

**MILLSTONE TOWNSHIP  
PLANNING BOARD  
MEETING MINUTES  
DECEMBER 11, 2019**

At 7:30p.m., Mr. Newman called the meeting to Order.

The Secretary read the Adequate Notice and the additional Noticing required by the Township.

Salute to the Flag.

**Roll Call:** Present: Beck, Arpaia, Ferro, Oxley and Pado

Absent: Curtis, Grbelja, Newman, Pepe, Pinney and Ziner

Attorney Steib advised that both Chairman Newman and Vice-Chairman Pepe are absent this evening so Class IV member, Tom Pado, will be preside as chairman over the meeting this evening.

**APPROVAL OF MEETING MINUTES: November 13, 2019**

The Board having reviewed the meeting minutes, Ms. Oxley made a Motion to approve and Mr. Arpaia offered a Second. Roll Call Vote: Oxley, Arpaia, Ferro and Pado voted yes to approve.

**PUBLIC COMMENT PORTION:** 15-Minute Limit

Mr. Pado opened the public comment portion of the meeting at 7:38 p.m. Seeing no public comment, he closed that portion of the meeting at the same time.

**RESOLUTION:**

**P19-10 TOWNSHIP OF MILLSTONE - Block 35, Lot 15**, located at 471 Stage Coach Road, consisting of 2.53 acres in the "Neighborhood Commercial" (NC) Zone. Applicant sought and received Preliminary and Final Major Site Plan Approval to construct ten (10) one-bedroom, single-story, 591.6 s.f. units for purposes of providing age-restricted apartment units for rent as defined and regulated by the Township's Housing Element and Fair Share Housing Plan and consistent with Ordinance 15-18. Building No.1 will consist of three (3) units and a mechanical room. Building No. 2 will consist of seven (7) units, along with a community laundry room. Eighteen (18) parking spaces are required and 18 will be provided. Applicant sought and received variance relief from minimum building set back where 75 ft. required, 40.37 ft. provided. The "Allen House II", would provide affordable housing credits against Millstone Township's mandated affordable housing obligation. The existing structures on the property are to be demolished/removed to allow for the new construction of the two residential buildings and residential parking. This will be a sister site to the existing Allen House age-restricted housing unit located next door at 477 Stage Coach Road. Application approved 11-13-19.

The Board having reviewed the Resolution, Mr. Pado asked for a Motion and a Second. Mr. Arpaia made a Motion to memorialize the Resolution and Mr. Beck offered a Second. Roll Call Vote: Arpaia, Beck, Oxley, and Pado voted yes to memorialize.

**P18-03 BLACK BEAR DAY CAMP** - Block 35, Lots 17, 17.01, 19, 19.01, 19.02, 19.04, 20 & 20.04. Located in the RC Zoning district. The applicant reached out to the Township Committee to Request a Modification of Certain Terms and Conditions of the Millstone Township Land Use and Development Regulations Chapter XXXV for Black Bear Day Camp regarding a rezoning. The Township Committee, at their March 6, 2019 Meeting, considered the request and referred the matter to the Planning Board for their review and comment. The Board considered the applicants requests. Carried from 8-14-19, 9-11-19 and 11-13-19 Meetings. Board reviewing and commenting on Township Planner draft memorandum.

Attorney Steib presented that Planner Mertz has a prepared a draft of the Board's recommendations as a result of the various meetings with the applicant to consider their request to re-zone. The Board is to consider the draft letter and find if it is consistent with the comments of the Board to the Governing Body. He stated that this is simply for the Board to respond to the Governing Body's request to review Black Bear's request.

Mr. Pape believes that Black Bear is in agreement with the items.

Attorney Steib explained the draft letter that was prepared by Board Planner Mertz sets forth the goals of Black Bear. The Township's goal was to permit development and protect the Neighborhood Commercial Zone.

The Board is looking for a motion and a second. Mr. Arpaia made a Motion to send the recommendation to the Township committee and Mr. Beck offered a Second. Roll Call Vote: Arpaia, Beck and Ferro voted yes. Oxley and Pado voted no. The Motion carried.

Attorney Steib advised that the Governing Body can accept the recommendations, reject them or modify them. The Board's recommendations are non-binding.

**CARRIED APPLICATION:**

**P19-05 PATEL, YOMESH** - Block 24, Lot 6 known as 455 Route 33 consisting of 1.28 acres in the Highway Commercial (HC) Zone. Applicant seeks approval to construct a 8,820 s.f. retail building. Variances requested for lot area, 3 ac. required, 1.28 ac. exists; lot width and frontage, 250 ft. required, 187.95 exists; lot depth 450 ft. required, 237.52 exists; front yard setback 100 ft. required, 77 ft. proposed, setback both sides 100 ft. required, 70 ft. proposed, parking 55 stalls required, 44 proposed, 1 loading stall need, 0 proposed. Board Attorney announced Applicant's notice deficient for Manalapan and must re-notice for Manalapan properties only. Noticing sufficient

otherwise. Deemed Complete 7-8-19. Date of Action 11-5-19. Extension of time granted to 11-20-19.

Attorney Steib read the additional exhibits into the record as follows:

- A-12 Correspondence from Gary Chiang, P.E. to the Board dated 11-4-19
- A-13 Preliminary and Final Site Plan prepared by MGC Associates dated 12-8-18; Last revised 12-4-19
- A-14 Architecturals prepared by Zen Architecture dated 5-1-2019, last rev. 8-26-19
- A-15 Color rendering of proposed building prepared by MGC Associates dated 8-1-2019
- PB-6 Report of Board Engineer dated 12-2-19
- PB-7 Report of Board Planner dated 12-9-19

Mr. Foranaro representing the applicant.

Attorney Steib swore in Gary Chiang, P.E. He provided that he received his bachelors in civil engineering and has been a professional engineer for the past 20 years and has testified before numerous boards.

Mr. Pado advised that the Board accepted him as a professional engineer.

Mr. Chiang explained that the project is located on the east bound side of Route 33 and the intersection of Route 33 and Woodville Road. The site is vacant with no tree on the site. He explained that property was previously the site of an auto body shop. Mr. Chiang stated that there was an NJDEP cleanup performed in 2005 and that an RAO was issued by the NJDEP. There are wetlands located to the rear with a 50-foot buffer.

Mr. Chiang stated that the applicant is seeking a transition area waiver. The project is for the construction of retail with a restaurant. The applicant can provide 44 parking spaces where 50 is required. The Septic system will comply with the requires of the NJDEP. Mr. Chiang explained that the stormwater management will be located underneath the parking.

Mr. Pado voiced his concerns regarding a garbage truck accessing the trash dumpster that is located to the rear of the site. He asked about the turnaround of the truck in that narrow area.

Mr. Chiang stated that a garbage truck can back out of the site safely and safely make a K-turn onto Route 33. The other option would be to back all of the way up.

Attorney Steib swore in the applicant, Patel . He resides at 8 Turtle Clan Court in Millstone. He stated that he could reduce the size of the building but feels that the

granting of the variances makes the building more appealing.

Regarding the septic, they are proposing a wall for a gravity fed system and a tank and grease trap.

Attorney Steib swore in Shrinadh Kotdawale who has a financial interest in the application. He stated that the restaurant would require 45 seats. If they reduce the square footage of the restaurant, they would not need the parking variance.

Mr. Kotdawale explained how they could reduce the need for a variance if they cut the building by 500 s.f. on the southwest corner of the building.

Engineer Shafai provided that the dumpster is not permitted in the front of the property. He asked if the garbage could be picked up first thing in the morning.

Ms. Oxley offered that you can dictate the pickup time of the trash.

Board concerned about trash removal being tight.

Attorney Steib swore in Planner McKinley Mertz and Engineer Shafai.

Board Engineer Shafai asked what kind of deliveries would be made to the site. Mr. Kotdawale reported that typical deliveries are made in small trucks. No 18-wheelers would be making deliveries to the site, that is the reason why they are asking for a waiver of the loading zone. He stated that the entire building would be one story.

Attorney Steib read the fire department report and specifications. Mr. Chiang did a preliminary study on the fire truck turning radius so that they could maneuver on the site.

There was discussion on how the parking variance could be reduced.

Signage was discussed. If the applicant does not meet the ordinance, they would be required to return to the Board.

Attorney Steib asked Mr. Chiang if he has reviewed the Board Engineer's report. He had reviewed the report and he can comply with the recommendations.

Attorney Steib swore in Bill Green, P.E. of Liwaortian and Associates, Church Road in Mt. Laurel, NJ.

Mr. Green presented his credentials. He graduated the University of Pittsburgh; He has his license in both NJ and PA and has been practicing for 25 years.

Mr. Pado accepted him as an expert.

Mr. Green provided that he evaluated the Route 33 site. He explained that the turning lane extends past driveway with a right in and right out off of the turning lane. Analysis of level of service reflects that there are 50 to 51 trips during peak hours. They following the NJDOT guidelines in analyzing a site. He stated that there would be a minor amount of traffic.

Engineer Shafai asked about peak hours of this project in the late afternoon.

Mr. Green stated that he looked at restaurant and retail and combined the two uses to get his calculations.

Mr. Pado voiced his concern about the traffic and expressed that the traffic light does back up.

Mr. Green has not taken this project to the NJDOT yet. He stated that 51 trips an hour equates to one per minute.

Committeeman Ferro asked what businesses will go there. He offered that this may impact your traffic study.

Mr. Green used a variety of stores to calculate the traffic impact. They are maximizing the traffic.

Mr. Kotdawale stated that there would light use such as a dental office. Attorney Steib stated that medical uses have a higher parking space need. Engineer Shafai agreed. If the use is not permitted the applicant would have to go to the Board of Adjustment. Engineer Shafai questioned the intense traffic on the weekend.

Attorney Steib swore in the architect. Joseph Primiano, 26 Old Trenton Rd. East Windsor. The architect presented his credentials. He graduated from NJIT 2001 and has earned his BS and Masters. Licensed in NJ and 9 other States. He had testified before this Board and numerous others. He advised that he is substituting for the applicant's architect. He stated that the variance for the parking spaces are reduced from 6 to 3. Committeeman Ferro asked about the two sets of stairs going to the basement. Mr. Primiano advised that the basement is cut in half, across the front half of the building. The back half is slab on grade. The building will be designed to code. If a third sets of stairs and sprinklers would have to be added they will be added. Access to basement is from the two retail buildings. The restaurant on the east side has stairs and the is located in the middle. He explained how it works.

Mr. Pado asked about the number of doors. Mr. Kotdawale says if they have to divide the space, they will come back to the Board.

Mr. Primiano explained the location of the exit doors in emergency situations.

Mr. Primiano explained the intent is to showcase that there are three tenants and add architectural interest. Planner Mertz asked about the gooseneck lighting for signage. Mr. Primiano stated that would be located on the restaurant and not on the retail.

Planner Mertz asked the applicant about installation of solar panels. Mr. Kotdawale anticipates that they will have 20% solar located on the roof.

Mr. Pado asked where the mechanicals will be located. Mr. Kotdawale stated they will be located on the flat roof as well. The architect advised that there would plenty of room for both solar and mechanicals.

Mr. Pado asked about the lighting. He wants to make sure that it is consistent throughout the property. Mr. Chiang proposes shoebox lights on the poles.

The architect advised that ornamental lighting makes it difficult to achieve the light candles on the parking surfaces explaining the need for the shoe box lights.

Engineer Shafai stated that the lighting plan does not show the pole lights on the front.

Mr. Chiang stated that the shoebox lights will shield light from the neighbors. The Board wanted to know what type of lights would be located on the building. The architect recommended that gooseneck lights be installed on the building for the restaurant. Mr. Chiang can work that into the plan

The sidewalk width was discussed. Mr. Chiang stated that the sidewalk is 7 feet. Engineer Shafai advised that 6 feet provides sufficient room. Mr. Chiang advised that they would not be placing bollards in front of the stores.

Attorney Steib swore in Planner John Dupont from Beacon Planning. He presented his credentials. He has his B.S. in civil engineering. He has his PE and PP and was the planner for the Borough of Carteret.

Mr. Dupont advised that he had visited the site, reviewed the Master Plan and the Township Ordinances.

The provided that the property is located in the Highway Commercial (HC) Zoning District. He stated that the applicant proposes to construct a commercial building with two retail stores and a restaurant. The property consists of 1.2 acres in a 3-acre zone. He explained the existing conditions that require variance approval, including where 47 parking spaces are proposed, the applicant can provide 44. The applicant does not propose any loading zone. The applicant is seeking a waiver for the flat roof.

Exhibit A-16 Four (4) photos of surrounding and neighboring properties.

Mr. Dupont stated that the project advances the Municipal Land Use Law and explained

how the project fits in with the purposes of the Master Plan.

Mr. Dupont provided that under the C1 variance, the lot is undersized so the applicant cannot develop the area to its potential. Due to wetlands, the building is moved to the east. He discussed the environmental constraints of the parcel. Mr. Dupont discussed that the proposed set back is consistent with the neighboring lots. The neighborhood parcels are undersized.

Mr. Dupont explained the intensity of this development does not require a loading dock because no tractor trailers will be delivering to the site.

Mr. Dupont reported that he does not see any substantial detriments and feels this project does not negatively impact zoning ordinances offering that the applicant is scaling the building down.

Board Planner Mertz offered that the applicant has made a good faith effort at the last meeting and has come back to the Board with better changes. The shared parking arrangement of the restaurant with the two retail stores will be almost opposite with the restaurant having heavier traffic during the evening hours. Planner Mertz does not foresee a parking issue. She sees no negative impact.

Mr. Pado asked about the garbage removal company pick up times picking up the trash either early or late.

The applicant did re-submit, to the Environmental Commission, the information reflecting that no vernal pool or the presence of threatened and endangered species was found onsite.

Regarding the façade, Mr. Pado asked the applicant to provide an accurate detail of the materials.

Regarding the hours of operation, Mr. Kotdawale stated that the retail hours will be 9:00 a.m. until 9:30 p.m. The restaurant will be open until 10:00 p.m. ,seven days a week.

Mr. Pado opened the application to the public at 9:15 p.m. open to public.

Attorney Steib swore in Vikram Konda, 2 Deborah Court, Marlboro, NJ. He was seeking a cross-access easement for the Millstone Plaza property, adjacent to this parcel. This would be the intersection with Route 33 and the two lots between and that intersection. He would like to see a single access for all three lots and a shared access. It was discussed that the Board does not have the authority to impose those easements. Engineer Shafai does not see this happening.

Seeing no further public comment, the public comment portion was closed at 9:16 p.m.

The applicant will revise the plan and architectural drawings pursuant to the Board's direction and return to the Board at their next meeting.

Attorney Steib announced that this matter has been carried without any further notice to the 1-8-20 Meeting. This is the only notice that will be given to the public. Attorney Steib clarified to the applicant that the Board wants to see a final proposal. The applicant was granted an extension of time through January 28, 2020.

**OLD BUSINESS: Mount Laurel**

Attorney Steib explained the process. The Fair Share Housing Plan will be before the Planning Board, then sent to the to the Governing Body with an Ordinance to be presented to the Governing Body

Fair Share Housing Plan will be before the Planning Board for review and approval, then sent to the Governing Body with an Ordinance presented by the Governing Body to the Planning Board for consistency for submission at the Final Hearing.

We have an Agreement with respect to Municipally sponsored plans. The Affordable Housing Alliance is the developer.

Attorney Steib stated that the standard throughout the court industry is that when you go for the Fairness Hearing, you take the Plan and make it a reality. Everyone has been given 120 days to make this happen. That end date is February 27, 2020.

The Township must have a shovel in the ground within two years. The Affordable Housing Alliance will give the Township a construction timeline. We are required to report to the court on an annual basis and post the status of the progress on the website.

Seeing no further business, Mr. Pado asked for a Motion and Second to adjourn the meeting. Mr. Arpaia made a Motion to Adjourn, Mr. Beck offered a second and by unanimous vote, the meeting adjourned at 9:35 p.m.

Respectfully,

Pamela D'Andrea