



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES November 14, 2024

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Vice-Chairman Barthelmes on Thursday, November 14, 2024, 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.

Vice-Chairman Barthelmes 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. Arpaia, Mr. Barthelmes, Mr. Lambros and Mr. Morelli.

Absent: Mr. Ferrara, Mr. Sinha and Mr. Cadigan (Alt.1); one vacant seat (Alt. 2).

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

Mr. Cadigan was seated for Mr. Ferrara.

MINUTES:

Minutes from October 17, 2024 – Special Meeting

The Minutes from the October 17, 2024 Special Meeting were deferred to the December 2024 meeting.

RESOLUTION(S):

**Resolution of Approval
Raymond and Doreen Polhemus
Block 36, Lots 3.01 & 6 – 33 Clarksburg Rd.
Variance Application # Z24-09**

The Resolution was deferred to the December 2024 meeting.

**Resolution of Approval
Yellow Jacket General Contractors
Block 23, Lot 25.02– 41 Conover Rd.
Variance Application # Z24-06**

The Resolution was deferred to the December 2024 meeting.

APPLICATION(S):

**Earth Anchoring Suppliers, LLC
Block 57, Lot 13.02 – 19 Trenton-Lakewood Rd.
Bulk Variance Application # Z23-07**

Proposal to permit an 8' high wood solid stockade fence in the front yard to create an outdoor storage enclosure for materials at an existing light industrial building in the BP zoning district. This application was filed in response to a notice of violation for constructing said fence and



enclosure area without prior approvals. Applicant is seeking bulk variance approval for outdoor storage in the front yard and for the fence in excess of 4' in height and less than 50% open.

Attorney Vella explained that the applicant failed to provide proper notice for the meeting and the application will not be heard this evening. Being that the applicant has already been placed on 3 or 4 prior agenda, Attorney Vella will advise the applicant's attorney that they must provide proper notice for the December 2024 meeting or the matter will be dismissed for failure to prosecute. He noted they have other pending matters with the Township (Notice of Violation).

Joseph Strickland
Block 49, Lot 20.08 – 420 Stage Coach Rd.
Variance Application # Z24-11
Submission Waivers Requested

Proposal to install rooftop solar panels on an existing house, which is within the 50-foot front yard setback on a .87-acre lot in the R-130 Zoning District. The rooftop solar panels will be a total of 528.29 sf. The application has been deemed incomplete pending requests for submission waivers. If granted, application will continue with the public hearing.

Attorney Vella explained that the applicant has requested some submission waivers for the Board's consideration. The application is currently deemed "incomplete". Mr. Vella, Esq. reviewed the notice package in advance of the meeting and confirmed that it was in proper form, so the Board can take jurisdiction to hear the application, subject to the Board granting the requested submission waivers.

Mr. Joseph Strickland appeared as the applicant.

The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
Joseph Strickland – Applicant

The following exhibits were marked in evidence:

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Copy of Survey, prepared by Charles Surmonte, dated 3/7/23
- A-4 Copy of Township of Millstone Tax Map Page 19
- A-5 Google Aerial Image, date unknown
- A-6 Solar Assessment and Solar Plan Set, prepared by Green Power Energy, five (5) sheets, dated 6/8/24
- A-7 Zoning Denial for proposed roof mounted solar, dated 6/27/24
- A-8 Revised Solar Assessment, Solar Plan Set, prepared by Green Power Energy, twenty (20) pages, plans dated 6/8/24 (no revision date provided), cover dated 6/11/24 and revised 11/11/24

BOARD'S EXHIBITS

- ZB-1 Engineer's Incompleteness Determination & Review dated 10/25/24
- ZB-2 Planner's Review dated 11/7/24

Mr. Strickland was sworn in and provided a brief description of the property and the proposed roof mount solar panels.



Board Engineer Shafai noted that he does not take any exception with the granting of the requested waivers as the applicant is only putting solar panels on the existing building. Planner Mertz concurred. Attorney Vella provided a brief explanation of the project.

Mr. Lambros made a motion to grant the requested waivers; with all in favor, no objections. The board moved onto the public hearing.

Planner Mertz noted that this application is a technical variance. The proposed roof solar panels are proposed on an existing structure that predates our zoning regulations. The County has a 40' right-of-way, so the road is actually much farther away than the setbacks shown on the survey. Planner Mertz stated she does not find any reason the Board should not be able to grant the variance.

Mr. Strickland had no other testimony. The Board had no further comments.

Chairman Mostyn opened the matter to the public.

Ryan Walker, 11 Pinehill Rd., appeared and was sworn in. He asked what the process would be in order to avoid anyone else having to go to the Zoning Board of Adjustment for this type of application again. Attorney Vella stated that the Board will prepare an Annual Report of their findings and make any recommendations. It is up to the Township Committee to make changes.

With no other members of the public coming forward, Chairman Mostyn closed this to the public.

Engineer Shafai noted that the applicant has already revised and resubmitted plans addressing the outstanding comments and does not have any recommended conditions.

Chairman Mostyn made a motion to approve the application for variance relief without any conditions; which was seconded by Ms. Arpaia. The Board approved application ZB24-11 on a roll call vote in favor: Chairman Mostyn, Ms. Arpaia, Mr. Barthelmes, Mr. Lambros and Mr. Morell; Approved 5-0.

Daniel Lichtman

Block 39.01, Lot 9 – 319 Sweetman's Lane

Bifurcated Use Variance Application # Z24-10

Submission Waivers Requested

Proposal to operate a commercial electrical contracting company, using an existing 8,000 s.f. frame building (previously a chicken coup), along with onsite storage of vehicles and equipment. A driveway, commercial parking area, a dumpster and fence have all been added to the site. The existing 1 1/2-story frame dwelling is proposed to remain a residential home. This application is a result of a Notice of Violation for operating a commercial business in the residential zone. The application has been deemed incomplete pending requests for submission waivers. If granted, application will continue with the public hearing.

Attorney Vella explained that the applicant is before the Board to request submission waivers for the Board's consideration and Bifurcated Use Variance approval. The application is currently deemed "incomplete". Mr. Vella, Esq. reviewed the notice package in advance of the meeting and determined that the notice and publication were not in order. He sent an email to Mr. Lichtman earlier in the day advising him of the deficient notice. The Board can hear the applicant's request for submission waivers and subject to the Board granting the submission waivers, Mr. Lichtman can provide new notice for the public hearing. Attorney Vella noted that a Bifurcated Use Variance does not grant Site Plan Approval, it only considers a particular use. If the Board grants the Bifurcated Use Variance, the Applicant would still be required to apply for Site Plan Approval.

Mr. Dan Lichtman appeared as the applicant and was sworn in.



The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
Dan Lichtman – Applicant

Attorney Vella reviewed the Four (4) requested submission waivers for the benefit of the Board. He reminded the Board that they have to determine if they can make an informed decision without the applicant providing the required submissions. The property is in the RU-P and R-80 zoning districts (the proposed use is in the R-80 zone).

Planner Mertz stated that the wetlands are located more to the rear of the property and the subject of the use and development is more towards the front of the property. In this instance, she does not take exception to the Board granting the waiver from providing the wetlands delineation.

Engineer Shafai noted that for a Bifurcated Use Variance, he believes the Board can consider the application without requested waiver items. All of the waiver items can be captured under a Site Plan application if the Board were to grant the Use Variance. Attorney Vella reminded the Board that if they grant the waivers, and during the course of the hearing the Board determines the need more information in order to make an informed decision, the Board can request the applicant to provide it. Planner Mertz agreed that these can be provided subject to a Site Plan.

Attorney confirmed that granting any submission waivers does not mean the Board is granting the Use Variance. Granting the waivers would allow the applicant to move onto the hearing.

Attorney Vella stated the Applicant will need to provide notice for the December meeting in order to hear the application. There was a question from the public, so Chairman Mostyn opened the matter to the public.

Michael Leineek, 48 Agress Rd., appeared and sworn in. He inquired about what would happen if the Board were to deny a waiver. Attorney Vella stated it really would just delay the hearing until the applicant provides the submission item.

With no other members of the public coming forward, Chairman Mostyn closed this to the public.

The Board had no further comments. Ms. Arpaia made a motion to grant the requested waivers, which was seconded by Mr. Barthelmes; with all in favor, no objections.

Attorney Vella reminded Mr. Lichtman that his notice will need to provide proper notice for the new hearing and offered to review it in advance so he can confirm if it is acceptable. Mr. Lichtman thanked the Board.

BOARD DISCUSSION:

The Board reviewed the upcoming schedule. There were no other business matters up for discussion.

ADJOURNMENT:

With no further business, Chairman Mostyn adjourned the meeting.

Respectfully submitted,

A handwritten signature in blue ink that reads "Danielle B. Sims".

Danielle B. Sims, Board Secretary