



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

The Millstone Township Planning Board regular meeting was called to order by Vice-Chairman Pepe on Wednesday, July 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.

**SWEARING IN OF NEW BOARD MEMBER:** Steve Parrino, Alternate I (unexpired term)

The swearing in of new Board member Parrino was carried to the August meeting.

Roll call for the below members was called:

Present: Vice-Chairman Pepe, Mr. Lambros, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Pado and Mr. Ziner.

Absent: Chairman Newman, Ms. Sinha and Mr. Parrino (Alt. I); 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:**

Vice-Chairman Pepe 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, Vice-Chairman Pepe closed the public comments session.

**MINUTES:**

**Minutes from June 14, 2023**

Vice-Chairman Pepe introduced the minutes. With no comments from the Board, Mr. Ziner made a motion to adopt the Minutes from the June 14, 2023 Planning Board Meeting, which was seconded by Mr. Pado. The Minutes were adopted on a roll call vote: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Mr. Ziner. Motion approved, 6-0.

**RESOLUTION(S):**

**Resolution Granting of Extension Prior Approvals for 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.)**

Mr. Lambros made a motion to memorialize the resolution of approval, which was seconded by Mr. Beck. Vice-Chairman Pepe asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Pado; and Mr. Ziner, against. Motion approved, 5-1.

**Resolution Granting of Extension Prior Approvals for 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.)**



Mr. Lambros made a motion to memorialize the resolution of approval, which was seconded by Mr. Beck. Vice-Chairman Pepe asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Pado; and Mr. Ziner, against. Motion approved, 5-1.

## **APPLICATION(S) BEFORE THE BOARD:**

### **REQUEST TO ADJOURN TO AUGUST 9, 2023**

**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 to 11/9/22, and 12/14/22, but adjourned. Applicant re-noticed for 4/12/23, carried to 5/10/23 and 7/12/23, without further notice. Applicant is requesting to adjourn the hearing to 8/9/23. Extension of Time to Act through 8/30/23.

The applicant has requested to carry the continued hearing so that they may revise and resubmit their plans. The Board took no objection to the applicant's request to adjourn. Attorney Steib announced that this application would be carried without further notice to the August 9, 2023 Planning Board meeting at 7:30 pm, in this same location, without any further notice.

### **REQUEST FOR EXTENSION OF MAJOR SITE PLAN APPROVALS**

**YS Millstone, LLC (Approvals previously granted to Yomesh Patel)**

**Block 24, Lot 6 – 455 Route 33**

**Preliminary and Final Major Site Plan Application # P19-05 (Ext.)**

Request for Two One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 7,387 s.f. (previously approved at 7,472 s.f., but reduced per the NJDEP review comments) with associated site improvements. Property 1.28-acres and is located in the HC Zone and there have been no changes in the zoning since the 2020 approvals. (Also known as KSV Investments, LLC)

Mr. William J. Mehr entered his appearance on behalf of the Applicant. He introduced Yomesh Patel, the Applicant.

Mr. Patel was sworn in. He stated that he is seeking two one-year extensions of the approvals. Attorney Steib confirmed the application status. Mr. Patel indicated that in order to comply with the approvals from the NJDEP, there has been a reduction in the building footprint of 89 s.f. No other changes are proposed at this time. Mr. Patel stated that he had some delays during covid.

The Board had no further comments on this matter. Mr. Kotby made a motion to grant two one-year extensions for P19-05, which was seconded by Mr. Pado. The motion passed with the following roll call vote in favor: Vice-Chairman Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Ms. Sinha; Motion approved: 7 – 0.

### **REQUEST FOR EXTENSION OF MAJOR SITE PLAN APPROVALS**

**BH of Millstone N, LLC (Approvals previously granted to XXXIII Associates/Riverside Center)**

**Block 18, Lot 2.03 – 10 Farrington Blvd.**

**Preliminary and Final Major Site Plan Application # P20-05 (Ext.)**



Request for Declaration of Vested Rights under the Permit Extension Act and alternatively, seeks a two One-Year Extension of Approvals of previous Preliminary and Final Major Site Plan to construct a 100,240 s.f. warehouse/office building, including 2,500 s.f. of office space, with associated site improvements. Zoning changes have occurred to the PCD Zone since the site was approved in 2020.

Attorney Steib noted that the applicant has requested that the matter be carried to the next Planning Board meeting. Vice-Chairman Pepe confirmed there was room on the agenda for this. No notice was required. The matter was carried.

### **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). Carried to 7/12/23 for continued hearing w/out further notice. Extension of Time to Act through 7/31/23.

The Board took jurisdiction on this application and began the hearing on June 14, 2023. The application was carried to July 12, 2023 without further notice. The Board continues to have jurisdiction. William J. Mehr, Esq. appeared on behalf of the applicant.

Attorney Steib acknowledged the exhibits previously marked and identified the additional exhibits since the last hearing:

#### **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
- A-23 Extension of time to Act through 7/31/23
- A-24 Proposed Berm Grading Modification Detail, unknown source, dated 7/12/23

### 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 or previously sworn in and are still under oath:

- 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
- Ricardo Perez, AIA, Applicant's Architect

Mr. Mehr introduced his next witness for the continued application.

Mr. Ricardo Perez was sworn in and provided his credentials as an architect. The Board accepted him as a professional licensed architect. Mr. Perez reviewed the floor plans and the elevations of the proposed warehouse building. He reviewed the energy efficient properties of the building. The Board discussed some of the similarities in design and color this building has with the "Scannell" building on the adjacent lot. Mr. Perez stated there are several design differences between the buildings, but the color is similar. Ms. Mertz noted that the applicant meets the ordinance in regard to the architectural design.

The floor plan and building façade does not lend itself to have more than one tenant. There are only thirteen loading docks plus a drive in and only one entrance doorway into the building. The Board discussed the difference in intensity if it were to be used by more than one tenant. Any additional office space would require Board approvals. The Board decided that if the occupant were to sub-lease, there would not be any change in the intensity as compared to the building being fully utilized by one busy tenant/occupant.

Mr. Perez provided the Board with renderings of the various views of the site, including views during winter/snow.

Lorali Totten, PE, still under oath, described the changes in the landscaping plan since the last appearance before the Board, specifically the changes in the proposed berm along Route 33. The adjacent "Scannell" warehouse building is designed at 101' off the property line and there is a 100' setback. The proposed building is set back at 102' from the property line at the closest point and 109' at the furthest point.

Mr. Jay Troutman, still under oath, reviewed the change in the Amazon site in Monroe Township. He stated that they will be moving away from the van deliveries and will instead be utilizing more personal vehicles for deliveries. They expect more off-peak delivery activity with this new delivery model to stagger the traffic.



Trucks moving from this site will be exiting west towards the Turnpike. The Perrineville intersection widening has been completed. There was a study done to see if the Perrineville and Route 33 intersection warranted a traffic signal and it was determined it would not warrant a new traffic signal.

Mr. Lambros is in favor of restricting the hours of operation of the building. Mr. Mehr stated they do not have a tenant/operator at this time and limiting the hours may hurt their ability to attract a good tenant/operator. He stated that the off-peak hours may have less effect on the traffic. Ms. Mertz noted that it is an industrial park and, in her experience, trucks cannot always control their arrival times and may cause other nuisances, such as trucks idling while waiting for the facility to open. If this were in close proximity to residences, she would be in favor of restricting hours of operation, but in this instance, and although it is up to the Board, she does not think restricting the hours would be appropriate. Ms. Totten reviewed the proposed lighting again for the Board.

Vice-Chairman Pepe opened the application to the public for questions and comments. With no members of the public coming forward, Vice-Chairman Pepe closed this matter to the public. The Board had nothing further to discuss. Attorney Steib reviewed the conditions the Board has put on record (from both hearings).

With no further comments, Mr. Kotby made a motion to grant preliminary and final major site plan and variance approval with the conditions placed on record, which was seconded by Mr. Pado. The motion passed with the following roll call vote in favor: Vice-Chairman Pepe\*, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Pado and Mr. Ziner. Motion approved: 7 –0.

**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-not heard. Carried to 7/12/23 without further notice. Time to Act: 9/16/23.

Kenneth Pape, Esq. appeared on behalf of the applicant. He stated that they are withdrawing their requests for side yard setback variance relief on proposed Lots "A" and "B", as they will be able to comply.

The Board took jurisdiction on the application at their June 14, 2023 meeting, where the application was not heard, but carried without further notice and the Board maintains jurisdiction.

Attorney Steib read the exhibits into record as follows:

**APPLICANT'S EXHIBITS**

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence
- A-4 Will Serve Utility Letters
- A-5 Outside Agency Approvals
- A-6 List of Potential Witnesses for hearing
- A-7 Statement of Stormwater Management, prepared by Crest Engineering, dated 5/1/23

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



- A-8 Statement of Environmental Impact and Assessment, prepared by Crest Engineering, dated 5/10/23
- A-9 Historic Pesticide and Soil Contaminant Test Report, prepared by Crest Engineering, dated 2/28/23
- A-10 Outbound and Topographic Survey, one (1) sheet, prepared by Abbington Engineering, LLC, dated 12/3/19
- A-11 Final Plat Major Subdivision, one (1) sheet, prepared by Crest Engineering, dated 5/1/23
- A-12 Site Aerial Plan, one (1) sheet, prepared by Crest Engineering, dated 5/1/23
- A-13 Major Subdivision Plans, three (3) sheets, prepared by Crest Engineering, dated 5/1/23
- A-14 Rendering of Existing Lot Lines, one (1) sheet, prepared by Crest Engineering, dated 6/13/23
- A-15 Rendering of Proposed SD Lot Lines, one (1) sheet, prepared by Crest Engineering, dated 5/1/23

### BOARD'S EXHIBITS

- PB-1 Completeness Determination dated 5/19/23
- PB-2 Engineer's Review dated 5/30/23
- PB-3 Planner's Review dated 6/5/23
- PB-4 Environmental Commission review dated 6/5/23
- PB-5 Shade Tree Commission review dated 6/15/23
- PB-6 Tax Assessor's Review dated 5/24/23

The following witnesses were sworn in or previously sworn in and are still under oath:

- Matt Shafai, PE, Board Engineer
- McKinley Mertz, PP, AICP, Board Planner
- Lorali Totten, PE, PP, Applicant's Engineer
- Ralph Arbia, Applicant
- Allison Coffin, PP, AICP, Applicant's Planner
- Ricardo Perez, AIA, Applicant's Architect

Ms. Lorali Totten was sworn in. She has previously appeared before the Board and the Board accepted her as a professional licensed engineer. She reviewed the subject site, which includes four lots to be reconfigured to become five residential lots. The surrounding lots at the rear of the subject properties are primarily wetlands and are to be acquired by the County and the Township, subject to the approval of the subdivision.

The buffer areas and conservation areas will be put into conservation easements. All lots will need to individually meet the stormwater management regulations.

Mr. Ralph Arbia was sworn in as the applicant. He stated that it is a U-shaped driveway that encroaches from Lot 12 and onto Lot 12.02 and that he owns both lots. It was clarified that all of the subject lots are owned by Mr. Arbia, but under different entities. He stated that if he were to remove the encroachment of the U-shaped driveway, there would still be access, just that the driveway would be "C-shaped" instead. The Board requested that the encroachment either be removed or that the applicant provide an easement. Mr. Pape confirmed that a driveway easement would be put into place.

Ms. Allison Coffin was sworn in. She has previously appeared before the Board and the Board accepted her as a professional licensed planner. Ms. Coffin explained that the applicant is proposing to re-subdivide the lots into five (5), more regular in shape, residential lots. The reconfiguration of the lots create the need for 'c' bulk variance relief for lot width, lot frontage and lot size for proposed lots "A" and "B". There is an existing house on existing Lot 12, which requires variance relief for the existing frontage and accessory structure side setback.



Ms. Coffin reviewed the proofs for the application. Planner Mertz did agree with most of the testimony, but noted that the zone does permit for lot averaging; however, this application does not meet the requirements since there would not be any variances allowed. Planner Mertz also noted that they have not made clear why they could not merge Lots A and B in order to have 4 conforming lots. The reasons put on record were to preserve the farmland, but the farmland can still be preserved if there were only 4 lots instead of 5.

Mr. Arbia stated that he is farming trees and raising horses on the farm property.

Mr. Pape stated that the applicant is not interested in a four-lot subdivision and is comfortable in requesting consideration for two lots that are over five-acres. The Board suggested the applicant reconfigure the subdivision lines to proposed lots A, B, and C to create three conforming lots, instead of one oversized lot and two lots requiring variance relief. The applicant responded that it may interfere with features of proposed lot C, such as septic system and the well.

Planner Mertz noted that the applicant has agreed to meet the side yard setbacks for proposed lots A and B. The purpose of a frontage and width standard are to encourage open space to keep distances between buildings, so there is a balancing that the Board will need to consider. Mr. Pape explained that the area previously had been zoned with lower acreage required. He stated Mr. Arbia found all of the adjoining lots, including the land locked one, and put them together.

Vice-Chairman Pepe opened the application to the public for comments and questions.

Mr. Kevin Abernethy, Millstone Township Administrator, appeared and was sworn in. He stated that the property behind these lots are the headwaters of the Toms River, which is one of the five watersheds and there are seven rivers in the town; this is the headwaters of it. Mr. Abernethy explained that the County has recognize this area to be necessary for conservation of drinking water. He stated the County has it on their agenda for the following night to purchase the 70-acres behind these lots. The County is putting in the "lion's share," Green Aces is putting in a large piece of the cost and the Township is putting in the smallest amount, but will receive a fee simple title. The entire 70+ acres would be in conservation. He explained that the proposed lots could be made bigger, but would come from the areas to the rear that are proposed to be put into conservation.

Ms. Lisa Black of 4 Brookside Road appeared and was sworn in. She stated that the applicant has cleared a lot of the lots already. She would prefer that the proposed lots "A" and "B" be kept as one single lot. She stated that the area has significantly changed over the years. The applicant's property already has six driveways. There is a modular home on one of the lots being used for rental property. She stated that there is a "humongous" pole barn that is being used for commercial purposes, large enough to accommodate a tractor trailer. She is concerned with the scope of the development and would like the lots to meet the regulation as the continued development is affecting her community experiences. In her opinion, proposed Lots "A" and "B" should only be one lot and should conform to the town ordinances. She feels the site is already negatively affecting her community experience.

Mr. Lambros made a suggestion that proposed Lot "C" is larger than necessary and there would be enough frontage to allow the same number of lots.

Ms. Black stated that the existing house on the farm lot (Lot 12, proposed Lot "D") is being used for rental property purposes, the detached garage is being used for rental property and there is a manufactured home also being used as rental property, under the auspices of it being used for "farm workers", which is permitted by ordinance.

Mr. Lambros noted that the proposed lots are significantly larger than some of the other lots on Squan Rd. and along Brookside Rd.



Mr. Abernethy came forward and stated that there was a plan that he was shown that had a roadway with nine lots (in the past), using the conservation areas that are proposed to be acquired by the County and Township as part of the subdivision. He described what he recalled from the conceptual plan he saw. Mr. Ziner was unclear if the subdivision would fit the zone.

Ms. Black stated that the plan described by Mr. Abernethy sounds more appealing to her than the current proposal as the properties would be fronting on their own roadway, not on Brookside Road. Vice-Chairman Pepe stated he is most interested in the preservation of the 70+ acres behind the site.

With no other members from the public coming forward, Vice-Chairman Pepe closed the public session.

Mr. Pape provided a closing summary for the Board.

The Board deliberated the application. It was confirmed that proposed lot D (existing Lot 12) was farm assessed and would continue to be farmed. Proposed Lots A, B and C would be residential and not farmed. The Board inquired about the tree clearing on the site. Mr. Arbia stated he cleared the area for the farm and then decided to subdivide. He stated that the County confronted him about the land, stating they didn't want the nine-house development and that they wanted the land. He stated he could build and develop on the property to the rear, but is instead giving the 72-acres back that will be preserved. The lots have already been cleared of trees.

With the variance for the side yard setback relief being withdrawn, Attorney Steib reviewed the conditions and stipulations put on record. It was confirmed that the subdivision could not be filed and perfected until the back lots are conveyed for the preservation.

Mr. Pado made a motion to approve the subdivision with the other variances requested, which was seconded by Mr. Lambros. The motion passed with the following roll call vote in favor: Vice-Chairman Pepe, Mr. Lambros, C/W Zabrosky, Mr. Beck, Mr. Kotby, and Mr. Pado; with those against: Mr. Ziner. Motion approved: 6 – 1.

**CORRESPONDENCE/BOARD DISCUSSION:**

No comments.

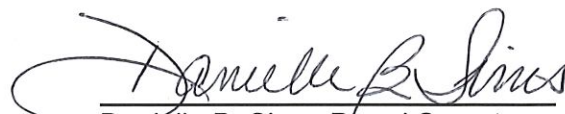
**NEW/OLD BUSINESS:**

None.

**ADJOURNMENT:**

With no further business, C/W Zabrosky made a motion to adjourn; which was seconded by Mr. Ziner, and with all in favor, Vice-Chairman Pepe closed the meeting.

Respectfully submitted,

  
Danielle B. Sims, Board Secretary