MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
March 11, 2026

The Millstone Township Planning Board regular meeting was called to order by Vice-Chairman Pepe on Wednesday, March 11, 2026 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.

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

Roll call for the below members was called:

Present:	Chairman Newman, C/W Zabrosky, Mr. Lambros, Ms. Sinha and Mr. Cipriano (Alt. II).
Absent:	C/M Ziner, Mr. Pado, Mr. Kotby, Mr. Pepe and Mr. Parrino (Alt. I); 1 vacant seat (Regular member).
Attending:	Michael Steib, Esq.; McKinley Mertz, Board Planner; Danielle B. Sims, Board Secretary. Matte Shafai, PE, PP, Board Engineer did not attend.

Mr. Cipriano was seated for Mr. Pado.

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 February 11, 2026

Chairman Newman noted the minutes were carried to the next meeting.

RESOLUTION(S):

None.

APPLICATION(S) BEFORE THE BOARD:

37 Burnt Tavern, LLC
Block 57, Lot 17.04 (Consolidated Lots 17.02 & 17.03) – 37 (& previously 41) Burnt Tavern Rd.
Request for Extension of Major Site Plan – Phase I Application # P21-16 (Ext.)
Final Major Site Plan Application – Phase II #P21-16 F

Applicant is seeking an Extension of Major Site Plan – Phase I approvals and Final Major Site Plan-Phase II approvals to construct a 148,553 s.f. warehouse building (142,393 sf warehouse with 6,160 office area) on an undeveloped 10.88-acre parcel of land within the BP Zoning District with associated site improvements (Phase I). Phase II consists of nine (9) additional loading stalls and reconstruction of a portion of the parking area in the front of the building. The application was originally approved on 5/10/23 and amended on 3/13/24. No notice was required.

Kenneth Pape, Esq. appeared on behalf of the applicant. He provided a summary of what he applicant is seeking as an extension of Final Approval for Phase I of the project and is seeking Final

Approval on Phase II of the project. Mr. Pape stated that there is one reason they are seeking the extension, it is for one permit. It is the individual permit, known as the "IP", which is required to complete the County improvements. Mr. Pape reviewed the status of all other permits. The County approval is "in-hand". Freehold Soil Conservation District approvals are "in-hand". The onsite approvals and permits are "in-hand". The site plans and road improvement plans are 100 % finished. The plans for the NJDEP are 100% complete. The NJDEP IP permit is one of the most difficult permits to secure and has no timeline. This process started in the summer of 2023. In March of 2024, the County Engineers came to the Millstone Township Planning Board meeting and accepted their recommendations about the road improvements. The County signed off on the permitting within four months, with a condition the applicant is required to obtain the IP. The permit was filed 560 days ago. The Data Miner Report from the NJDEP reflects the on-going status, which indicates "Status: Backlogged".

Mr. Pape reminded the Board that as part of their approvals, the Board requested that the applicant do the County intersection improvements and that they widen the roadway.

Attorney Steib read the exhibits into record:

APPLICANT'S EXHIBITS

A-1 Application and Administrative Forms
A-2 Certification and Status of Approvals, prepared by Thomas Muller, PE, PP, signed 2/23/26
A-3 Preliminary and Final Major Site Plan – Proposed Warehouse – Phase II Final Major Site Plan, prepared by Dynamic Engineering, forty-three (43) sheets, dated 11/22/21, last revised 11/07/25
A-4 Memo regarding status of NJDEP Freshwater Wetlands permitting, dated 3/5/26, prepared by David Glass, CLB Partners and NJ DEP Data Miner Report dated 3/5/26
A-5* Color Rendered Site Plan – Phase II, prepared by Dynamic Engineering, dated 2/8/23, revised (* Introduced at 3/11/26 meeting)

BOARD'S EXHIBITS

PB-1 Planner's Review, dated 3/10/26
PB-2 Memo to Planning Board from M. Steib, dated 3/10/26

The following witnesses were sworn in:

- Thomas Muller, PE – Applicant's Engineer
- Matt Shafai, PE, PP – Board Engineer
- McKinley Mertz, PP, AICP – Board Planner

There was a new exhibit from the applicant added today. Chairman Newman recognized the name on the new exhibit. He stated he works for a company who also uses the professional, David Glass, for a variety of DEP matter. He does not direct him, hire him or have ability to direct him. He believes he can objectively act on this application. Mr. Pape took no objection to this disclosure.

Thomas Muller was sworn in and provided his credentials to the Board, noting his license is current. The Board accepted him as a professional engineer.

Attorney Steib noted that this application was originally filed in 2021 and there was a zone change after the application was filed in 2022. The application has the benefit of the ordinances that were in place at the time of the application. The application was approved in 2023. Mr. Pape confirmed this.

The period of protection on Final approval expires two years after the approvals, which is why they are before the Board requesting an extension. They are actually seeking two one-year extensions. Mr. Pape clarified that they had approvals for Preliminary and Final approval for Phase I, which has since expired (May 2025). Phase II only received Preliminary approval, which period of protection expires after three years, so it is still valid. Mr. Pape stated that the statute allows for an applicant to request the extension after the expiration. Attorney Steib stated that the applicant can seek up to three one-years extensions of approval. He provided the requirements for granting the approvals. There are two factors, which includes a mandatory extension for delays in obtaining outside agency approvals. On the Phase II preliminary approval, it expires in May 2026, which would gain two years of protection upon gaining final approval. The two-year extension of preliminary approval would expire in May of 2027. They have the right to wait for the NJDEP IP approval and then return to the Board to seek the mandatory approval extension. They also review the discretionary extension provisions. Mr. Pape clarified that an applicant must be diligently seeking the outside agency approvals to qualify for the mandatory extension. Mr. Muller confirmed that the NJDEP deemed their application complete.

Mr. Muller reviewed the status of project, noting the plans are 100% complete. They are waiting for the DEP permit for the off-site intersection improvements. The off-site improvements were approved by the County for Burnt Tavern Road/CR 537. The roadway improvements are completely in the County right-of-way and approved their application, subject to the DEP IP off-site permit. He stated the DEP is currently reviewing the stormwater management component and should be able to recommend the permit be issued soon afterwards. Mr. Pape stated the applicant has incurred significant bills in seeking their permitting and approvals and has diligently worked to obtain the approvals. They remain committed to making these improvements.

Engineer Shafai inquired about the easement to the adjoining property. Mr. Pape stated that they have obtained and recorded a driveway easement and have filed the lot consolidation. Engineer Shafai inquired about the conservation easement, filing the O&M Manual and other resolution compliance items. Mr. Pape confirmed that are ready, but they are waiting for the NJDEP permit to be finalized to file these items as it is difficult to modify anything once they have been filed.

Attorney Pape explained that the Phase II Final approval included the nine (9) additional parking spaces. Mr. Muller provided a rendered site plan to show the Phase II improvements, which was previously provided (marked into evidence as Exhibit A-5). This is the plan submitted to the Board Engineer for resolution compliance. Mr. Pape stated that they have a buyer for the site and they would require the additional nine parking spaces.

The applicant concluded their testimony. Chairman Newman opened the matter to the public. With no members of the public coming forward, Chairman Newman closed the matter to the public.

Chairman Newman made a motion to grant two one-year discretionary extensions on Phase I of Final Approval, which would take the applicant through May of 2027, which was seconded by Ms. Sinha. The motion passed with the following roll call vote in favor: Chairman Newman, C/W Zabrosky, Mr. Lambros, Ms. Sinha and Mr. Cipriano. Motion approved, 5-0.

Chairman Newman then made a motion to grant final approval to Phase II with any conditions of the preliminary approval, which was seconded by Mr. Lambros. The motion passed with the following roll call vote in favor: Chairman Newman, C/W Zabrosky, Mr. Lambros, Ms. Sinha and Mr. Cipriano. Motion approved, 5-0.

Mr. Pape thanked the Board.

CORRESPONDENCE/BOARD DISCUSSION:

The Master Plan open house (public session) will be held on May 13, 2026, since the April meeting is during spring break. It will be held during the normal Planning Board meeting.

There are currently no pending matters scheduled for the April meeting.

NEW/OLD BUSINESS:

None.

ADJOURNMENT:

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

Respectfully submitted,

Danielle B. Sims

Danielle B. Sims, Board Secretary