



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
June 14, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, June 14, 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, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Pado, Ms. Sinha and Mr. Ziner.

Absent: Mr. Pepe; 2 vacant seats (Alt. I & 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.

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 C/W Zabrosky. With all Board members in favor, members of the public were excused from the meeting room for the executive session. The Board went into executive session.

The Board returned to the public session on a motion from Chairman Newman. Mr. Pado seconded a motion to end the Executive Session and proceed with the special meeting, with all in favor.

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 May 10, 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 May 10, 2023 Planning Board Meeting, which was seconded by Mr. Beck. The Minutes were adopted on a roll call vote: Chairman Newman, C/W Zabrosky, Mr. Beck, Mr. Pado and Ms. Sinha.

RESOLUTION(S):

**Resolution Amending Prior Approval for CRP/CHI Showplace Farms Owner, LLC
Block 23, Lots 8.01 & 8.02 (previously Lot 3) – State Highway 33
Preliminary Major Site Plan Application # P19-12**

Chairman Newman made a motion to memorialize the resolution of approval, which was seconded by Mr. Beck. Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Chairman Newman, C/W Zabrosky, Mr. Beck, Mr. Pado and Ms. Sinha.



**Resolution Granting Six-Month Extension of Minor Subdivision Approvals
AACDML Property, LLC
Block 53, Lots 2.03 & 3 (proposed Lots 3.01 & 3.02) – State Highway 33
Preliminary and Final Major Site Plan and Minor Subdivision Application # P21-10(Ext.)**

Chairman Newman made a motion to memorialize the resolution of approval, which was seconded by Ms. Sinha. Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Chairman Newman, C/W Zabrosky, Mr. Beck, Mr. Pado and Ms. Sinha.

MASTER PLAN (Public hearing and Resolution):

PB2023-07 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, dated May 26, 2023. 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.

Prior to the meeting, Attorney Steib reviewed the proof of service, finding that the Board has jurisdiction to hold this hearing.

Planner Mertz was sworn in as a professional licensed planner. Planner Mertz reviewed the updates made since the last plan was adopted. The 2020 Census was updated with the new information. The proposed amendment is essentially updating the third-round.

Ms. Mertz reviewed the changes in the Housing Element and Fair Share Plan. The project at 6 Novad Court has been updated to include three units per the Planning Board's approvals in 2022; whereas previously, it only was one ownership unit. The Shu Lee apartments previously had 30 family rental apartments and the Township was claiming ten (10) bonus credits. The permits and funding for the Shu Lee project will not come in time for the third-round obligation, so these credits will be "pocketed" and pushed into the fourth-round (pending) obligation. The Shu Lee project will still be eligible for 10 additional bonus credits for rental units in the fourth-round. The CKV project was previously proposed to have 49 "for sale" units and will now contain 66 rental credits and gain 10 bonus credits for a total of 76 credits for the CKV project.

The Amended Plan also took a look at the new rehabilitation plan. This is income qualified eligibility for upgrades such as new roofs, new air conditioning, etc. The affordable housing trust fund will assist in funding this program. After reviewing more closely with the new housing Attorney for the Township, the actual rehabilitation obligation is twenty units (previously thought to be 38 units).

The Township has a total obligation of 231 units. There are currently 173 units and there are 58 bonus units, so the Township is fully compliant with the third-round.

Chairman Newman opened the matter to the public. With no members of the public coming forward, Chairman Newman closed the matter to the public.

Chairman Newman made a motion to adopt the Housing Element and Fair Share Plan, dated May 26, 2023 and to adopt the corresponding resolution, which was seconded by Mr. Ziner. The resolution was adopted on a roll call vote in favor: Chairman Newman, C/W Zabrosky, Mr. Beck, Mr. Pado and Ms. Sinha.



APPLICATION(S) BEFORE THE BOARD:

REQUEST FOR AN EXTENSION OF MAJOR SITE PLAN APPROVALS

1 & 5 Wren Haven, LLC

**Block 53, Lot 4.07 (previously Lots 4.06 & 4.07) – 1 Wren Haven Drive
Preliminary and Final Major Site Plan Application # P17-10 (Ext.- #1)**

Request for Three One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 49,500 s.f. warehouse building including 5,000 s.f. of office space, with associated site improvements. Zoning changes have occurred to the BP Zone since the site was approved in 2018.

REQUEST FOR EXTENSION OF MAJOR SITE PLAN APPROVALS

1 & 5 Wren Haven, LLC

**Block 53, Lot 4.04 (previously Lots 4.04 & 4.05) – 3 Wren Haven Drive (previously #5)
Preliminary and Final Major Site Plan Application # P17-10(Ext.- #3)**

Request for Three One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 50,250 s.f. warehouse building including 5,000 s.f. of office space, with associated site improvements. Zoning changes have occurred to the BP Zone since the site was approved in 2018.

These two applications were processed separately at time of original application; however, they were given the same application number (for these two, plus one other lot, already constructed), heard together at the original hearing, under separate resolutions, but with one joint developer's agreement. There has been an Assignment and Assumption Agreement put in place for the new developer. Being that these two applications were previously considered during one hearing, almost as one overall development application, the Board reviewed the extension requests together, too.

Due to the length of time since the approvals, Mr. Pape provided notice for these applications for extensions. The Board previously took jurisdiction and these matters, which were carried without further notice, so the Board continues to have jurisdiction on these applications.

Mr. Pape appeared on behalf of the applicant, noting that the developer for the projects have changed. He reviewed the timeline of approvals based on the Permit Extension Act which was in place for the Covid emergency. He stated that they will only need a five-month extension based on the Covid Permit Extension Act, due to their vested rights. All outside agency approvals, he stated, have been maintained. The new developer is ready to proceed as they found out their approvals have lapsed in trying to obtain their construction permits. The project is financed and ready to go.

The developer has proceeded with the public improvements and the common site improvements and the developer has continued with the developer's agreement. The first of the three buildings has already been constructed.

Planner Mertz noted that there has been a change in the zoning since the approvals, primarily affecting the setbacks and the height of the buildings. If the applicant were to apply for the same application today, they would require 'd' variance relief from the Zoning Board of Adjustment.

Chairman Newman opened the matter to the public. With no members of the public coming forward, Chairman Newman closed the matter to the public.

The Board had no further discussion on this matter. Chairman Newman made a motion to grant the extension for P17-10 (Ext.#1), Block 53, Lot 4.07, 1 Wren Haven Drive, seconded by Mr. Beck. The motion passed with the following roll call vote in favor: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Ms. Sinha; with those against: Mr. Ziner. Motion approved: 7 – 1.



Chairman Newman also made a motion to grant the extension for P17-10 (Ext.#3), Block 53, Lot 4.04, 3 Wren Haven Drive, seconded by Mr. Pado. The motion passed with the following roll call vote in favor: Chairman Newman, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Ms. Sinha; with those against: Mr. Ziner. Motion approved: 7 – 1.

**XXXIII Associates/Riverside Center, LLC
Block 18.01, Lots 1, 2, 3 & 4 (proposed Lot 1.01) – Farrington Blvd./DeBaun Rd.
Preliminary and Final Major Site Plan Application # P23-03**

Proposal to consolidate the four lots into one Lot (proposed Lot 1.01) and to construct a 102,960 s.f. warehouse building (3,000 s.f. office and 99,960 s.f. warehouse) and associated site improvements. The site will consist of 11.82-acres, in the PCD Zoning District. Hearing date: 6/14/23. Time to Act: 6/24/23 (no variances requested; however, 7/24/23 with variance relief required for Loading Space Location and Lighting Intensity for Off-Street Parking Areas).

William J. Mehr, Esq. appeared on behalf of the applicant.

Attorney Steib noted he had reviewed the proof of service, which was proper in form and content, indicating that the Board has jurisdiction on the application. The following exhibits were marked:

APPLICANT'S EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence
- A-4 List of variances being sought, undated, unknown source
- A-5 Traffic Impact Study, prepared by McDonough & Rea Assoc., dated 2/8/23
- A-6 Survey of Property, one (1) sheet, prepared by Crest Engineering, dated 2/3/23
- A-7 Lot Consolidation Plan, one (1) sheet, prepared by Crest Engineering, dated 2/3/23
- A-8 Aerial Map "(NEARMAP JULY 2022)", prepared by Crest Engineering, dated 2/3/23
- A-9 Statement of Environmental Impact and Assessment, prepared by Crest Engineering, dated 2/3/23
- A-10 Stormwater Management Report, prepared by Crest Engineering, dated 2/3/23
- A-11 Architectural Floor Plan and Elevation for Riverside Center, two (2) sheets, prepared by S. Gran Wityk, Architect, revised 8/23/22 and "updated 9/1/22"
- A-12 Preliminary and Final Major Site Plan, eleven (11) sheets, prepared by Crest Engineering, dated 2/3/23
- A-13 Rendering Winter, Mature Trees, Rt. 33 East, one (1) sheet, prepared by Perez + Rodasti, undated
- A-14 Rendering Winter, Mature Trees, Rt. 33 West, one (1) sheet, prepared by Perez + Rodasti, undated
- A-15 Rendering Summer, Mature Trees, Rt. 33 East, one (1) sheet, prepared by Perez + Rodasti, undated
- A-16 Rendering Summer, Mature Trees, Rt. 33 West, one (1) sheet, prepared by Perez + Rodasti, undated
- A-17 Aerial Rendering of site, one (1) sheet, prepared by Perez + Rodasti, undated
- A-18 Architectural Floor Plan, one (1) sheet, prepared by Perez + Rodasti, dated 10/26/22
- A-19 Rendered Elevation, one (1) sheet, prepared by Perez + Rodasti, dated 10/31/22
- A-20 Landscaping Plan Sheet 6 of 11, one (1) sheet, prepared by Crest Engineering, dated 6/13/23
- A-21 Rendered Aerial Map, one (1) sheet, prepared by Crest Engineering, dated 2/3/23
- A-22 Rendered Site Display, one (1) sheet, prepared by Crest Engineering, dated 6/14/23



BOARD'S EXHIBITS

- PB-1 Completeness Determination dated 3/21/23
- PB-2 Engineer's Review dated 4/26/23
- PB-3 Planner's Review dated 4/27/23
- PB-4 Environmental Commission's Review dated 5/9/23
- PB-5 Shade Tree Commission's Review dated 4/28/23
- PB-6 Fire Official Review dated 3/29/23

The following witnesses were sworn in:

- Matt Shafai, PE, Board Engineer
- McKinley Mertz, PP, AICP, Board Planner
- Lorali Totten, PE, PP, Applicant's Engineer
- Jay Troutman, PE, Applicant's Traffic Engineer
- Allison Coffin, PP, AICP, Applicant's Planner

Mr. Mehr, stated he has represented this applicant and the development of the overall site since the beginning (over 20 years) and this is the final property for development.

Lorali Totten appeared and was sworn in. The Board is familiar with Ms. Totten and accepted her as a licensed professional engineer. Ms. Totten reviewed the overall site and the surrounding areas, including the other building that were a part of the original development approvals. The site is serviced by well and community sewer system (which only services the sites within Millstone Township). She stated that this property meets all of the bulk zoning requirements. There are two variances required (for lighting and for loading spaces within a front yard).

When designing the site, the plan originally had a two story, 6,000 s.f. office area; however, the plan has been revised to be a single story, 3,000 s.f. office space. The plan is designed and suited for a single tenant. It is also not suited for high volume distribution centers due to the site access and design (including only 13 loading docks). It would not be practical to have more than one tenant or have a large volume of trucks. Not to say there could "never" be more than one tenant, but it doesn't make sense or it may be difficult to do so.

There are septic fields to the north of the building, which would prevent expansion. The site was designed to get the most out of the site, within the restriction of the ordinance. The building coverage is "maxed out" with the current design.

Ms. Totten reviewed the parking, loading spaces, truck docks, ingress and egress from the site. They will be providing one EV "make-ready" parking space. Currently, there is no pedestrian connection from the furthest parking for the warehouse employees, so they will add a pedestrian crosswalk with required signage. The site is over-parked to allow for flexibility and ease during shift change. The entire paved area will be constructed with porous pavement and the site is approximately 30% impervious coverage; whereas the ordinance permits 50% coverage. The Operations & Maintenance Manual (to be reviewed, approved and recorded with the County) will include that the parking lot will be required to be vacuumed as prescribed in the manual. It would be to the benefit of the applicant to maintain the porous pavement correctly, otherwise it may require replacement. There are inlets in the parking lot areas and the overflow that does not infiltrate will flow through pipes into the storm sewer system. Ms. Totten continued to review the proposed site improvements.

The proposed lighting will LED and be pointed downward to limit glare/spillage. The lighting levels will be turned down during the night hours/when the building is closed. Ms. Mertz noted that almost every commercial applicant is requesting the same variance relief for lighting level and the same



lighting waivers. She explained that it is difficult to accomplish the requirements with modern lighting, and that the ordinance seems to be more designed for residential development. The applicant will work with the Board Engineer to their satisfaction.

Chairman Newman noted the time and suggested a quick break. Due to the late hour, it was suggested that the Board would not get to the last application on the agenda. Chairman Newman paused the hearing for XXXIII Associates/Riverside Associates, for an announcement regarding the last application on their agenda.

Arbia Antico Land Subdivision, LLC
Block 60.02, Lots 12, 12.02, 13 & 14.01 – Brookside Rd.
Preliminary and Final Major Subdivision Application # P23-06

Proposal to modify the existing 4 lots and subdivide into five (5) residential lots. Variance relief is being requested for two of the new proposed lots (proposed Lot "A" and proposed Lot "B") for not meeting the minimum Lot Area, not providing the minimum Lot Frontage, not providing the minimum Lot Width and not providing the minimum Combined Side Yard Setback for each of the two proposed lots, minimum Front Yard Setback for the existing house on proposed Lot "D" and minimum Accessory Building Side Yard Setback for existing detached garage on proposed Lot "D". The site is in the RU-C Zoning District. Hearing date: 6/14/23. Time to Act: 9/16/23.

Attorney Steib noted that he had reviewed the proof of service, which was proper in form and content, indicating that the Board has jurisdiction on the application. It was announced that application P23-06 would not be heard this meeting and that any interested parties may attend the next meeting, on July 12, 2023 at 7:30 pm, in the same location. This matter was carried without any further notice.

The Board took a five-minute recess.

Upon return, the Board returned to application P23-03 – XXXIII Associates/Riverside Center (Block 18.01, Lots 1, 2, 3 & 4).

Ms. Totten resumed her testimony. She stated that the plan is not showing site signage as they do not have a tenant. The tenant will apply for a compliant sign. Building façade signs will be discussed by the architect.

The site will have significant landscaping. Ms. Totten stated that they would like to retain as many trees as feasible on the site, particularly along Route 33, but would provide a replacement if they do not survive. They will increase the height of the berm to eight feet in height, where possible. The applicant will provide some berm enhancements to the satisfaction of the Board Engineer and will fill any "gaps" in the view, as determined by the Board Engineer.

Chairman Newman offered the witness to the public for questions. With no members from the public coming forward, Chairman Newman closed the public questions of this witness.

Jay Troutman of McDonough and Rea appeared and was sworn in. The Board is familiar with Mr. Troutman and accepted him as a licensed professional engineer, specializing in traffic engineering. Mr. Troutman reviewed the Traffic Study prepared for the proposed site. The study took all of the adjacent sites, which have been recently approved.

The NJDOT has been provided copies of all applications/approvals for all the Riverside sites. At one point, there was consideration to put up an additional signal at the DeBaun/Route 33 intersection, but it does not appear that the NJDOT is considering this at this time. The applicant provides traffic monitoring data to the NJDOT regarding the traffic impacts of these sites as a



condition of the approval. The applicant will provide copies of this to the Board. The Board also asked for information regarding the change in the distribution design at the Amazon warehouse. Chairman Newman offered the witness to the public for questions. With no members from the public coming forward, Chairman Newman closed the public questions of this witness.

Allison Coffin appeared and was sworn in. The Board is familiar with Ms. Coffin and accepted her as a licensed professional planner. There are two variances required. A lighting plan cannot manage the minimum and average within a site, which is why they require variance relief for lighting. The site is entirely surrounding by roadways, and any and all areas on the site are considered a technical front yard. The loading zone has been placed in the "architecture rear" of the site and has significant buffering.

Ms. Mertz agreed with the findings of Ms. Coffin, stating that there is a hardship related to the site containing all front yard areas. The deficiencies in the lighting are de minimus and the applicant is meeting the intent of the ordinance.

Chairman Newman offered the witness to the public for questions. With no members from the public coming forward, Chairman Newman closed the public questions of this witness.

Due to the late hour, the Board decided to continue this hearing at a later meeting. It was announced that application P23-03 would not be heard this meeting and that any interested parties may attend the next meeting, on July 12, 2023 at 7:30 pm, in the same location. This matter was carried without any further notice. An extension of time to act was provided through July 31, 2023.

CORRESPONDENCE/BOARD DISCUSSION:

No comments.

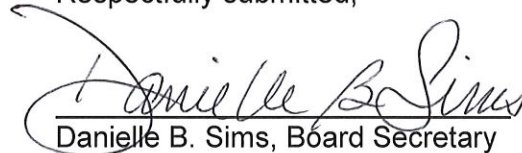
NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Mr. Pado made a motion to adjourn; which was seconded by Chairman Newman, and with all in favor, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary