

**MILLSTONE TOWNSHIP
PLANNING BOARD
JULY 8, 2020
MEETING MINUTES**

Due to the Covid-19 Pandemic State of Emergency the Millstone Township Planning Board meeting scheduled for Wednesday, July 8, 2020 at 7:30 p.m. was held using the Zoom Video Conferencing platform. Members of the public have the option to attend the meeting either by using a device (PC, laptop, tablet, or smartphone) or by dialing in via telephone. This information was provided on the Township Website and on the Planning Board Agenda.

Chairman Newman called the meeting to order at 7:40 p.m.

Salute to the Flag.

Reading of Adequate Notice by the Secretary.

Roll Call: Present: Beck, Grbelja, Newman, Ziner, Curtis, Pado and Arpaia

Absent: Conoscenti, Pepe, Pinney and Oxley

Attorney Steib swore in Ms. Curtis who is taking another position on the Planning Board as Class II member. Ms. Pinney is not in attendance this evening and she will be sworn in at the next meeting.

APPROVAL OF MEETING MINUTES: June 10, 2020

The Board having reviewed the meeting Minutes, Mr. Ziner made a Motion to approve and Mr. Beck offered a Second. Roll Call Vote: Ziner, Beck, Grbelja and Newman voted yes to approve.

PUBLIC COMMENT PORTION: 15-Minute Limit. Chairman Newman will open the public comment portion at the end of the Meeting.

RESOLUTION:

P20-05 XXXIII Associates (Riverside Center) - Block 18, Lot 2.03 Located on Old Route 33 and Farrington Blvd. consisting of 14.93 Acres located in the PCD Zone. Applicant received Amended Preliminary and Final Major Site Plan approval to develop an office warehouse consisting of 100,240 s.f.

The Board having read the Resolution, Deputy Mayor Grbelja made a Motion to memorialize and Mr. Ziner offered a Second. Roll Call Vote: Grbelja, Ziner, Beck and Newman voted yes to memorialize.

**REVIEW AND RECOMMEND:
ORDINANCE NO. 20-22**

ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE III (ADMINISTRATION AND PROCEDURES), SECTION 3-9 (FEES AND FEE SCHEDULE), SUBSECTION 3-9.4 (FEE SCHEDULE) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Board Planner Mertz read the title of the Ordinance into the record.

Planner Mertz advised that this ordinance updates the fee schedule for the submission of application and escrow fees for development applications. She stated that the fees have not been updated for at least 10 years. She explained that the escrow account depletes quite frequently. More than half of the fees have been updated to bring up to them up to par. Planner Mertz feels that this is more of an administrative matter rather than a zoning matter. This will allow for things to flow better and applicants will be more aware of what is expected upfront. She feels it is consistent and recommends two edits. There is a typo, Section one 3-9.4 not 3-9.7.

Second under the updated fees for preliminary site plan approval, the do not exceed number is actual contradicting 3-9.3B which puts an escrow cap at \$75,000.00. We do not want to contradict this in our fees schedule so this should be removed.

Planner Mertz deems this Ordinance to be consistent with the Master Plan.

Mr. Ziner asked if we are on par or below what other towns are seeking. Planner Mertz advised that these are competitive fees and we are on par with other towns.

Mr. Arpaia made a Motion finding the Ordinance consistent with the Master Plan, including the two recommended changes and Ms. Curtis offered a Second. Roll Call Vote: Arpaia, Curtis, Ziner, Beck, Grbelja, Pado and Newman voted yes to the Consistency and the comments.

NEW APPLICATION:

P19-02 BABBITT/MESHKI – Block 51, Lot 8 known as 2 Carrs Tavern Road consisting of 38.75 acres located in the R-80 Zoning District. Applicant seeks minor subdivision approval to create two lots; Lot A , consisting of 10.16 acres fronting Carrs Tavern Road and Lot B consisting of 28.50 acres with two frontages on Millstone Road. Lot A requires no variance relief. Lot B requires 4 variances, lot frontages where 200 ft. is required where 100.44 ft. is provided; minimum lot width is 200 ft. and 50 ft. is provided. Deemed Complete 3-20-20. Date of Action 7-8-20. Noticing required.

Attorney Steib advised he had received an email from the applicant who did not properly notice for the meeting and they have provided the Board an extension of time to act until the end of September. They will prepare a new notice for the September 9, 2020 meeting.

NEW APPLICATION:

P20-01 NOVAD COURT LLC. – Block 57.01, Lot 19.03 known as 35 Pine Drive consisting of 3.59 Acres located in the HC-1 Zone. Applicant seeks Preliminary and Final Site Plan approval to construct a 15,997 s.f. two-story retail building with office. Applicant seeks variance approval from Ord. 7-3.5 where 92 parking spaces are required, applicant proposes 72; relief sought from 3-4.b, light intensity. Existing site condition provides 450 ft. lot depth required, existing is 304.5 feet. Deemed Complete 3-17-20. Date of Action 7-15-20. Noticing Required.

Attorney Steib advised that he has reviewed the noticing packet and finds same in order to accept jurisdiction over the application.

Attorney Steib entered the following exhibits into evidence.

- A-1 Jurisdictional Packet
- A-2 Application dated 1-14-20
- A-3 Survey prepared by Crest Engineering dated 4-22-19
- A-4 Color Aerial prepared by Crest Engineering dated 12-10-19
- A-5 Preliminary and Final Major Site Plan prepared by Crest Engineering dated 12-10-19 consisting of 9 sheets
- A-6 Architecturals prepared by Perez & Radosti dated 12-18-19
- A-7 Traffic Report prepared by McDonough & Rae dated 12-31-19
- A-8 Historic Pesticide and Soil Contaminant Test Report prepared by Crest Engineering dated 12-10-19
- A-9 Stormwater Management Report prepared by Crest engineering dated 12-10-19
- A-10 EIS prepared by Crest Engineering dated 12-10-19
- A-11 Supplement to EIS prepared by Crest Engineering dated 3-9-20
- A-12 Display Color Landscape prepared by Crest Engineering dated 4-6-20
- A-13 Color Rendering of proposed building prepared by Perez & Radosti Sheet 1 of 2
- A-14 Color Rendering of proposed site prepared by Perez & Radosti Sheet 2 of 2
- A-15 Digital Sample Board prepared by Perez & Radosti dated 5-29-20
- A-16 Supplemental EIS prepared by Crest Engineering dated 3-9-20, Last Revised 6-1-20
- PB-1 Report of Board Engineer dated 3-17-20
- PB-2 Report of Board Planner dated 5-4-20

- PB-3 Report of Fire Department dated 2-5-20
- PB-4 Report of Environmental Commission 2-25-20
- PB-5 Monmouth County Planning Board report dated 2-10-20
- PB-6 Shade Tree Commission Report dated 7-8-20

Attorney Kenneth Pape representing the applicant.

Mr. Pape provided that the new building will be a two-story building where the first floor is to be used as a retail space and the second floor shall be for office space. He advised it is the goal of the applicants to create a space for their corporate headquarters on the second floor and to have the first floor as show room. Mr. Pape advised that they are creating a site that could be used for retail and office should the applicants no longer occupy the building. Mr. Pape advised that the building and parking have been designed to accommodate this.

Loralie Totten, P.E., P.P. has appeared before the Board in the past and is accepted as a professional planner and engineer. Attorney Steib swore Ms. Totten in. Her address is 100 Rike Drive in Millstone.

Ms. Totten referred to Exhibit A-4, aerial of the property and provided an overview of the site explaining that the lot is trapezoidal in size consisting of 3.59 acres parcel located in the HC-1 zone. The lot is located at the intersection of Novad Court and Pine Drive. The RUP Zone abuts this property which is mostly wooded. There are wetlands located along the western property line.

The two-story building consists of less than 16,000.00 s.f. They have designed it for the current use by the owner. Ms. Totten advised that the building could be a retail use for uses permitted in the zone. They are proposing 78 parking spaces plus they will bank 14 others to meet the 92-parking space requirement.

Referring to Exhibit A-12, the landscaping plan, Ms. Totten explained that they are seeking a waiver from the ordinance for the lighting. Where .5 foot candles is required, they are seeking to install .3 foot candles to be located in the center of the parking spaces that front along Pine Street, for safety purposes. Ms. Totten explained that the lights are shielded from the top and side.

Referring to the entrance on Novad Court, Ms. Totten explained the circulation of the site and parking location referring to the Exhibit. Emergency vehicles and firetrucks can circulate with adequate access.

Mr. Pape advised that they had met with the Fire officials and their comments will be incorporated into the final plan.

Ms. Totten offered that there is adequate parking for the uses of the building. She explained how the parking was calculated. The applicant is seeking permission to bank

the additional 14 spaces should they be needed in the future. Ms. Totten reported the area where additional parking could be installed.

Ms. Totten referred to A-12 landscaping plan explaining the types and variety of plants and locations where they would be installed. She stated that there is a small area designated for outdoor seating for the building. The Shade Tree Report was not received in time for the meeting and would be provided to the Board tomorrow. The compliance with the Shade Tree Report would be a condition of approval.

The applicant will comply with the comments of Board Engineer Shafai's report concerning the improvements to Novad Court and Pine Drive. Ms. Totten met with Board Planner Mertz and Board Engineer Shafai and it was agreed to have the corner improved to flatten the curve and install curb to the driveway on Novad Court.

Mr. Pape asked Ms. Totten to address the outside approvals received including approvals from Monmouth County Board of Health, NJDEP Wetland LOI had been secured, Environmental Commission, Monmouth County Planning Board provided that their approval is not needed for this project.

The waivers/variances were discussed. Mr. Pape explained that the parking lot between the building and Pine Drive, the light is brighter than around the perimeter. It is 1.0 where .5 is the standard. Ms Totten clarified the location of the lights in the parking lot aimed downward toward the parking lot.

Deputy Mayor Grbelja asked the Board Engineer to advise of the location of the residences to the site. Board Engineer Shafai stated that 300 feet of wetlands is there plus a 150 foot buffer.

Mr. Pape addressed the comments of Board Engineer Shafai's report, section 4e through 4l. He advised that the circulation plan will be corrected to reflect that trucks can traverse through there. The applicant agreed that there will not be any outdoor displays on the premises. The applicant agreed to create the site triangle easement. The applicant would comply with the comments made about the creation of the conservation easement and monumenting the easement. The applicant will create the drainage easement. The applicant has complied with the comments made by the Environmental Commission.

Mr. Ziner asked if there was a stop sign at the corner between Pine and Novad Court. Mr. Shafai stated that there is a stop sign on Novad Court. The road is a "T" and will remain so. Ms. Totten explained it will be a flatten so it will be easy to make that turn. It is tight presently.

Attorney Steib swore in Stephan Radosti, Architect of 379 Princeton Hightstown Road in Cranberry. Mr. Radosti is known to the Board and is testifying as a licensed architect in the State of New Jersey.

Mr. Radosti referring to Exhibit A-6, sheet 2 of 2, is the south and east elevations of the building and the floor plan of the first floor. The applicant wanted the building to be attractive. He is familiar with the ordinance for the architectural design standards of the Township and has created two other buildings in the Township using those same standards. Mr. Radosti explained that the first floor for the show room consists of 8,206 s.f. and the second floor consists of 7,791 s.f. for office space for the client.

Mr. Radosti stated that the main entrance is located in the southeast corner of the building. The building was designed to have a cultured stone water table at the base and above that a color concrete tilt up construction. The store front would have a metal roof canopy to draw attention to that area. Mr. Radosti explained that the parapet of the building tops out at 30 feet, contains some vertical and horizontal elements on the roof canopy for visual interest. Above each potential tenant space there is illumination. There are decorative coordinates at the top of the parapet that travels all the way around the building.

Mr. Radosti addressed the building materials and colors. Referring to Exhibit A-13, he stated that the base course of the building is a faux cultured stone material. The pallet is that of earth tones, ranging from grays and tans. Above that is a painted color concrete. The aluminum black anodized frame around the windows creates interest. There is a standing seam metal canopy to protect from the weather and provide architectural interest and draw attention to the front entrance.

Mr. Radosti addressed the interior of the building. He designed the first floor so that it could be used as a showroom or it could possibly have up to four different tenants with each tenant having their own covered entryway. Referring to Exhibit A-13, sheet 1 of 2 color rendering of the building from the southeast corner, Mr. Radosti explained the look of the potential tenant entryway. He explained how those spaces could be divided for potential tenants.

Mr. Radosti added that the monument sign, Exhibit A-6, pages 1 of 2, is a 64 sf. ,two-sided sign. The center is 4ft. x 5 ft. and that is illuminated. The materials would match the building. Address numerals are 12" in height.

Ms. Mertz asked for clarification that the monument sign is internally illuminated and Mr. Radosti advised yes. Regarding the wall signs, she advised that the ordinance only permits for one wall sign. There was discussion about potential tenants in the future and Ms. Mertz wanted to make sure that they are not requesting a variance for additional signage on the building. Mr. Pape advised that they are not.

Mr. Pape provided to the Board that the basement would for the storage of the applicant's materials but more importantly for the storage of their own business records. There may be a mechanical item in the basement but the space will not be rented out and is only to be used for the items he advised.

Mr. Pape asked Mr. Radosti to explain the basement of the building. Mr. Radosti advised that the basement would be the same foot print of the first floor. He explained that two staircases are internal to the building. One goes from the basement to the first floor and then to the second floor. The second internal staircase on the west side goes from the second floor to the basement and out of the exterior. There are an additional two more exterior staircases on the north side of the building for fire department and emergency access. That would be four staircases from the basement. Mr. Pape asked Mr. Radosti if the additional staircases would be compliant with the new codes and the request of the first official and Mr. Radosti advised that they would.

Planner Mertz asked Mr. Radosti if the mechanical equipment would be located behind the parapet and not be seen from view. Mr. Radosti advised it would be hidden from view and located behind the larger parapet. Planner Mertz asked about the second-floor office space should the current single applicant wish to divide up the building, could that be used for multiple tenants. Mr. Pape advised presently it is for the one occupant to utilize that space, it has been designed for Seasonal World and if this would change, the space would require a reworking of the interior floor plan.

Planner Mertz asked if there are any sustainable elements being incorporated into the design of the building. Mr. Radosti stated that even though they are not going for LEED certification, they will be incorporating LEED-type elements into the building using locally sourced materials such as concrete, thermally broken aluminum glass door fronts, 10 inches thick concrete wall that sandwich insulation in between and energy efficient HVAC units and LED lights.

Engineer Shafai asked if the stairs going to the back are interior or exterior. Mr. Radosti explained. Mr. Shafai advised that there is only 10 to 15 feet between the stairs and the septic field. Ms. Totten advised that when they did the final design, they made it longer and narrower so it is 25 feet off of the base of the building and she explained the location and how they could accommodate without increasing the impervious coverage and have it fit well, while not being too close to the septic. Board Engineer Shafai does not have a copy of this reworked plan. Ms. Totten advised that it was submitted to the Construction Department a few weeks ago.

Chairman Newman asked if there is any traffic testimony. But first he opened the application to the public at 9:07 p.m. Rhonda Van Erem is available via the chat of Zoom. Mr. Morris advised that she does not have any audio connected. She can call in. Chairman Newman read her comments that she made in the chat room into the record. Attorney Steib asked if she has access to a phone and can call in on the phone line. She is on the phone. Her phone is not working.

Robert Van Erem was sworn in by Attorney Steib. He lives at 22 Pine Drive, Millstone NJ. His concern is that the septic at the Wawa across the street is always failing.

Mr. Pape advised that the demand of this building is not the same as the Wawa. He advised that they have designed the septic in accordance with the Monmouth County Board of Health criteria and has submitted their plan for the MCBOH approval.

Chairman Newman advised that he will rely on Mr. Van Erem to read the comments from Mrs. Van Erem. Mr. Van Erem asked why are we deviating from the setback requirements of the zone.

Planner Mertz advised a variance is needed from any building located in the Rural Preservation Zone (RU-P). There is a requirement that any building must be set back a certain distance.

Ms. Totten addressed the question from a planning perspective. She offered that a C1 hardship variance is being requested due to the existing configuration of the property. She explained there is a wetland buffer and a detention basin and parking lot. The north property line of the building is 146 feet away and a wetland area that is to be placed in a conservation easement to protect the woods as well as the western perimeter. There is no home close to the side on the west of the property. The home to the north is about 300 feet away from the building. Ms. Totten explained the lot width is not under the applicant's control. She explained why the Board could grant this variance without any negative impact to the zone plan.

Mr. Van Erem asked about the variance sought for the foot candle of the lighting. Mr. Pape advised that this is the central portion of the parking lot only to have the lighting at that location to provide a safe area. Ms. Totten stated that it would be difficult to lower the amount of light there and have the proper amount of light at the property.

Mr. Van Erem agreed to read Mrs. Erem's question into the record since the Board is unable to hear her, she is providing the questions via chat on the Zoom. Mr. Van Erem has agreed to read her questions into the record. He read, has there been an engineering study performed at Novad and Pine, is there a reason why they would deviate from the property setback requirement, the foot-candle should not exceed what is approved for the lot, what sewage disposal system is proposed, does the proposed detention basin have standing water, is the use proposed deviate from what is permitted, is the lot being cleared of all trees, does the sign meet the zoning standards, etc.

Mr. Pape discussed some of the open items presented by Mr. Van Erem. Mr. Pape advised the sign design and its locations meets the zoning ordinance and is part of the record, the lighting is part of the record, the septic system discussion is part of the record. Mr. Pape stated that they could address the traffic study performed by McDonough & Rae. The Board professionals did not have any questions with reference to the study. Mr. Pape advised that Board Engineer Shafai requested certain improvements be made at the intersection.

Concerning the detention basin, Ms. Totten advised that it is a dry basin and not a wet basin, so a fountain is not needed. She explained how the basin is de-watered. There is no standing water.

Mr. Pape addressed the questions from Mr. Van Erem regarding the permitted uses. He advised that the property is located in the Highway Commercial 1 zone (HC-1) . They are before the Planning Board because the proposed use of the property is a permitted use. Any other uses would require a trip to the Board of Adjustment. They are stating that this is permitted for the existing zoning for the site.

Regarding tree clearing, Mr. Pape advised that there are environmental constraints on the property in those areas and buffers will not be touched. Ms. Totten explained the location of the conservation easements and the area of limited disturbance. Ms. Totten stated that 25 to 30% of the site will not be cleared or perhaps more than that. She feels that 2.5 acres will be cleared. The uncleared portion is along the northern and western boundary.

Ms. Totten explained there is an existing drainage easement and she explained the area. This will not be in the conservation easement. The conservation easement is intended to protect the wetlands and buffers located onsite. This protects the area. Mr. Pape advised that the easement runs to the benefit of the Township who has enforceability. The town requires above ground monuments to show the limits of the easement. Engineer Shafai has required that six (6) monuments be installed to mark that protected area.

Chairman Newman seeing no further comments from the public, he closed that portion of that meeting at 9:30 p.m.

Board Engineer Shafai offered the all of his comments have been addressed.

Planner Mertz asked that Ms. Totten provide the planning testimony. Ms. Totten stated that the lot depth is an existing condition and cannot be changed and therefore is a hardship. By granting the variances adequate light air and space are met. Ms. Totten explained that the lot is not overdeveloped and is within the acceptable lines of the floor area ratio. She explained the positive criteria that is met by the Board granting the variance.

Mr. Pape advised that the parking variance is no longer needed since they are banking the additional parking.

Ms. Totten advised the wetlands will not be disturbed. They are seeking permission from the NJDEP to disturb a portion of the buffer and she explained why. Mr. Pape stated that the general permit request is for the right to access the buffer not enter the true delineated wetlands. That permit is under the jurisdiction of the NJDEP only.

Chairman Newman advised that Mrs. Van Erem is typing in the chat area that she does not agree with the variance for the wetland buffer disturbance, the setbacks or the lighting.

Chairman Newman opened the application to the Board. Deputy Mayor Grbelja asked if the building was scaled down would there be a need for the variances requested. Mr. Pape advised that the existing lot size variance would not change, the wetland area would not change. He stated the size of the building is not what is driving the variances, it is the trapezoidal shape of the property.

Chairman Newman asked is there a way to change the relief with respect to the lighting. Mr. Pape advised that with LED lighting, the lights can be dimmed and they could stipulate to have dimmable LED lights. The typical office hours are 7:00 - 8:00 a.m. and closing would be within 30 minutes of the closure of the showroom no later than 8:00 p.m.

Attorney Steib stated that turning off the lights at 8:00 p.m. and having a potential for retail stores there in the future might be a bit early, perhaps consider by 10:00 p.m. for lights off.

Mr. Pape stated that unless and until there is general retail, lights off at 8:00 p.m. and potentially 10:00 p.m.

Chairman Newman asked that Board Engineer Shafai would work with the applicant on the dimmed lighting goals.

Chairman Newman asked for a Motion and a Second if favorable, would include the various stipulations discussed and offered by the applicant. Attorney Steib read some of the conditions, including but not limited to, all of the fire official comments are complied with, Engineer Shafai's comments and technical recommendations are met, no outdoor displays, the only use for basement is for storage of office records and supplies and some mechanicals, HVAC mechanicals are screened from the street, septic redesigned for a minimum 25 feet distance from the building, dimming of the lights 8:00 p.m., general retail 10:00 p.m..

Board Engineer Shafai advised that the application is conditioned upon the Shade Tree requirements. Mr. Pape stated that with the understanding that the Shade Tree request to be appropriate and reasonable. He reserves the right to read that and if there is an issue, he will contact the Board.

Chairman Newman made A Motion to approve the application subject to the conditions of set forth and Mr. Pado offered a Second. Roll Call Vote: Newman, Pado, Beck, Grbelja, Ziner, Curtis and Arpaia.

NEW BUSINESS: The Governor's permit extension act. The Secretary will email the information to everyone.

OLD BUSINESS: None

Chairman Newman made a Motion to Adjourn, Mr. Arpaia offered a Second at by unanimous, the meeting adjourned at 9:43 p.m.

Respectfully submitted,