MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
April 9, 2025

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, April 9, 2025 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, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Lambros, Mr. Pepe, Ms. Sinha, and Mr. Cipriano (Alt. II).
Absent:	Mr. Kotby and Mr. Cipriano (Alt.I); 1 vacant seat.
Attending:	Michael Steib, Esq.; Matt Shafai, PE, PP, Board Engineer; McKinley Mertz, Board Planner; Danielle B. Sims, Board Secretary; Angela Buonantuono, CCR, RPR, CLR, Court Reporter for JLE, LLC – copy of transcript to be attached to these minutes.

Mr. Cipriano was seated for Mr. Kotby. Secretary Sims confirmed the Board has a quorum.

PUBLIC COMMENTS:

Chairman Newman opened the meeting up to members 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 February 12, 2025

Chairman Newman introduced the minutes. With no comments from the Board, Mr. Pado made a motion to adopt the Minutes from the February 12, 2025 Planning Board Meeting, which was seconded by C/W Zabrosky. The Minutes were adopted on a roll call vote: Mr. Pado, C/M Ziner, C/W Zabrosky, Mr. Lambros, Ms. Sinha and Mr. Cipriano. Approved 6-0.

Minutes from February 14, 2025 – Special Meeting

Chairman Newman introduced the minutes. With no comments from the Board, Ms. Sinha made a motion to adopt the Minutes from the February 14, 2025 Special Planning Board Meeting, which was seconded by Mr. Pado. The Minutes were adopted on a roll call vote: Chairman Newman, Mr. Pado, C/M Ziner, C/W Zabrosky, Mr. Lambros, Ms. Sinha and Mr. Cipriano. Approved 7-0.

RESOLUTION(S):

US Tank Painting, Inc.
Block 16, Lot 9.06 – 900 Rike Dr.
Administrative Site Plan Application # M25-04

Chairman Newman noted the resolution was provided to the Board in advance of the meeting. Ms. Sinha made a motion to memorialize Resolution M25-04, approving the request for administrative amendments to site plan approvals, which was seconded by Chairman Newman. 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. Lambros, Ms. Sinha and Mr. Cipriano. Approved 5-0.

Consistency Report – Ordinance No 25-03
Ordinance amending Chapter 5 (Fees), Section 5-16 (Fees for Trailers and Mobile Homes), Section 5-16.1 (Permitted Uses), 35 (Land Use and Development Regulations), Section 35-7 (Off-Street Parking and Loading Regulations), Section 35-7-3.7 (Mobile Homes), and Section 35-7-3.8 (Parking and Storage of Commercial Vehicles in all Zoning Districts)

Chairman Newman noted the proposed Land Use amendment and resolution was provided to the Board in advance of the meeting. Board Attorney Steib gave a summary of the proposed amendment, changing the timeframe of the trailer permits from six months to one year and the associated fees. Planner Mertz explained that the Board reviewed an amendment to the Township's trailer regulations and finds it to be consistent with the Township's Master Plan. Chairman Newman made a motion, finding that the proposed Ordinance, Ord. 25-03 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 consistency report was adopted on a roll call vote in favor: Chairman Newman, Mr. Pado, C/M Ziner, C/W Zabrosky, Mr. Lambros, Mr. Pepe, Ms. Sinha and Mr. Cipriano. Approved 8-0.

Resolution Adopting Rules and Regulations (Bylaws) of the Township of Millstone Planning Board
Resolution PB2025-08

Chairman Newman noted the proposed Rules and Regulations (Bylaws) of the Board have been going back and forth and sets forth most of the practices already in place by the Board and in the Municipal Land Use Law (MLUL). Attorney Steib stated that in general, it is what is 99% of what is in the MLUL and case law. He suggested one minor amendment regarding work sessions, section 1:3-2, to remove discussion of any current applications. The Board discussed and agreed to adopt the proposed Rules and Regulations which were provided to the Board in advance of the meeting, omitting the one line regarding discussion of any current applications during any work sessions. Chairman Newman made a motion to memorialize Resolution PB2025-08, adopting the Rules and Regulations of the Board, 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/M Ziner, C/W Zabrosky, Mr. Lambros, Mr. Pepe, Ms. Sinha and Mr. Cipriano. Approved 8-0.

APPLICATION(S) BEFORE THE BOARD:

JLE, LLC
Block 20, Lot 3.13 – 530 State Highway 33
Settlement Agreement – Preliminary and Final Major Site Plan Application # P21-03 (S)
In accordance with a Stipulation of Settlement Agreement, the Planning Board is conducting a "Whispering Woods" hearing for a proposal to demolish the existing retail golf facility and construct a 272,958 s.f warehouse/office building (263,252 sf warehouse and 9,600 sf office) on an approximately 43-acre property in the PCD Zoning District. The revised plan reduces the building approximately 10,000 s.f. from the original size, changes the setback to the nearest property line from 360' to 440', elimination of the trailer staging parking spaces, reduces the number of loading docks and a partial relocation of the circulation driveway to increase the separation from adjacent residential community to the northwest. Variance relief is requested for light intensity at property line and light intensity in parking lots.

Attorney Stieb reviewed the notice in advance of the hearing, which was correct in form and content, so that the Board has jurisdiction to hear the application.

Attorney Steib noted that Mr. Cipriano is a member who has a property within 200' of the subject property and is an interested party, who is stepping down from the dais, but is permitted to remain in the room as a member of the public since he is an interested party. Any participation by Mr. Cipriano would be as a resident, not as a Board member.

Mr. Kenneth Pape, Esq. appeared on behalf of the applicant. Mr. Scott Tross, Esq. also entered his appearance on behalf of the applicant.

Attorney Steib explained to the Board that this is a hearing on an application which was ultimately denied by the Board after lengthy hearings. The denial was appealed to Superior Court and both parties were urged to come to a settlement agreement. The applicant has revised plan pursuant to the terms of the settlement agreement, which the Board has indicated was appropriate. The terms and conditions of the settlement agreement and plan is being presented to the Board under the requirements of law, the "Whispering Woods" case.

The following witnesses were sworn in and were under oath:

- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner
- Matthew Murelli, PE – Board Acoustic Expert
- Louis Zuegner, PE – Applicant's Engineer
- Steve Rodasti, AIA – Applicant's Architect
- Scott Kennel, PE – Applicant's Traffic Engineer

Also attending (did not testify):

- Ming Kong – Applicant
- Allison Coffin, PP, AICP – Applicant's Planner
- Raymond Walker, Ph.D. – Environmental Expert
- Benjamin Mueller, PE – Applicant's Acoustic Expert
- Angela Buonantuono – Applicant's Court Reporter

The following exhibits were marked as evidence:

EXHIBITS

A-1 Jurisdictional Notice (Proof of Service)
A-2 Application, Checklist(s) and Administrative Forms
A-3 Settlement Response Letter, twelve (12) pages, prepared by MidAtlantic, dated 3/19/25
A-4 Outside Agency Approvals
A-5 Geotechnical Report, Stormwater Management Investigation Services, prepared by Terracon, dated 1/10/24
A-6 Traffic Impact Analysis, prepared by McDonough & Rea Associates, Inc., dated 7/27/21, revised 3/18/25
A-7 Earthworks Plans, one (1) sheet, prepared by MidAtlantic, dated 4/19/21, last revised 3/17/25
A-8 Truck Turning Plans, two (2) sheets, prepared by MidAtlantic, dated 4/19/21, last revised 3/17/25
A-9 Groundwater Mounding Report, prepared by MidAtlantic Engineering Partners, dated 4/15/22, last revised 3/17/25
A-10 Stormwater Management Report, prepared by MidAtlantic Engineering Partners, dated 7/22/21, last revised 3/14/25
A-11 Architectural Floor Plans and Elevations, two (2) sheets, prepared by Perez + Rodasti, dated 3/18/25

A-12 Preliminary and Final Major Site Plan, prepared by MidAtlantic Engineering Partners, dated 4/19/21, last revised 3/17/25
A-13 Acoustical Analysis Executive Summary, prepared by Ostergaard Acoustical Associates, dated 3/21/25
A-14 Architectural Exhibit, prepared by Perez + Rodasti, dated 4/7/25
A-15 Aerial Exhibit, prepared by MidAtlantic Engineering Partners, dated 4/9/25
A-16 Site Renderings, two (2) sheets), prepared by MidAtlantic Engineering Partners, dated 4/9/25

BOARD'S PROFESSIONAL'S REVIEW EXHIBITS

PBS-1 Completeness & Engineer's Review dated 1/20/25
PBS-2 Planner's Review dated 2/12/25
PBS-3 LTE Review dated 4/9/25
PBS-4 Fire Official's Review dated 3/20/25

Attorney Pape called on Louis Zuegner who was sworn in and his credentials were confirmed that they are current. Mr. Zuegner confirmed that the building has been reduced by 10,000 s.f. and has been relocated 34' feet further from the property line. The 26 loading bays were removed from the site, which is three more than what was considered in the stipulation of settlement agreement. There are eleven loading bays that have been reduced in size to accommodate smaller trucks. The sound wall has been relocated to be more than 50' from the property line. The overall impervious coverage has been reduced. The berms along the northwest side shall remain as originally designed. The sound engineer's report has been submitted as required in the settlement agreement. There are no trailer staging spaces on the site, all fifteen have been removed.

The settlement agreement conditions are agreed to be a part of any resolution of approval. These were all previously recommended under the prior hearing. Mr. Pape stated they accept all, with two follow up questions. Condition "K" requires a chain link or vinyl fence and is seeking direction from the Board as to their preference. Planner Mertz stated that based on the neighbors' concerns of safety and visibility, a solid vinyl fence would be best. Mr. Pepe suggested a muted earth tone rather than a white vinyl fence. The fence continues to beyond the berms.

Chairman Newman suggested that the applicant will have to go over the comments from the Board's Planner and Engineer. Mr. Pape stated he has met with the Board's professionals and with one exception which is a typo, they will comply with all of the outstanding comments. The applicant will work with the Board's Licensed Tree Expert (LTE) to meet the remaining comments. The Board requested that the applicant install signage to prevent tractor trailers from traveling through the Township roadways. Mr. Pape will have a sign installed that states driver's should not use local roadways. The drive aisle width will be revised on the plan to be 25', so they will not require a variance for the 24' shown on the plan.

Matthew Murello, Board's Sound Acoustic Consultant was sworn in. He reviewed the report provided by the applicant. He also reviewed the changes proposed on the plans, which appear to have reduced the sound level at the northwest property line. There may be some slight level in excess at night time at the other side of Route 33, but does not seem to be anything not atypical for the Route 33 corridor. The applicant is required to meet the noise level. If the testing reveals they are exceeding the levels, they will be required to bring the site into compliance. Mr. Pape suggested that modification of activities or elimination of equipment would be examples of mitigation. Mr. Pepe would like to know how a resident may report any potential noise complaints. Mr. Murello stated that

the County Health Official is required to respond and provide an investigation. The County Health Official can either perform the study or require the property owner to perform the study.

Steve Rodasti was sworn in and confirmed his license is still current. Mr. Rodasti stated they removed 10,000 s.f. from the building, reducing the length in approximately 34'. The twenty-six garage bays have been removed from the building. The roof will be "solar ready". The building has been designed for S-1 classification. The warehouse will have interior radiant heat, but no air conditioning. The building has not been designed for public warehousing. The colors and materials will remain the same as previously proposed.

Scott Kennel, Traffic Engineer provided his credentials as a licensed traffic engineer. His licenses are current. The Board accepted him as an expert traffic engineer. He confirmed that the NJDOT permit is in place. The site, he stated, should not produce truck traffic on the municipal roads. The site contains two-way traffic around the building, which was always proposed. He agreed that signage would help direct truck drivers to stay off local public roads.

Chairman Newman opened the matter to the public.

Mr. Brian Scott of 19 Arrowhead Way was sworn in. He stated he is disappointed and feels that the applicant went "back-door" and the residents were left out. He stated that the corner of the loading dock nearest his home does not seem to like it will prevent sound at his home. The report suggests that there may be slight exceedance of the sound in the front of the building.

Mr. Jacob Mendelson of 16 Winding Creek Drive inquired about the proposed height. Mr. Pape stated that the building is 30' in height, which has not changed, and no variances are associated with the proposed height.

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

Mr. Pepe asked if there was a little extra berming that may be added to the corner area to possibly help the neighbor's concerns. Mr. Pape stated that they are proposing 975 feet length of berming at 17' in height. He feels this is sufficient based on the report provided and the Board's professionals' review of the submissions; however, Mr. Pape suggested that before the 93,000 cubic feet of dirt is removed from the site, that they can work with the Board Engineer to maybe install some enhancements. Engineer Shafai stated it is tight at that area, but will work with the developer during the construction phase.

Mr. Pape stated that Counsel for the Board and Counsel for the Township and they agree to carry out the resolution compliance as agreed to in the offer of settlement agreement.

Attorney Steib explained that the conditions have been thoroughly reviewed and agreed upon. He reviewed some of the specifics on record. The sound wall will be included in the developer's agreement with the Township. The applicant will file the required Soil Removal/Fill Permit Application.

With no further discussion from the Board, Chairman Newman made a motion to approve the application, in accordance with the settlement agreement and with the conditions put forth on record, which was seconded by Mr. Pado. The motion passed with the following roll call vote in

favor: Chairman Newman, Mr. Pado, C/M Ziner, Mr. Pepe and Ms. Sinha; those against: C/W Zabrosky and Mr. Lambros. Approved 5-2.

CORRESPONDENCE/BOARD DISCUSSION:

Arbia Antico Land Subdivision, LLC: Resolution Compliance – Board Discussion
Block 60.02 Lots 12, 12.02, 13 and 14.01 (P23-06)

Mr. Pado stepped down from the dais as he has a conflict with this matter.

Attorney Steib explained that there was a subdivision granted by the Board where there was a condition that the wetlands buffer areas were to be put into conservation easement. The applicant has revised the conservation easement area sketch and draft deed to include encroachments including exceptions, specifically pavement, walls, fences, a 30' wide track, etc. The applicant has submitted that these encroachments were existing at the time of hearing, but it was not represented to the Board. The Board expected that these areas were not encroached upon based on the information and exhibits presented to the Board.

Mr. Pado came forward as a member of the public and stated that there are no structures in the conservation easement. The Board responded that the applicant submitted a survey sketch showing the disturbance, including a fence and a track encroachment.

The Board discussed and ultimately decided that they were not aware of these encroachments at the time of the hearing, and would likely have required that these encroachments be removed as a condition of the subdivision approval. It may have changed the Board's decision. If the applicant would like to keep these encroachments, the Board determined the applicant would need to come back to the Board to obtain relief from the conservation easement requirements, where the area is left in its natural state. An updated survey would be required. Alternately, the applicant can remove any encroachments and remove the added language in the draft deed without any further action.

There were no other Board discussion matters.

NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Chairman Newman closed the meeting.

Respectfully submitted,

Danielle B. Sims

Danielle B. Sims, Board Secretary