor noted that there would only be 43 peak hour trips and of that, only 35-40 of the trips would be passenger vehicles. This is well below the ITE standards for significant impact. There is a potential of 5-6 (later clarified to 9) cars, in his opinion, that would use this intersection.

The Board took a ten-minute break.

Upon return, Mr. Pape noted another program may be an option. Mr. Taylor stated that there is a way to make some minor modifications at Burnt Tavern Road and CR 571 that remove the "slip ramp" and turn it in a "T" intersection. This would require traffic to make a full right turn in the area of the existing dirt island. The proposal would still require County approval. The change in the radius would force traffic to slow down and would get rid of the "slip ramp." This proposal does not appear to trigger any additional environmental requirements. The Board felt this proposal, in addition to limiting truck access to be right out only and directed to CR 537, appears to be more beneficial. There would be a true 90° intersection at Burnt Tavern and CR 571. There would be on-site signage and striping to encourage proper site movement and the applicant would provide Title 39 for enforcement. Chairman Newman feels this adequately addresses his safety concerns. Mr. Shafai inquired about the level of service. Mr. Taylor does not believe he would be required to



revise the traffic report. Mr. Taylor noted the traffic data has not yet been collected for this intersection. Mr. Shafai noted it will slow traffic at the intersection.

Board Engineer Shafai inquired about the roadway reconstruction at the 20' pinch in Burnt Tavern Road. Mr. Taylor stated they would provide the widening along the frontage of the site and taper back, but due to the changes, the project does not require any additional widening. Board Engineer Shafai noted he is concerned with certain areas that "pinch" to 20' between the subject site and CR 537, where there will now be two-way truck traffic. Mr. Pado explained that the road needs to be reconstructed, whether the application is included or not. The applicant agreed to widen the roadway to 24' from the site to CR 537. Mr. Pape agreed to work out the roadway reconstruction work with Board Engineer Shafai.

Chairman Newman opened this witness up to questions from the public. With no members of the public coming forward at this time, Chairman Newman closed the public questions of this witness. Mr. David Collins provided his credentials as a licensed architect and the Board accepted him as a professional architect. The floor plan reflects up to three tenants, three tenants could be implemented as part of Phase II with the additional proposed loading docks. The maximum proposed office space would be 6,160 s.f. in total, with the remaining balance being warehouse. The applicant would require a waiver from the required materials. They plan to provide stamped concrete and would be designed to look like stucco. The colors are proposed to be earth tones. The proposal would require design waiver for roof pitch. Mr. Collin stated that it is impossible to achieve the required pitch with the height of the building, but noted it is going to be screened by the parapet. They also need a design waiver for breaks in the façade walls, stating they could not achieve this design, but noted they are screening the site with a lot of landscaping.

The building color will be a darker shade than the exhibit, as requested by the Board Planner. There is a generator proposed in the rear of the building to be used for essentials only. Due to the change in grade plane and the lowered loading dock area, Mr. Collins explained the building will appear to be 40' in height, but the parapet will actually be about 3' higher. There is also a difference in building height from the roadway and a 2'-6' berm along the frontage.

Mr. Pape confirmed that there would be no storage of trailers on the site. Mr. Pape confirmed that no outside storage would be permitted. Mr. Pape confirmed that the site will not be a "public warehouse." There is an outdoor trash enclosure shown on the plan.

Planner Gable from the Board's Planner's office confirmed the proposed façade materials and finishes for the sides and rear of the building. These should be shown on the plan. The roof will be designed to be solar ready so it would be able to withstand the load for possible future solar. The roof will be designed to be "solar ready." Mr. Pape stated that they are required to adhere to the sound requirements. He also confirmed that they will be using LED lighting with no spillage. The applicant will comply with the comments in the Fire Official's review memo and the Shade Tree Commission's comments.

The applicant clarified that they are seeking preliminary approval for both Phase I and Phase II, and to consider it as a single phase. Board Engineer Shafai inquired how that would affect the additional 32 parking spaces proposed as part of Phase II. Mr. Pape offered that they would like to "green-bank" these 32 parking spaces (which would be a total of 92 parking spaces). The Board requests that any approval would be conditioned on the applicant filing a letter of intent to construct these additional "green-banked" with the Board Engineer when and if these spaces are intended to be constructed.

Planner Gable requested that the proposed façade colors be indicated on the architectural plans. Chairman Newman opened this witness to the public for questions. With no members of the public coming forward, the public question session for this witness was closed.



Ms. Allison Coffin provided his credentials as a licensed architect and the Board accepted him as a professional architect. There is one variance that remains, the setback to a residential use. Looking at this conservatively, the site across Burnt Tavern Rd. (Lot 9.04) is 126.4' from the proposed building. There is a berm, a camper and shipping container on the neighboring site, making the site not visible. She noted that there appears to be additional uses occurring on the site that do not appear to be in line with the residential use as indicated in the most recent sale of the home. The significant landscaped berm existing on the site across Burnt Tavern mitigates the site impact of the proposed warehouse. Additionally, the proposed berm on the subject site will also screen the proposed building. The proposed loading areas are at the rear of the proposed building and would minimize any impact on any surrounding residential uses. Chairman Newman asked that the applicant fill in any gaps in the landscaping and berm area to avoid any visual intrusion. This can be worked out with the Board Engineer. It was confirmed that the neighboring property owner at Block 50, Lot 9.04-#30 Burnt Tavern Rd. was provided notice and has not contacted the applicant or the Board office.

The Board had concerns with the effect of headlights and such on the adjacent affordable housing site. The applicant agreed to change the proposed chain link fence on top the proposed retaining wall (4'-5' in height), to be an 8' privacy fence in earth tones. It was noted that the 8' fence would require variance relief for the height. Mr. Pape noted the notice included the "catch-all" for any additional variance relief the Board deems necessary, so the Board can act on this relief. The Board found this relief to be appropriate to allow more appropriate screening of the site. The wall and the fence would be part of Phase II.

Chairman Newman opened this witness to the public for questions. With no members of the public coming forward, the public question session for this witness was closed.

Chairman Newman opened this application to the public for comments. With no members of the public coming forward, the public comments session for this application was closed.

Mr. Pape provided a summation for the Board.

Chairman Newman made a motion to approve the application, granting variance relief for the 300' residential setback and the 8' privacy fence as requested by the Board. There were no Board members that "seconded" the motion to allow the matter to go to a vote. There were no alternative motions. Attorney Steib noted that a "second" to a motion just allows the Board to go to a vote and does not affirm a Board member's vote on the matter, it is a procedural action only. With still no "second" to the motion, Chairman Newman withdrew his motion in order to allow the matter to be carried to the April meeting for the purpose of a vote. The application was carried without further notice to April 12, 2023 at 7:30 pm for the purpose of a vote.

CORRESPONDENCE/BOARD DISCUSSION:


NEW/OLD BUSINESS:

None.

ADJOURNMENT:

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

Respectfully submitted,


Daniëlle B. Sims, Board Secretary