



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
June 12, 2024**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, June 12, 2024 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. Pado, C/W Zabroski, Mr. Beck, Mr. Kotby (late arrival), Mr. Lambros, and Mr. Parrino (Alt. I).

Absent: C/M Ziner, Mr. Pepe, Ms. Sinha; 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.

Mr. Parrino was seated for Mr. Pepe.

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 8, 2024

Chairman Newman introduced the minutes. With no comments from the Board, Mr. Pado made a motion to adopt the Minutes from the May 8, 2024 Planning Board Meeting, which was seconded by Mr. Beck. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Pado, C/W Zabroski, Mr. Beck and Mr. Lambros. Approved 5-0.

DISCUSSION OF THE BOARD AND RESOLUTION(S):

Consistency Report – Ordinance No 24-10

Ordinance Amending Chapter 35 (Land Use and Development Regulations), Article 4 (Regulations Applicable to All Zoning Districts), Section 35-4-14 (Stormwater Management).

Engineer Shafai explained that the State had the towns revise their Stormwater Management Ordinances about four years ago. They have required that the towns update the numbers to accommodate additional rainwater and that they use actual numbers, not estimated, and they have added some definitions. This is being done as directed by the State. He has reviewed the proposed changes and recommends that the Board finds the same is consistent with the Master Plan.

Chairman Newman made a motion to memorialize the resolution, finding the proposed Ordinance is consistent with the Township's Master Plan, which was seconded by Mr. Pado. 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. Pado, C/W Zabroski, Mr. Beck, Mr. Lambros and Mr. Parrino. Approved 6-0.



Mr. Kotby arrived.

Consistency Report – Ordinance No 24-11

Ordinance Amending Chapter 35 (Land Use and Development Regulations), Article 2 (Definitions), Section 35-2-2 (Specific Definitions), Article 4 (Regulations Applicable to All Zoning Districts), Sections 35-4-9.3 (Height Restrictions) and 35-4-9.11 (Accessory Building Size Restrictions), Article 5 (Zoning District Regulations), Sections 35-5-6.2, 35-5-6A.2, 35-5-6B.2, 35-5-7.2 and 35-5-9.2 (Permitted Accessory Uses).

Planner Mertz explained that the proposed amended adds definitions to terms used in the ordinances, but have not been defined. The proposal also clarifies the height standards for accessory structures and the size. The current ordinance provides a maximum size, but did not clarify if the size meant a footprint or if the size included if there was a second-floor storage area or office. The proposed changes explain that the size is the footprint and allows for additional space. Additionally, the proposal gives parameters to what is allowed in the accessory structures.

Chairman Newman made a motion to memorialize the resolution, finding the proposed Ordinance is consistent with the Township's Master Plan, which was seconded by Mr. Pado. 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. Pado, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Lambros and Mr. Parrino. Approved 7-0.

APPLICATION(S) BEFORE THE BOARD:

REQUEST FOR THIRD 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 a Third (& Final) 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. (Also known as KSV Investments, LLC).

Mr. Walter Toto, Esq. entered his appearance on behalf of the applicant. He explained that there has not been any zone change on this property since the Board approvals. Mr. Toto stated that the applicant has pretty much completed resolution compliance and outside agency approvals have been secured. The approvals expired in March of 2024 and the extension would take them into March of 2025.

Engineer Shafai confirmed that the applicant is close to completion of resolution compliance. The applicant is working on filing the conservation easement and developer's agreement with the township.

The Board had no further comments on this matter. Chairman Newman made a motion to grant the third and final one-year extension of approvals, which was seconded by Mr. Pado. The motion passed with the following roll call vote in favor: Chairman Newman, Mr. Pado, C/W Zabroski, Mr. Beck, Mr. Kotby, Mr. Lambros and Mr. Parrino. Approved 7-0.

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 10/12/22 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, 10/11/23, 11/8/23 and 12/13/23 without further notice. New notice for 2/22/24, carried to 3/13/24, 5/8/24 and 6/12/24 without further notice. Extension of Time to Act through 6/30/24.

With the exception of Mr. Parrino, all present Board members either attend all prior hearing on this matter or have reviewed the recordings and transcripts and are eligible to vote on this application.

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

Board Attorney Steib noted that the Board continued this hearing from the May 8, 2024 Planning Board meeting without any further notice and the Board maintains jurisdiction.

Attorney Steib reviewed the additional exhibits that were submitted since the last hearing and read them into the 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-1b	Jurisdictional Notice (Proof of Service) for 2-22-24
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

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



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
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

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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
A-77	Email 10/12/23 – Extension of Time to Act through 12/31/23
A-78	Extension of Time to Act through 2/29/24
A-79	Berm & Sound Barrier Exhibit, one (1) sheet, prepared by MidAtlantic Engineering Partners, dated 2/9/24
A-80	ALL Sound Wall Product Guide
A-81	Acoustical Analysis Executive Summary, prepared by Ostergaard Acoustical Associates, dated 2/23/24
A-82	Extension of Time to Act through 3/31/24
A-83	Berm & Sound Wall Rendering, 1 sheet, prepared by MidAtlantic, dated 3/13/24
A-84	Extension of Time to Act through 6/30/24

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-3(e)	Planner's Review dated 3/6/24
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-5(e)	Shade Tree review dated 10/18/23
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
PB-8	Acoustic Engineer's review dated 11/16/23
PB-8(b)	Acoustic Engineer's review dated 3/4/24

The following witnesses were sworn in or remained under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner
- Matthew Murello, PE – Board Sound Engineer
- Luis Zuegner, PE – Applicant's Engineer
- Benjamin Mueller – Sound Engineer (replacing Norman Dotti)
- Scott Kennel, PE – Applicant's Traffic Engineer

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



- Dr. Raymond Walker – Environmental Specialist
- Steve Rodasti – Applicant’s Architect
- Alison Coffin – Applicant’s Planner
- Ming Kong, Applicant

Ms. Sims confirmed all Board members, with the exception of Mr. Parrino, that were in attendance have either been present at all previous hearings on this matter or have reviewed the record and signed certification, so that they are eligible to vote.

Mr. Ken Pape recapped where they left off from the prior hearing and would be continuing with their sound expert’s testimony.

Allison Coffin, PP, AICP, provided her credentials as a licensed Planner and the Board accepted her as a Professional Planner. Ms. Coffin described the property as being a 43-acre, irregularly shaped parcel with 550.9 feet of frontage along State Highway 33, shaped like a flag lot with a short, wide flagpole. She described the proposed development in the PCD zoning district.

Ms. Coffin reviewed the required variance relief. She stated that the property requires variance relief for lot width, lot frontage, buffer to a residential zone, minimum light in parking areas, fence height of 8’ (4’ permitted) in a front yard, the accessory soundwall structure setback of 10’ (50’ required).

She testified that the application can be granted under the C-1 criteria, Hardship Variance, due to the irregular shaped lot, requiring additional buffer area, based on the depth of the lot. The developable area is pushed to the middle of the lot due to the site restrictions.

Ms. Coffin also testified that the variance can also be granted under the C-2 criteria.

The buffer to the existing residential zone minimum is a baseline minimum of 150’, the 360’ that she has provided is double the baseline requirement. There is a secondary requirement of 25% of the lot depth, requiring the additional buffering. A variance is only required when applying the strictest standards, although it is not clear if it should be applied to lot lines or building lines and or development areas.

There is a 9’-17’ high berm, 900’+ long proposed between the proposed warehouse building and the nearest residential area.

Planner Mertz also noted that there are two design waivers being requested, one for exceeding the lighting levels at the intersection of Route 33 and the other for not providing slanted roofs. Planner Mertz responded to the Planner’s testimony. She explained the proofs provided to the Board and reviewed the reasons described by Ms. Coffin.

Chairman Newman stated that he is comfortable measuring the lines from the curb line to the residential lot line, as described by Planner Mertz. Ms. Mertz testified that it is most appropriate to leave parking areas out of any buffer areas.

Engineer Shafai confirmed that the proposed trailer storage is in the back of the building. Mr. Pape affirmed the 30 trailer storage spaces are proposed in the rear of the building. Planner Mertz reminded the Board that the trailer area requires a determination by the Board. C/W Zabrosky stated it has been referred to as “storage”, not “staging.” Ms. Coffin stated she “misspoke.” Mr. Pape reminded the Board that trailers would not be in the staging area for more than seven days and said that if the Board preferred, they can take it off.

Mr. Pape stated that the thirty (30) proposed trailer staging spaces would not be closer than 360’, the relief requested.



Mr. Louis Zuegner, still under oath, testified that the trailer staging area is approximately 10' further than the original measurement.

Brian Scott of 19 Arrowhead Way asked if the proposed trees will be 10'-16'. He asked how much smaller the building would need to be in order to not require variance relief. Ms. Coffin does not have that information.

Michael Mannino of 16 Dugan's Grove Rd. asked if there was a measurement from the site to his residence. Ms. Coffin does not have the information. Mr. Pape reminded the Board that there is no variance relief required for a setback or buffer to his property. Planner Mertz stated that she has looked at this in previous review and does not believe that this property would hit the buffer requirement.

Paul Vanhouten of 20 Indian Path inquired about the site entrances/exits. Mr. Pape explained there is only one at Route 33.

Michael Oliu of 7 Indian Path was sworn in and asked how the granting of the variances would benefit the town. Ms. Coffin stated that the use, size and intensity is permitted in the zoning ordinance. Mr. Oliu asked if the property was nonconforming when they purchased the property.

Mr. Pape reminded the Board that the proposed development meets the requirements for building coverage and total coverage. Mr. Oliu asked why the traffic study did not include Indian Path, and indicated that way finding applications direct drivers to use Indian Path.

Chris Leeds of 1 Indian Path asked if Ms. Coffin studied the financial impact on the surrounding area. Mr. Pape stated there was not because it is a permitted use.

Richard McDonald of 19 Bergen Mills Rd. asked if the building could be built in the space provided.

Justin Mendelsohn of 16 Winding Creek Drive asked about water usage. Ms. Coffin does not have that information.

Anthony Cipriano of 21 Arrowhead Way asked what the detriments were of the proposed site development. Ms. Coffin stated there is not a substantial detriment. Mr. Cipriano asked if there was a detriment to the surrounding neighbor. Planner Mertz stated that the applicant has to prove and the Board has to determine if there is a substantial detriment, she said there will always be some type of impact. The Board has to determine if the applicant has proven or weigh if there is a substantial impact. She noted it is a permitted use, so a market impact would not be evaluated, she is not saying it is irrelevant, just is not evaluated as part of this application.

There were no further questions of the witness and the public questions of this witness was closed.

Chairman Newman opened the application for comments for members of the public.

Michael Oliu of 7 Indian Path was sworn in. He described several surrounding warehouses and developments, both existing and proposed. He expressed traffic safety concerns. He believes the development is a hardship, a detriment to the people in the surrounding area.

Thomas McLaughlin of 12 Dugan's Grove Rd. was sworn in. He stated that there is a weight limit on Dugan's Grove that is often violated by trucks. He asked if there was a sound study including backup alarms and trucks. The Board responded, "yes."

Justin Mendelsohn of 16 Winding Creek was sworn in. He asked if there was consideration about the water. He asked if the water usage was more or less than the golf course. Mr. Pape stated that the golf course used more water.



Jeff Clark of 11 Dugan's Grove Rd. was sworn in. He would like the site to remain a golf course. He would prefer if the town would purchase the site.

Sean Cox 1 Dugan's Grove Rd. was sworn in. He expressed concerns over the traffic and noted there were two accidents over the past month. He stated there are many trucks come through Dugan's Grove, it is very dangerous. He does not believe that the proposed warehouse will not impact the traffic.

Alyssa Cipriano of 21 Arrowhead Way was sworn in. She stated her house is next door to the site. She expressed concern over a 24-hour operation, because she has small children. She stated more lights, traffic and noise will come with the warehouse. She asked for more information on the proposed plantings. Mr. Pape deferred to the prior testimony and landscaping plans provided. Ms. Cipriano asked if there was a fence proposed. Mr. Pape stated they have offered to install one, should the Board allow it. There will be no trailers movement into loading spaces/docks on the north side of the building between 10:00 pm and 7:00 am.

Rich MacDonald of 19 Bergen Mills Rd. was sworn in stated that the grass has not been cut. He said Stavola installed trees and then cut them down and the town didn't do anything about it.

Jeff Clark of 11 Dugan's Grove, still under oath, asked if there was anything to do with the property being in a drug free school zone. Planner Mertz stated that there is no correlation.

Bill Garolis of 255 Sweetman's Lane was sworn in. He feels the applicant has answered the concerns that have been raised, such as building a berm and installing landscape.

Michael Mannino of 16 Dugan's Grove Rd. was sworn in. He said restricting the truck movement on the north side will cause all the activity to occur on the south side of the site. He has contacted the Township several times regarding the activities at Stavola, occurring after the 10:00 pm restriction.

Chris Lees of 1 Indian Path was sworn in. He expressed concerns over the traffic to be generated. He does not believe the development will benefit the community. He does not believe anyone really evaluated how it will affect the surrounding neighbors.

Mike Oliu of 7 Indian Path, still under oath, asked about the setbacks to a school zone. Planner Mertz stated that there is nothing that would

Brian Scott of 19 Arrowhead Way, still under oath, confirmed Lots 3.01 and 3.02 are residential lots, in commercial zones. Lot 3.11 is in the R-80 zoning district. He stated the warehouse development does not meet the rural feel of the town and would be a detriment to him and his family. He noted there will be noise and light pollution. He noted concerns about environmental impact, specifically water runoff and groundwater. He currently only accumulates a little water in his sump pit, and does not have a pump. He is concerned the development will create a water problem at his home. Mr. Scott stated he is concerned with safety. He asked that the on-site trailer storage be removed from the site. He has experienced people coming from the golf site and onto the neighboring residential properties. He would prefer a different or reduced development.

Corrine Mendelsohn of 16 Winding Creek Dr. was sworn in and asked that the Board keep the neighbors in mind when considering the application.

Anthony Cipriano of 21 Arrowhead Way was sworn in. He stated he objects to the application because it will be visible and audible to his family. He noted the increased environmental pollution. He stated he believes the proposal conflicts with the ordinance in regards to trailer storage.

There were no other members of the public that came forward and Chairman Newman closed the matter to comments from the public.

Chairman Newman offered a five-minute break.



Mr. Pape provided a summation. The application has been before the Board since December of 2022, over several hearings and many changes throughout the proceedings. He explained some of the changes, including changing the direction of the building, removing soil from the site to lower the height of the building, has added a tank and a pump house for fire suppression, they have reduced the number of trailer staging spaces proposed and relocated the same to the rear of the site, and have even offered to remove it totally should the Board require so. He stated they would install the additional landscaping to the satisfaction of the Board's professionals and Shade Tree Commission. The long-term maintenance of the landscaping would be the responsibility of the property owner. Mr. Pape has agreed to add landscaping on a certain neighboring property with the consent of the homeowner. The applicant will provide a bubbler in the pond. All trash compactors will be inside the building. The applicant has agreed to comply with the Fire Official's comments. He stated that the applicant will install a fence; the applicant has agreed to construct the berms and sound walls for sound attenuation and would agree to continued compliance, including a post-construction monitoring. Mr. Pape stated that there are two residences adjacent to the property and the applicant is prepared to purchase the two properties and demolish the homes, located in the HC zone. The building size and coverage are consistent with the ordinance requirements.

Mr. Pape stated the applicant has worked with the Board's professionals throughout the process and asked the Board to consider favorably upon the application. He reminded the Board that the applicant is only asking for Preliminary approval and will obtain all outside agency approvals and then return for Final approval.

Chairman Newman and made a motion to grant preliminary approval of the application and granting the requested variances. He noted this motion is not a finding or binding vote, it is to get the conversation started to consider the application.

Attorney Steib noted that he reviewed the various transcripts and listed all of the recommended conditions of any approvals.

There was no second to the motion. Attorney Steib explained that if there is no "second" to the motion, there would have to be an alternative motion.

Mr. Pado made a motion to deny the application, which was seconded by C/W Zabrosky. There was some discussion between the Board members. Mr. Pado confirmed his motion, as did C/W Zabrosky. The Board voted to deny the application on a roll call vote: Chairman Newman, Mr. Pado, C/W Zabrosky, Mr. Beck, Mr. Kotby and Mr. Lambros. Mr. Parrino was not eligible to vote. Denied on a vote of 6-0.

CORRESPONDENCE/BOARD DISCUSSION:

Board Secretary Sims reminded the Board of the upcoming virtual special meeting.


NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary