



**MILLSTONE TOWNSHIP PLANNING BOARD  
MINUTES  
April 12, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, April 12, 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, Mr. Lambros, Mr. Beck, Mr. Kotby (arrived 7:50 pm), Mr. Pado and Ms. Sinha.

Absent: Mr. Pepe, C/W Zabrosky, Mr. Ziner and Ms. Riley; 1 vacant seat (Alt. II).

Attending: Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; McKinley Mertz, Board Planner; 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 March 8, 2023**

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 adopt the Minutes from the March 8, 2023 Planning Board Meeting, which was seconded by Mr. Pado. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Pado and Ms. Sinha.

**RESOLUTION(S):**

**PB2023-07 Millstone Township's Housing Element and Fair Share Plan – Public Hearing and Adoption of Proposed Amendments**

Chairman Newman noted that this was being deferred to the next meeting.

**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, 2/8/23, then 3/8/23. At the 3/8/23 hearing, there was a motion to approve the application, but the motion failed to advance. There were no alternate motions, and the initial motion to approve was withdrawn and the matter was carried without further notice to the 4/12/23 meeting for purpose of Board discussion and a vote.

Chairman Newman indicated that the public portion was previously closed and the matter failed to advance to a vote. He explained the procedural actions. Chairman Newman made a motion to approve the application subject to the conditions discussed on record and Attorney Steib read the conditions previously discussed into the record. Mr. Pado confirmed the setback relief related to the residential use across the street. He also confirmed that the applicant has agreed to do a minor alignment to the intersection at Burnt Tavern and Trenton-Lakewood Road. Mr. Shafai confirmed the applicant would be improving the roadway from the site through the intersection of CR 537. Mr. Lambros inquired about continued maintenance of the off-site improvements, asking what type of protections the township would have to minimize the exposure. Attorney Steib noted the Township may apply an assessment under the MLUL. Mr. Kotby joined the Board and the was provided the conditions the already read into record. Ms. Sinha seconded the motion to approve the application with the conditions made on record.

The Board deliberated the application. It was noted that the minor improvements made at the intersection of Burnt Tavern Road and Trenton-Lakewood Rd. would still require County approval. Mr. Lambros stated he is concerned with the costs that may be incurred in maintaining the roadway with this type of traffic. Attorney Steib explained that there is a mechanism in place for both short term and long-term maintenance. For long term maintenance, if the Township finds that road improvements are required to address any extensive wear on the roadway due to truck traffic, they would be able to add a special assessment to the properties that have affected this situation. The Board requested that the applicant provide a four-year maintenance bond, instead of the traditional 2-year maintenance bond.

With no further comments from the Board, Chairman Newman made a motion to approve the application with the conditions placed on record, and granting the variance relief requested for the 300' residential setback and the 8' privacy fence as requested by the Board, which was seconded by Ms. Riley. The application was approved on a roll call vote: Chairman Newman, Mr. Lambros\*, Mr. Beck\*, Mr. Kotby\*, Mr. Pado and Ms. Sinha\*.

## **JLE, LLC**

### **Block 20, Lot 3.13 – 530 State Highway 33**

#### **Preliminary and Final Major Site Plan Application # P21-03**

Proposal to demolish the existing retail golf facility and construct a 282,252 s.f. warehouse/office building with four (4) separate office spaces in the corners (2,400 s.f. per office = 9,600 s.f. office total), 96 loading bays, four (4) loading ramps and four (4) compactor bays, with associated site improvements on an approximately 43-acre property in the PCD Zoning District. Variance relief is required. The Board took jurisdiction on October 12, 2022 and carried without further notice to 11/9/22, and 12/14/22, but adjourned for revisions on new notice. New hearing date 4/12/23. Extension of Time to Act through 4/30/23.

Prior to the meeting, Attorney Steib reviewed the new public notice and determined that the Board does have jurisdiction on the application He read the exhibits into record:

Mr. Kenneth Pape, appeared on behalf of the applicant.

\* Certified reviewed the recording(s)/transcript(s) and exhibits in order to be eligible to act on the continued hearing.



<b>APPLICANT'S EXHIBITS</b>	
A-1	Jurisdictional Notice (Proof of Service) for 10-12-22
A-1a	Jurisdictional Notice (Proof of Service) for 4-12-23
A-2	Application, Checklists and Administrative Forms
A-3	Correspondence
A-4	Outside Agency Approvals
A-5	Extensions of Time to Act by 7/31/22, 8/30/22, 9/30/22 & 10/31/22
A-6	Deeds and Easements
A-7	Will Serve confirmations
A-8	Fiscal Impact Report, prepared by Art Bernard & Assoc., LLC, dated 10/26/21
A-9	Threatened and Endangered Species Report, prepared by DuBois & Associates, dated November 2021
A-10	Traffic Impact Analysis, prepared by McDonough & Rea Associates, Inc, dated 7/27/21
A-11	Statement of Environmental Impact & Assessment, prepared by MidAtlantic Engineering Partners, dated 7/22/21
A-12	Groundwater Mounding Report, prepared by MidAtlantic Engineering Partners, dated 4/15/21
A-13	Operation & Maintenance Manual, prepared by MidAtlantic Engineering Partners, dated 4/18/22
A-14	Stormwater Management Report, prepared by MidAtlantic Engineering Partners, revised 4/18/22
A-15	Limited Site Investigation Letter Report, prepared by MidAtlantic Engineering Partners, dated 11/4/21
A-16	Preliminary Assessment/Phase I Environmental, prepared by MidAtlantic Engineering Partners, dated 10/14/21
A-17	Truck Turning Plan prepared by MidAtlantic Engineering Partners, revised 7/22/21
A-18	Architectural Plans prepared by Perez + Rodasti Assoc., 2 sheets, dated 9/8/21
A-19	Aerial Image, prepared by MidAtlantic Engineering Partners, dated 7/22/21
A-20	Earthworks Plan, prepared by MidAtlantic Engineering Partners, dtd 7/22/21
A-21	Site Plan, prepared by MidAtlantic Engineering Partners, 28 sheets, dated 7/22/21
A-22	Response Memos to Bd. Eng., Bd. Planner & Shade Tree, prepared by MidAtlantic Engineering Partners, dated 7/25/22
A-23	Tree Survey Plan, prepared by MidAtlantic Engineering Partners, 1 sheet, dated 4/21/22
A-24	Earthworks Plan, prepared by MidAtlantic, one sheet, revised 7/25/22
A-25	Site Plan, prepared by MidAtlantic Engineering Partners, 29 sheets, revised 7-25-22
A-26	Notice of Application for Flood Hazard Area and FWW, prepared by MidAtlantic, dated 8/26/22
A-27	Request to adjourn & Extension of Time to Act through 12/30/22
A-28	Extension of Time to Act through 12/31/22 and 1/30/23
A-29	Existing Site Aerial Image dated 10/12/22
A-30	Site Rendering dated 10/12/22
A-31	50-scale site rendering dated 10/12/22
A-32	Site Rendering – Basin Locations (stormwater) dated 10/12/22

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A-33	NJ-33 Cross Section dated 12/14/22
A-34	Arrowhead Way Cross-Section dated 12/14/22
A-35	Turning Template Plan, 3 sheets, prepared by MidAtlantic, dated 7/22/21
A-36	JLE Site Plan revised 8/25/22
A-37	Extension of Time to Act through 2/28/2023
A-38	Request to adjourn 1/11/23 hearing to 2/8/23, K.Pape, Esq.
A-39	Response Memo, prepared by MidAtlantic, dated 3/22/23 and Transmittal prepared by K. Pape, dated 3/23/23
A-40	Traffic Impact Analysis, prepared by McDonough & Rea, 1 page, dated 3/14/23
A-41	Groundwater Mounding Report, prepared by MidAtlantic, rvsd 3/21/23
A-42	Stormwater Management Report, prepared by MidAtlantic, rvsd. 3/21/23
A-43	Site Plan, 28 sheets, prepared by MidAtlantic, rvsd. 3/21/23
A-44	Email 2/2/23 from K.Pape, Extension of Time to Act through 4/30/23
A-45	Architectural Floor Plans, Elevations and Monument Sign Detail, prepared by Perez + Rodasti, two (2) sheets, dated 3/30/23
A-46	Renderings of proposed view from Rt. 33 (pg. 1) and rear (page 2)
A-47	Rendered Site Plan dated 4/6/23
A-48	Acoustic Exhibit – With Barrier for 4/12/23
A-49	Acoustic Exhibit – No Barrier for 4/12/23
A-50	Email 4/13/23 - Extension of Time to Act through 6/30/2023
A-51	Freehold Soil Conservation District review revisions dated 4/17/23

<b>BOARD'S EXHIBITS</b>	
PB-1	Completeness Determination dated 10/20/21
PB-2(a)	Engineer's Review dated 6/14/22
PB-2(b)	Engineer's Review dated 4/4/23
PB-3(a)	Planner's Review dated 6/15/22
PB-3(b)	Planner's Review dated 8/17/22
PB-3(c)	Planner's Review dated 4/4/23
PB-4(a)	Environmental Commission review dated 12/5/21
PB-4(b)	Environmental Commission review dated 9/13/22
PB-4(c)	Environmental Commission review dated 4/4/23
PB-5(a)	Shade Tree review dated 5/20/22
PB-5(b)	Shade Tree review dated 8/16/22
PB-5(c)	Shade Tree review dated 4/28/23
PB-6	Fire Official review dated 8/5/22
PB-6b	Fire Official review dated 3/29/23
PB-7	<del>Tax Assessor's review dated 11/1/22</del> WITHDRAWN

Kenneth Pape, Esq. noted that the applicant previously appeared before the Board in December 2022 and that the applicant reviewed the comments and concerns of the Board at that hearing and have substantially revised the plans, then providing a summary of those changes. He reviewed the list of witnesses he planned to call for the hearing.

Mr. Pape introduced Louis Zuegner, applicant's design engineer. Mr. Zuegner was previously sworn in and remains under oath.

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Mr. Zuegner explained the proposed changes from the plan previously provided to the Board. The height of the building has decreased from 32.9' to 30'. In talking about the site elevations, he described the existing high point at 172', the clubhouse for the golf course currently is at 160' and the elevation at the existing entrance is at 144'. Mr. Zuegner stated that the trailer areas shown on the plan are for operational storage areas to allow trucks to offload and change trailers while they are moving around the site, not for storage. Mr. Pape stated that there were 134 trailer storage locations on the previous plans. In analyzing possible locations, not being in the rear of the building and not in the front yard setback, only 30 trailer spaces are now shown for the purpose of trailer operations. They would like to have the spaces for operational use but would not be for purposes of storage. Mr. Pape stated the trailers would be possibly on site over night, but no longer than a week at a time.

Mr. Zuegner stated that the building itself has been shifted to provide additional setback to Arrowhead Way. The applicant is now proposing an 18' sound attenuating wall. Mr. Zuegner reviewed the five requested variances. The lot width is existing site conditions. The lot frontage, building height will now comply with the 30' height requirement. There is a variance required for setback to a residential property; whereas they are 360' at the most conservative measurement from residential to the pavement. If you are to measure from building to building, the setback is over 500', from residential property line to building is 493'. The last variance is for some dim lit spots at .25 f.c. whereas a .5 f.c. minimum is required on the site and requests a waiver for the excess lighting at the intersection of Route 33.

There is a proposed water tower (approximately 30' in height) that will be painted to match the building.

There is approximately 193,000 c.y. of soil that will need to be removed from the site. There is a site directly across the street that requires fill. The applicant will come back to the Board for the Soil Removal/Fill permit. The site will collect the stormwater on its own site. No stormwater will be directed to the adjacent residential properties. Mr. Zuegner stated that the site is consistent with the State and the Township's stormwater regulations and will be maintained as a private system.

The proposed lighting will all be LED and down directed at 18' in height. The intensity can be controlled in many ways, such as dimming the lighting at night or turn off certain areas at certain hours, or even turn off individual cells within each fixture. They are proposing a softer color, not one of the "stark white" lights. Mr. Lambros asked if there the applicant would use motion lighting when/where appropriate. The applicant is providing 113 parking spaces; whereas 103 is required, including the required six (6) electric vehicle (EV) parking stalls.

There are four gates shown on the plan, which will be removed. The trash and recycling areas will be removed by private haulers. There is one proposed 30 s.f. monument sign (not exceeding 10' in height), which will be fully compliant.

Mr. Zuegner described the proposed landscaping and berming for the proposed site. They are providing a "naturalized" buffering. The existing basin at the entrance at Rt. 33 will be enhanced with plantings. The bio-retention pond at the right of the entry driveway will provide additional plantings and provide a "layered" landscaping look. At the southern edge, facing the intersection of Dugan's Grove Road, the applicant is also proposing a naturalized planting area. At the sound wall, there will be mounding and berming with tiers of landscaping. Drip irrigation systems will be provided for all landscaped areas. The applicant has agreed to the long-term maintenance of the landscaped areas. The applicant agrees to fill in any necessary areas as needed. The plantings in the area of the proposed sound attenuating wall are of a larger scale. Chairman Newman asked if the applicant would be able to provide a "line of sight" view from the cul-de-sac at Arrowhead Way. Mr. Zuegner stated that he can address all of the concerns in the Board's Engineer's review memo.

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The Board took a five-minute recess.

Mr. Pape confirmed that all the landscaped beds will be irrigated with a drip irrigation system. There is not any irrigation proposed on the grassed areas. Mr. Shafai went over his review memo with the applicant. The applicant has submitted for outside agency approvals. He asked about the 50' landscaping buffer off the properties along Dugan's Grove Rd., Mr. Zuegner stated he is providing the 50' buffer. There is a Class IV dam that would need to be included in the maintenance manual. The wet pond on site will not have a fence, unless required by the Board, and will have the required safety "step." The applicant will reach out to the first aid/fire department to see if they have a preference in providing a fence around the wet pond.

Ms. Mertz confirmed the applicant is providing 113 parking spaces, including six EV (electric vehicle) parking spaces, one of which would be accessible. The applicant can comply with the Fire Official's review comments.

Chairman Newman opened the witness to the public for questions.

Chris Leeds of 1 Indian Path appeared and asked about the vacant property proposed use, following up that it was designated for affordable housing. He asked about how the trailer parking areas would be monitored to confirm that the trailers are not being stored on site. He asked several questions about the effects on the water to the adjoining area, noting the irrigation will be drawn from the well.

Jeff Clark of 11 Dugan's Grove Rd. had questions about the sound from the trucks on the site. Brian Scott of 19 Arrowhead Way asked if the applicant would like the "line of sight" view to be shown from the backyards of the neighboring homes as they are at a higher elevation.

Anthony Cipriano of 21 Arrowhead Way appeared and asked if the applicant would supplement the landscape buffer area and fill in any necessary gaps in the buffering. Mr. Pape stated that the applicant would fill in any gaps in the buffered area. Mr. Cipriano provided permission to the applicant to enter his property to evaluate and provide the necessary buffering.

Mike Oliu of 7 Indian Path appeared and asked if there was consideration given regarding the impact on the homes on Indian Path. Mr. Zuegner stated there would be at least 500' from the site to the rear yards and further to Indian Path Road. Mr. Zuegner will get the exact distances and will provide a "line of sight" view to Indian Path. He asked about the response times for emergency services.

Gabrielle LaCross of 9 Arrowhead Way appeared and asked if there were tenants for the proposed warehouse and the applicant replied there was not.

Scott Demonte of 17 Indian Path asked about the type questions of the impact to Algonquin Terrace. He also asked about the trailer storage, since it is a prohibited use.

Brian Scott of 19 Arrowhead Way asked if the applicant can get a view shed of what would be seen from their second story window.

Anthony Cipriano of 21 Arrowhead Way, again appeared. He asked about the lighting impact on Algonquin Terrace. Mr. Pape state there would be "zero" light spillage off site with the exception of the driveway at Rt. 33.

There were no other members of the public with questions of this witness and the public questions session of Mr. Zuegner was closed.



Due to the late hour, Chairman Newman stated that the application will be carried to the May 10, 2023, Planning Board Meeting. The meeting will be held at 7:30 pm, in the same location (215 Millstone Road, Millstone Township, NJ 08535).

**CORRESPONDENCE/BOARD DISCUSSION:**

No comments.

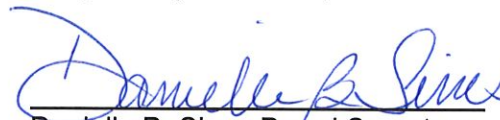
**NEW/OLD BUSINESS:**

None.

**ADJOURNMENT:**

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

Respectfully submitted,

  
Danielle B. Sims, Board Secretary