



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MINUTES  
March 22, 2023**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Wednesday, March 22, 2023 at 7:30 p.m. in the Municipal Meeting Room, 215 Millstone Rd., Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Chairman Mostyn read the Open Public Meetings Act Statement.

There was a salute to the Flag and an observance of a moment of silence offered for those serving and those who have served our country in the past.

Roll call for the below members was called:

Present: Chairman Mostyn, Ms. Beckish, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Arpaia (Alt. I).

Absent: Mr. Barthelmes and Mr. Ferrara; one vacant seat (Alt. #2).

Attending: Greg Vella, Esq.; Matt Shafai, PE, PP, Board Engineer; McKinley Mertz, PP, AICP, Board Planner; and Danielle B. Sims, Board Secretary.

Ms. Arpaia was seated for Mr. Ferrara.

**MINUTES:**

**Minutes from January 25, 2023 (Reorganization and Regular Meeting)**

Chairman Mostyn noted the Board received the minutes in advance of the meeting for their review. With no comments from the Board, Mr. Morelli made a motion to adopt the Minutes from January 25, 2023, which was seconded by Ms. Arpaia. The Minutes were adopted on a roll call vote: Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Beckish.

**RESOLUTION(S):**

**Gary Teyhen**

**Block 35, Lot 37.01 – 52 Chambers Road**

**Resolution of Approval – Variance Application # Z22-06**

Chairman Mostyn asked if the Board had any comments on the resolution that was prepared. With no comments from the Board, Ms. Beckish made a motion to adopt the Resolution for Application Z22-06, which was seconded by Mr. Sinha. The resolution was memorialized with the following roll call vote in favor: Chairman Mostyn, Ms. Beckish, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

**APPLICATION(S) BEFORE THE BOARD (Done out of Order from the Agenda):**

**Dish Wireless, LLC**

**Block 17, Lot 4 – 663 State Highway 33**

**Variance Application # Z23-03**

Proposal to install antennas at a centerline height of approximately 110 feet in the existing 154 ft. tower, installing base cabinet equipment and other related improvements at the Joule Yacht Transport property, a site identified as "First Priority Location H" in the Township Ordinance. Property is located in the HC Zone.



Chairman Mostyn had a conflict with this application and recused himself from this matter and left the dais. Mr. Morelli was seated as Temporary Chairman.

Mr. Vella, Esq. reviewed the proof of service package prior to the meeting and confirmed that it is in proper format so that the Board may take jurisdiction on this application

Mr. Christopher Quinn, Esq. appeared on behalf of the applicant.

The following witnesses were sworn in or are still under oath:

Matt Shafai, PE, PP – Board Engineer  
M. McKinley Mertz, PP, AICP – Board Planner  
Rick Procinik, PE – Applicant's Engineer

The following exhibits were marked in evidence:

### **APPLICANT'S EXHIBITS**

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence
- A-4 Prior Resolutions ZD/ZSPP-02-24, Z20-06 and Z17-06
- A-5 Aerial Display of site, 2 sheets, dated 1/26/23
- A-6 Noise Report, prepared by MD Acoustics EBI Consulting, eight (8) pgs., dated 12/8/22
- A-7 Waiver Request Letter, prepared by Kimley-Horn and Associates, Inc., dated 1/25/23
- A-8 Lot Coverage Letter, prepared by Kimley-Horn and Associates, Inc., dated 1/25/23
- A-9 Notice of Backhaul Provider (Verizon), prepared by Crown Castle, dated 10/20/22
- A-10 RF-EME Report, prepared by EBI Consulting, dated 12/19/22
- A-11 Structural Analysis Report, prepared by Tower Engineering Professionals, dated 10/12/21
- A-12 As-Built Survey, five (5) sheets, prepared by Jonathan Murphy Land Surveyor, dated 6/2/22
- A-13 Tower Survey, five (5) sheets, prepared by Jonathan Murphy Land Surveyor, dated 6/2/22
- A-14 Construction Plan-Project Information, prepared by Kimley-Horn and Associates, Inc., twenty-four (24) sheets, last revised 1/25/23
- A-15 Revised Plan Sheets A1.2, A1.5 and A-5 of constructions plan set, prepared by Kimley-Horn and Associates, Inc., revised 3/21/23

### **BOARD'S EXHIBITS**

- ZB-1 Completeness Determination dated 2/27/23
- ZB-2 Engineer's Review dated 2/28/23
- ZB-3 Planner's Review dated 3/20/23

Mr. Christopher Quinn provided a brief summary of the application. The other carriers on the existing tower have large footprints. Dish Wireless plans a small cabinet 8' x 6' lease area with a 5' x 7' cabinet, located closer to the center of the property.

The existing tower was previously approved closer to the side and rear yard.

The plans reflect barbed wire and will be revised to an 8' chain link fence, stating the ordinance allows for 8' high board on board fence for this type of use, but will be proposing chain link fence. The proposal would require additional variance relief. The applicant agreed to remove the barbed wire from the plans.



Rick Procinik, PE, PP provided his credentials as a licensed engineer and planner and was accepted as a professional in both regards. Mr. Procinik reviewed the existing non-conforming site conditions including the lot size of 2.4-acres whereas three acres is required.

The application proposal requires several variances. The proposed equipment cabinet is proposed at 55' to the rear property line whereas 75' is required and the ordinance requires board on board fence for 8' fence for this type of use. The other carriers on site currently use chain link and would like to keep the same for this equipment cabinet. The side yard setback is proposed at 32', whereas 40' is required. The proposal will also create additional impervious coverage whereas the site already is in variance for coverage. The applicant would have a lease area for the proposed cabinet shelter area. The tower company, Crown Castle, leases the tower area and they would lease the pad area from Crown Castle.

Board Planner Mertz stated that this is a "Priority 1" cellular tower and that she takes no exception to the requests for relief. The town supports collocation on existing sites, particularly for Priority 1 towers.

Mr. Sinha inquired about the comment in the RF-EME report (EBI) that states the site would be considered out of compliance. It was noted that there would be signage placed on the site in order to notify of the possible radiation exposure that may exceed the FCC exposure limits.

Mr. Morelli opened the matter to the public. With no members of the public coming forward, Mr. Morelli closed the matter to the public.

Attorney Vella provided a summary of the application and the variance relief being requested. The Board discussed the application. With no further questions or comments from the Board, Ms. Arpaia made a motion to approve the application, granting the requested relief with the conditions placed on record. This motion was seconded by Ms. Beckish. Application Z23-03 was approved with the following votes in favor: Ms. Beckish, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Arpaia. Approved 5-0.

Chairman Mostyn returned to the dais.

**Six Flags Great Adventure**  
**Block 55, Lot 10.01 – 592 Monmouth Road (CR 537)**  
**Use Variance Application # Z23-01**

Proposal to construct a 29.5' free standing sign on a property with no principal structure/use in the HC zoning district. Variance relief is required for the non-permitted use, lot depth of 450' is required; whereas 360' exists, minimum front yard setback of 4.4' is proposed; whereas 100' is required, sign location at 4.4' whereas signage setback required is 15' and for a signage 29.5' in height whereas 22' is permitted.

Mr. Vella, Esq. reviewed the proof of service package prior to the meeting and confirmed that it is in proper format so that the Board may take jurisdiction on this application

Mr. Adam Pfeffer, Esq. appeared on behalf of the applicant.

The following witnesses were sworn in or are still under oath:

Matt Shafai, PE, PP – Board Engineer  
M. McKinley Mertz, PP, AICP – Board Planner  
Nicholas Dickerson, PP – Applicant's Planner  
Daniel Sobieski, PE – Applicant's Engineer  
Timothy Boyer – Director of Finance for Six Flags Great Adventure  
Bill Hettman - Facilities and Environmental Manager for Six Flags Great Adventure



The following exhibits were marked in evidence:

### APPLICANT'S EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence
- A-4 List of variances being sought, undated, unknown source
- A-5 Google Aerial Display of site, dated 1/4/23
- A-6 Survey of Property, one (1) sheet, prepared by Colliers Engineering & Design, dated 10/25/22
- A-7 Sign Variance Plan, two (2) sheets, prepared by Colliers Engineering & Design, dated 12/21/22
- A-8 Copy of Notice of Violation (CVIO-22-00060), inspection dated 8/10/22
- A-9 Color Display of previous signage, received 3/22/23
- A-10 Color Display of new sign, 1 of 2, received 3/22/23
- A-11 Color Display of new sign (alternate season), 2 of 2, received 3/22/23

### BOARD'S EXHIBITS

- ZB-1 Completeness Determination dated 2/6/23
- ZB-2 Engineer's Review dated 2/24/23
- ZB-3 Planner's Review dated 3/1/23
- ZB-4 Environmental Commission's Review dated 2/17/23
- ZB-5 Shade Tree Commission's Review dated 2/15/23

Mr. Pfeffer explained that the applicant had a sign on the site for approximately 40-years and about a year ago, they placed a new sign over the previous structure, stating they didn't realize they needed a variance for the sign. When the applicant went to tie in to get the electric for the sign, they were notified the sign required a use variance. A digital sign addition to this sign would also require an additional use variance.

Nicholas Dickerson provided his credentials and the Board accepted him as a licensed Planner. He explained that there are some existing site conditions that are in variance that will remain. The existing lot depth, existing front yard setback and the existing sign setback. The proposed ground sign area is 265.32 s.f. in total.

Mr. Dickerson reviewed the site suitability of the use as the site has been used for a sign on the site for over 40 years. The sign has been located here since the park has been opened in 1974. The site is in the location of the previous signage and uses the existing footings of the previous sign, although there was never use variance relief previously granted for the previous sign.

The proposed digital sign would provide information such as calendar, hours and promotions. The digital area would be approximately 3.5' x 10' and the overall height would be 29.5'. There was no survey of the previous signage on the property.

Daniel Sobieski, PE, provided his credentials as a licensed engineer and was accepted as a professional engineer. He stated that the base of the sign was the same and just had a sleeve over it. The location has not changed.

Tim Boyer, Director of Finance for Six Flags Great Adventure stated he also oversees IT. He stated it is an LED full color sign. The intent is to convey park operations, displaying events, and general park operations. It would not contain outside advertising. The intent is to use the sign to relay information and to control traffic. The message would typically stay stationary, and only



change as necessary. It would say “closed” or relay early closings or special events and such. The signage can be adjusted as needed. The applicant offered to have the LED digital display operational from 7:00 am to 90 minutes after park closing.

The signage is backlit in the areas of “Six Flags Great Adventure” and the area of the Safari image and the Hurricane Harbor image. The blue areas and the flags are not lit and shall not be backlit.

The Board requested that the American Flags that exist behind the signage are lit or taken down at night, as required. The applicant would comply with the comments in the Shade Tree Review comments regarding landscaping.

Bill Hettmann, Facilities and Environmental Manager, has been with Six Flags for 42 seasons, stated that the blue area is an aluminum structure that is painted. The plantings will be replaced as requested by the Shade Tree Commission’s review memo.

Chairman Mostyn opened the matter to the public. With no members of the public coming forward, Chairman Mostyn closed the matter to the public.

Attorney Vella provided a summary of the application and the variance relief being requested. Attorney Vella reviewed the conditions placed on record, including that the sign will turn no earlier than 7:00 am and will turn off 90 minutes after closing, no animation would be permitted on digital sign, if more than one message, it must remain stagnant for at least 10 seconds, identify lighting for the American flags, ground lighting will be removed from sign, will be required to obtain permits, the backlit areas are limited to those discussed on record, the plans will be revised, the applicant will comply with the Board’s Professionals review comments.

The Board discussed the application. With no further questions or comments from the Board, Mr. Morelli made a motion to approve the application, granting the requested relief with the conditions placed on record and addressing any outstanding comments in the Board’s professional’s review memos. This motion was seconded by Mr. Sinha. Application Z23-01 was approved with the following votes in favor: Chairman Mostyn, Ms. Beckish, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Arpaia. Approved 6-0.

**Malinowski, Zack and Renata  
Block 31, Lot 28 – 106 & 108 Agress Road  
Use Variance Application # Z22-12**

Proposal for an expansion of a non-conforming use to construct an addition on each of the two existing dwelling units on the property. Structure #1 is also known as 106 Agress Road and Structure #2 is known as 108 Agress Road and is located in the R-80 zoning district.

Mr. Vella, Esq. reviewed the proof of service package prior to the meeting and confirmed that it is in proper format so that the Boar may take jurisdiction on this application

Mr. David Lonsky, Esq. appeared on behalf of the applicant.

The following witnesses were sworn in or are still under oath:

Matt Shafai, PE, PP – Board Engineer  
M. McKinley Mertz, PP, AICP – Board Planner  
Zack Malinowski – Applicant  
Renata Malinowski – Applicant  
David Ziobro, AIA – Applicant’s Architect  
(Veena Sawant, PP – Applicant’s Planner; not yet called or sworn in)

The following exhibits were marked in evidence, including new exhibits:



### APPLICANT'S EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Copy of Resolution prior Z12-01 (Unperfected, Expired)
- A-4 Survey of Property, one (1) sheet, prepared by Charles Surmonte, PE, PLS, dated 8/3/22
- A-5 Use Variance Plan, three (3) sheets, prepared by David Ziobro Architect, revised 12/21/22
- A-6 Google Aerial Display of site, undated
- A-7 Updated Use Variance Plan, three (3) sheets, prepared by David Ziobro Architect, revised 3/22/23

### BOARD'S EXHIBITS

- ZB-1 Completeness Determination (email) dated 1/17/23
- ZB-2 Engineer's Review dated 1/16/23
- ZB-3 Planner's Review dated 2/1/23

Mr. David Lonsky provided a summary of the application. The applicant has already improved the exterior of the garage, they have upgraded the septic system to allow for the four bedrooms, as proposed, they removed some out structures in the rear of the property, they have provided new landscaping and cleaned up the property. He stated the applicants intend to live in one of the two existing structures on the site Mrs. Malinowski's parents would live in the other dwellings unit. The property requires 'd' variance relief for the expansion of a non-conforming use as the property has two existing dwellings on one parcel. The two houses in their existing condition, he stated, are really run down, in poor condition, virtually inhabitable. The applicant is proposing to renovate the existing structures and put a second-floor addition on both dwellings.

There are two bulk variances involved (#106): 50' setback is required; whereas 46' exists and 41' is proposed in order to construct a front porch and a rear yard setback for a proposed deck for 50'; whereas 46.6' exists and 45.12' is proposed. The property is irregular in shape and has a gravel circular driveway. The garage will be used for storage, but will not be able to be used for cars as the garage doors have been removed. Ms. Mertz noted that this then becomes an accessory structure.

Renata and Zack Malinowski, Applicants, were sworn in. Mrs. Malinowski stated that the property is really run down and you cannot live in any of the houses. Mrs. Malinowski stated they intend to live in one home and would be moving her parents into the other house. Their daughter goes to school in Millstone and would like to live here. She stated the accessory building (garage) will be used for storage as the houses are small, only two-bedrooms. Mr. Malinowski stated there will be paver sidewalk installed to access the house at #106. The driveway is  $\frac{3}{4}$ " clean stone with blacktop pieces, but intends to have it paved and place Belgium block around the driveway.

David Ziobro, AIA, provided his credentials as a licensed architect and was accepted by the Board as a professional architect. Mr. Ziobro introduced a revised plan set dated 3/22/2023 and



noted that there were two oil tanks on the property. Mr. Ziobro stated a second-floor addition is not as costly as a single-story addition.

Mr. Ziobro stated someone was living at #106 when he measured the house. Mr. Malinowski stated it was lived in at time of purchase. Mr. Ziobro stated that #108 was uninhabitable. He described the proposed additions.

The Board suggested that the applicant should consider one larger structure that would accommodate the family and the in-laws, as one inclusive unit, as it would seem more appropriate and would bring the property back into compliance as a single-family dwelling.

The Board requested that the applicant provide structural analysis/engineer's certification and testimony to confirm that the structure at #108 would be viable and not need to be destroyed. The Board requested photos of the interior of the buildings.

Attorney Vella announced that the application has been carried to the next Zoning Board meeting to be held on April 26, 2023 at 7:30 pm in the same meeting, without any further notice.

#### **BOARD DISCUSSION:**

Board Secretary Sims asked that the Board review the Annual  
There were no other business matters up for discussion.

#### **ADJOURNMENT:**

With no further business, Mr. Morelli made a motion to close the meeting, which was seconded by Ms. Arpaia. With all in favor, Chairman Mostyn adjourned the meeting.

Respectfully submitted,

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Danielle B. Sims, Board Secretary