



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
October 11, 2023**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, October 10, 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. Pado, Mr. Pepe, Ms. Sinha, and Mr. Ziner.

Absent: Mr. Beck, Mr. Kotby, 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:

Chairman Newman opened the meeting up to members of the public for comments on matters not before the Board.

Bernie Sluzas of 7 Arrowhead Way stated that he reached out to the NJDOT, who is waiting on the applicant to make a determination about the traffic signal on Rt. 33 at Debaun Rd. Engineer Shafai stated that the applicant is planning to submit a package to the NJDOT for determination whether a traffic signal is warranted. He believes that the applicant will be suggesting that the traffic signal is not warranted. Mr. Sluzas feels it is needed and would like to see the traffic signal installed.

With no other members of the public coming forward, Chairman Newman closed the public comments session.

MINUTES:

Minutes from August 9, 2023

Chairman Newman introduced the minutes. With no comments from the Board, Mr. Ziner made a motion to adopt the Minutes from the August 9, 2023 Planning Board Meeting, which was seconded by Mr. Pado. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Lambros, C/W Zabroski, Mr. Pado, Ms. Sinha, and Mr. Ziner; Approved, 6-0.

RESOLUTION(S):

**Confirming Compliance Conditions of Final Site Plan Approval
BH of Millstone N, LLC (Previously XXXIII Associates/Riverside Center)
Block 18, Lot 2.03 – 10 Farrington Blvd.
Preliminary and Final Major Site Plan Application # P20-05 (Ext.)**

Chairman Newman made a motion to memorialize the resolution of approval, which was seconded by Mr. Ziner. 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, Mr. Lambros, C/W Zabroski, Mr. Pado, Ms. Sinha, and Mr. Ziner; Motion Approved, 6-0.



APPLICATION(S) BEFORE THE BOARD:

(Continued Application)

JLE, LLC

Block 20, Lot 3.13 – 530 State Highway 33

Preliminary 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, 7/12/23, 8/9/23 and 10/11/23, without further notice. Extension of Time to Act through 11/1/23.

With the exception of Mr. Pepe, who still needs to review the August 9, 2023 hearing, all present Board members either attend all prior hearings on this matter or have reviewed the recordings or transcripts and exhibits, so they are eligible to vote on this application.

Mr. Kenneth Pape, Esq. entered his appearance on behalf of the Applicant.

Attorney Steib read the additional exhibits into record:

APPLICANT’S EXHIBITS

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

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



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
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
A-52	Cross Section View – Arrowhead Way, rcvd. 5/10/23
A-53	Cross Section View – Indian Path, rcvd 5/10/23
A-54	Cross Section Key for Indian Path, prepared by MidAtlantic, dated 5/10/23
A-55	Acoustic Exhibit – 12' Modified Barrier Configuration for 5/10/23
A-56	Email 4/13/23 - Extension of Time to Act through 6/30/2023
A-57	Typical Sounds Chart, prepared by Russell Acoustics, LLC, undated
A-58	FSCD Certification dated 5/5/23
A-59	FSCD Notice NJPDES Permit Required dated 5/5/23
A-60	Transmittal for Threatened & Endangered Species Report, prepared by K. Pape, dated 6/14/23
A-61	Threatened & Endangered Species Report, DuBois Environmental, rvsd 6/9/23
A-62	Email 6/5/23 – Request to Carry/Extension of Time to Act through 8/31/2023
A-63	DRCC Review – Request for Adtl Info. Dated 7/6/23
A-64	Response Memo, prepared by MidAtlantic, dated 7-12-23
A-65	Dam Operations & Maintenance Manual, prepared by MidAtlantic, dtd. 7/12/23
A-66	Earthworks Plan, prepared by MidAtlantic, one sheet, revised 6/14/23

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



A-67	Site Plan, 28 sheets, prepared by MidAtlantic, rvsd. 7/12/23
A-68	Overall Site Rendering, 1 sheet, prepared by MidAtlantic, dated 8/3/23
A-69	Email 8/10/23 – Extension of Time to Act through 11/1/23
A-70	DRCC Report 8/29/23
A-71	Response Memo, prepared by MidAtlantic, dated 9/26/23
A-72	Sound Attenuation Plan, prepared by Russell Acoustics, rvsd. 9/18/23
A-73	Stormwater Management Report, prepared by MidAtlantic, rvsd. 9/18/23
A-74	Site Plan, 28 sheets, prepared by MidAtlantic, rvsd. 9/18/23
A-75	Overall Site Rendering, 1 sheet, prepared by MidAtlantic, dated 8/3/23
A-76	Building Exterior Sample Board, prepared by Perez + Rodasti, rcvd 10/11/23

BOARD'S EXHIBITS	
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-2(c)	Engineer's Review dated 10/6/23
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-3(d)	Planner's Review dated 10/10/23
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-4(d)	Environmental Commission review dated 6/20/23
PB-4(e)	Environmental Commission review dated 10/5/23
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-5(d)	Shade Tree review dated 8/16/23
PB-6	Fire Official review dated 8/5/22
PB-6b	Fire Official review dated 3/29/23
PB-7	Tax Assessor's review dated 11/1/22 - WITHDRAWN

The following witnesses were sworn in or remained under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner
- Luis Zuegner, PE – Applicant's Engineer
- Norman Dotti – Sound Engineer
- Jay Troutman, PE – Applicant's Traffic Engineer
- Dr. Raymond Walker, Environmental Specialist
- Steve Rodasti – Applicant's Architect
- Alison Coffin – Applicant's Planner (did not testify)
- Ming Kong, Applicant (did not testify)

Ken Pape appeared on behalf of the applicant. He provided a summary of the previous appearances before the Board and reviewed the changes since the previous four hearings. He explained that the applicant has supplemented the berming on the site so that they no longer require sound attenuating walls. The proposed berming will achieve the sound attenuation requirements. The applicant has relocated the trailer staging area to the middle rear of the circulation. The proposed berming will be constructed up to 15 feet in height. There are no longer variances required for the driveways due to the additional site changes. The applicant is proposing to install 6'-8' trees and the requested areas will be irrigated.

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



Mr. Luis Zuegner, still under oath, reviewed the site design changes. The building height has been lowered to 30'. The additional berm areas added are primarily in the southeast corner of the site, adjacent to the residential properties. The building floor elevation is 151' and the berm elevation is 163'. The berm is the entire length of the building from 9' above pavement and up and is between 100'-125' in length. The applicant has added berming at the rear of the building up about 10' above grade. There are gaps in the berm to allow for drainage.

Mr. Pape clarified that the applicant still requires a variance for the distance setback to the residences on Arrowhead Way and for existing site conditions.

Mr. Zuegner explained that the parking lot is lower than the building. Mr. Pape stated that all of the fill needed for the berms will come for the site. Mr. Zuegner stated that the wet pond will have a split rail fence with a mesh to prevent debris from entering. The site has eight (8) EV (electric vehicle) spaces in the four corners on the site. The trash compactors will be inside the building. The trailer staging spaces are proposed in the rear middle of the site and will be screened with trees and the berm.

Mr. Zuegner noted there is a design waiver for the lighting for being higher than the maximum permitted in the front near State Highway 33 entrance and in the rear, they are dimmer than the minimum permitted. There are eight basins on the site. The smaller ones are for water quality. The gaps in the berming allow for the water to run through and are directed to the basins, the pond and towards the stream. There will be recharge into the Millstone River. Mr. Zuegner reviewed the flow of water for the proposed berms and the effect on the surrounding properties. The drainage gaps are flat and grassed, so they are stable. The berms are no greater than a 3:1 slope and landscaped to prevent any erosion.

Engineer Shafai noted that the applicant will need to provide additional soil boring for the new basin locations. The applicant will do so once the final design is approved. He noted that the applicant is seeking only preliminary approval and can provide this for final approval. Mr. Zuegner stated they have performed 35-40 soil borings on the site and are confident that they will not have issues with the testing. Engineer Shafai reminded the Board that if the soil boring does not work, the site would have to be redesigned.

The Board inquired about the setback variance relief required for the rear of the site. Mr. Zuegner explained that the building is setback from the property line approximately 493', the edge of pavement to the property line is approximately 360.6', the building to the closest residence is 603.71' and the pavement to the nearest residence is approximately 471.21' (referring to Exhibit A-68). Planner Mertz stated that the ordinance is not clear so the applicant is taking the most conservative number. Mr. Lambros inquired what would have to be changed to no longer require variance relief. It was estimated that the building would likely need to be reduced by approximately 80' x 200' or may have to be reconfigured.

Referring to Exhibit A-72, C/W Zabrosky inquired why the design still has a sound level at 50* on the residential properties at the southeast portion of the site.

Planner Mertz reviewed the ordinance regarding trailer parking, summarizing that she does not believe that the proposed trailer staging area would be considered "trailer parking" and therefore, does not require relief from the Zoning Board. Mr. Pape stated that they put forth testimony regarding the benefits of the trailer staging area, but if the Board believes it should not be there, they would redesign without these thirty (30) staging spaces. No one will be sleeping in these trailers.

Chairman Newman opened the witness to the public for questions.

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Mr. Brian Scott of 19 Arrowhead Way inquired about the variances. Chairman Newman indicated these questions are more appropriate for the Applicant's Planner and will ask the Planner address them with her testimony.

With no other members of the public coming forward with questions of this witness, Chairman Newman closed questions for this witness.

Mr. Norman Dotti, still under oath, reviewed the noise level. C/W Zabrosky disputed the opinion of Mr. Dotti in regards to how the state regulation is interpreted. She read the regulations and believes that the measurement is to be taken at the property line. She indicated that she has met with the County Health Officer, who oversees noise for the Township, and also has taken a CEU class for Engineering regarding this. Mr. Dotti stated that there must be an "affected person", while C/W Zabrosky believes that since there is a residence, there is an affected person. Mr. Dotti believes they are meeting the regulations and respectfully disagrees with C/W Zabrosky. Mr. Pepe inquired if the berm can be altered to accomplish the 50* at the property line. Mr. Dotti said it would be up to the Applicant's Engineer to determine if it may be designed to accomplish this. Engineer Shafai suggested a small 4' wall on top of the berm may work, too.

Mr. Pape requested a five-minute break to review options with his client.

Upon return from the break, Mr. Pape suggested that the Board may hire their own sound expert to evaluate the analysis and authorized the Board to utilize the applicant's escrow account to fund this expert's review and testimony. Additionally, the applicant agrees to evaluate using a sound wall on top of the berm in order to attenuate additional sound. Mr. Pape noted that he spoke to Mr. Zuegner who indicated he would have a lot of redesigns of the site if they were to change the height of the berm. A sound wall added to the top may accomplish additional attenuation and would have no visual impact.

Chairman Newman opened the witness to the public.

Dorothy Sluzas of 7 Arrowhead Way asked if there was a responsibility of the applicant for future development on the adjoining properties. Mr. Dottie said they would only need to meet the standard if there is an affected person at that future time.

Gabrielle LaCroix of 9 Arrowhead Way stated that she experienced great noise during the construction with Showplace Farms and asked if the construction of the site would meet the noise requirements. Mr. Dotti stated that construction noise is exempt. Ms. LaCroix also stated the "jake-breaking" on State Highway 33 has been a problem and wanted to know who she needs to reach out to. Mr. Dotti stated that motor vehicles on roadways are exempt. Ms. LaCroix stated the motorcycle racing from the Extreme Machines site is extremely loud. The applicant agreed to install "no jake breaking" signs at the Rt. 33 access.

Mr. Brian Scott of 19 Arrowhead Way inquired how the Board will determine where the sound measurement is measured from. The Board indicated that they will be hiring their own sound expert to help the Board make their determination.

Mr. Jay Troutman was sworn in and provided his credentials as a licensed engineer, with a specialty in traffic engineering. The Board accepted his credentials as a professional traffic engineer.

Mr. Troutman indicated that the driveways to State Highway 33 haven been designed to be safe. The NJDOT has reviewed the plan. The Board requested signage to prohibit "jake-breaking," also known as "engine breaking."

Mr. Troutman explained that the site is two-way circulation. He stated he would describe permanent parking as 30-day or longer. The proposal is for temporary staging. Mr. Pape stated it is to increase the functionality of the site.

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



Chairman Newman opened this witness to the public.

Ms. Dorothy Sluzas of 7 Arrowhead Way inquired how many tractor trailers will exit the site to head east. Mr. Troutman stated that the majority of the tractor trailers will be heading west, the car traffic will primarily head east from the site. It is anticipated that there may only be one tractor trailer heading east at any given time. She inquired what the capacity of tractor trailers heading east would the intersection handle. Mr. Troutman would need to evaluate this.

Mr. Brian Scott of 19 Arrowhead Way stated there are several trailers that utilize the intersection from other sites in the area. He asked if there were other option. Mr. Troutman noted a vehicle can bypass the intersection and go to the next intersection. The traffic volume has been evaluated each year since 2019, including this year. The counts in 2023 are still running lower than the counts of "pre-Covid" in 2019.

Mr. Bernie Sluzas of 7 Arrowhead Way inquired about the safety of vehicles with turning tractor trailers and if there was a requirement of an acceleration/deceleration lane. Mr. Troutman stated it is not required and an acceleration/deceleration lane is not preferred as it would slow down movements on the roadway.

With no other members of the public with questions of this witness, Chairman Newman closed the public questions of this witness.

Chairman Newman asked that Mr. Troutman come back with an evaluation if the intersection at State Hwy. 33. Mr. Troutman stated the intersection is an operational U-turn for all vehicles.

Dr. Raymond Walker was sworn in and provided his credentials as an environmental scientist. The Board accepted him as a professional in environmental science. Dr. Walker reviewed the volume of water to be diverted for the site. He stated the site was a former golf course, which on average consumes 325,000 gallons per acre, per year, estimating about 1.6 million gallons per year. The proposed warehouse use is estimated to require 720 gallons per year and the proposed drip irrigation estimated to about 500,000 gallons per year, totaling about 1.5 million gallons per year, under the estimated withdrawal rates when the site was used as a golf course. There are permits pending with the NJDEP for the site for flood hazard area and for a stormwater outfall. There is a conservation easement that exists on the site, so the State must approve this.

Dr. Walker received an updated threatened and endangered species, which determined there were no threatened and endangered species; however, there is one animal in the vicinity, but not in within the subject area. There was an onsite study done by DuBois Environmental to confirm no additional animals have habituated since the site has been vacant for some time.

Chairman Newman opened the witness to the public for questions. With no members of the public coming forward with questions of Dr. Walker, Chairman Newman closed questions of the witness.

Stephen Rodasti was sworn in. He has previously appeared before the Board and was accepted by the Board as a professional licensed architect. Mr. Rodasti reviewed the proposed design, referring to Exhibit A-45. The building will be three different earth tone colors with vertical and horizontal bands. Mr. Rodasti reviewed the proposed signage, including address/number identification, four tenant façade signs and one monument sign. The monument sign is designed to match the building. The signage will be completely conforming.

Mr. Rodasti stated the HVAC and ventilation will be screened. They will require waivers for not providing split-faced concrete block. They will be using earth-based colors per the ordinance. They will require a waiver for not providing a hip or gable roof line, but will meet the requirement of a slant of a ¼" per foot. The roof behind the parapet will be lower in the office areas and will fully conceal the HVAC equipment. The applicant designed the site with green infrastructure.



There will be a generator on site for firefighter water supply, located next to the tower.

Engineer Shafai inquired about the trash compactors. Mr. Rodasti explained they are located by the bays adjacent to each of the four proposed offices.

Planner Mertz inquired if the walls would be able to be made to absorb additional sound. He described the materials of the proposed slat wall and suggested the sound engineer would have to evaluate this. Planner Mertz asked if there were any design elements where the bays could help with any sound. Mr. Rodasti stated the doors should not be left open at all times. There is no manufacturing on site, it is only designed for storage of S2 level items (non-combustible). Planner Mertz suggested the ordinance is a bit outdated and the proposed design appears to utilize a better material and takes no exception for the requested design waivers.

Chairman Newman opened the witness to the public for questions.

Mr. Brian Scott of 19 Arrowhead Way inquired what the height was at the southwest corner. Mr. Rodasti stated that the height will be at an overall height of 35' and referred to the Township Ordinance to show that it complies with the ordinance in that it is a parapet and architectural design feature, 5' or under and does not trigger any variance relief. Planner Mertz agreed with Mr. Rodasti's interpretation. Mr. Scott inquired how the 1/4" per foot can be accomplished. Mr. Rodasti stated that they will be using peaks and valleys and drainage in the low points.

With no other members of the public with questions of this witness, Chairman Newman closed the public questions of this witness.

Mr. Anthony Cipriano of 21 Arrowhead Way appeared and asked that he be able to read a statement into record as he is no available to attend the meeting on November 8, 2023. The Applicant took no exception to this request due to the circumstances, and the Board allowed for Mr. Cipriano to read a prepared statement. Mr. Cipriano was sworn in. Mr. Cipriano stated he was not in favor of the application and in granted the requested variance relief. He stated he will be negatively impacted by the proposed development. He described his concerns including the

Mr. Pape waived the right to cross examine Mr. Cipriano.

Attorney Steib announced that the application would be carried to the November 8, 2023 Planning Board meeting at 7:30 in this same location without any further notice. If there is a significant change, new notice may be required.

CORRESPONDENCE/BOARD DISCUSSION:

No comments.

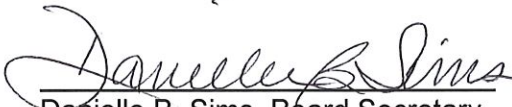
NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Mr. Pepe 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