



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
December 12, 2024**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Thursday, December 12, 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.

Secretary Sims 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. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan (Alt. 1).

Absent: Mr. Barthelmes; 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. Barthelmes.

MINUTES:

Minutes from October 17, 2024 – Special Meeting

The Board received the minutes in advance of the meeting for their review. With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from October 17, 2024, which was seconded by Mr. Morelli. The Minutes were adopted on a roll call vote: Chairman Mostyn, Ms. Arpaia, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved, 7-0.

Minutes from November 14, 2024

The Board received the minutes in advance of the meeting for their review. With no comments from the Board, Ms. Arpaia made a motion to adopt the Minutes from November 14, 2024, which was seconded by Mr. Lambros. The Minutes were adopted on a roll call vote: Chairman Mostyn, Ms. Arpaia, Mr. Lambros, Mr. Morelli; Approved, 4-0.

RESOLUTION(S):

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

Chairman Mostyn noted that the Board received the resolution in advance of the meeting for review. With no comments from the Board, Mr. Lambros made a motion to memorialize the resolution for variance approval. This motion was seconded by Ms. Arpaia. Resolution Z24-09 was adopted with the following votes in favor: Chairman Mostyn, Ms. Arpaia, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved, 7-0.



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

Chairman Mostyn noted that the Board received the resolution in advance of the meeting for review. With no comments from the Board, Mr. Morelli made a motion to memorialize the resolution for variance approval. This motion was seconded by Mr. Cadigan. Resolution Z24-06 was adopted with the following votes in favor: Chairman Mostyn, Ms. Arpaia, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved, 7-0.

**Resolution of Approval
Joseph Strickland
Block 49, Lot 20.08 – 420 Stage Coach Rd.
Variance Application # Z24-11**

Chairman Mostyn noted that the Board received the resolution in advance of the meeting for review. With no comments from the Board, Mr. Lambros made a motion to memorialize the resolution for variance approval. This motion was seconded by Mr. Morelli. Resolution Z24-11 was adopted with the following votes in favor: Chairman Mostyn, Ms. Arpaia, Mr. Lambros and Mr. Morelli; Approved, 4-0.

APPLICATION(S):

**Gary Brady
Block 49, Lot 4.01 – 43 Schoolhouse Rd.
Variance Application # Z24-10
Submission Waivers Requested**

Proposal to construct a new single-family dwelling on an undersized vacant lot in the R-130 zone. The lot previously had a single-family dwelling, but it has been demolished. This application has been deemed incomplete, pending the Board's consideration of the requested 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. Gary Brady 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
Gary Brady – Applicant

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 Google Aerial Image, date unknown
- A-4 Title Survey, prepared by American Layout, one (1) sheet, dated 8/14/24
- A-5 Variance Plan, prepared by EP Architectural, dated 9/9/24



- A-6 Rendering of style of proposed house, Rcvd. 10/17/24
- A-7 Right-of-Way Agreement dated 7/11/1961

BOARD'S EXHIBITS

- ZB-1 Incomplete determination & Engineer's Review dated 11/4/24
- ZB-3 Planner's Review dated 11/15/24

Mr. Brady was sworn in and provided a brief description of the application.

Board Engineer Shafai noted that the neighboring structures are not shown and the 200' owner's list is not shown on the plan. He believes that the Board can make an informed decision without this information. The applicant agreed to provide the 200' list on the plan as a condition of any approval. The applicant provided a conceptual rendering of a sample house and will provide signed and sealed architectural plans as a condition of approval. Engineer Shafai and Planner Mertz took no exception with the granting of the requested waivers.

Mr. Morelli made a motion to grant the requested waivers, which was seconded by Ms. Arpaia; with all in favor, no objections. The Board moved onto the public hearing.

Attorney Vella reviewed the variances requested and the existing site restrictions.

There is a driveway encroachment from the neighbor. It is not their only access. The Board requested it be removed. Mr. Brady advised that he approached the neighbor and suggested a subdivision to shift the property line and the neighbor was not interested. He agrees that the driveway encroachment from the neighbor will be removed, unless there is a filed easement in this regard. This would be shown on the plan, as a condition of approval.

Mr. Brady stated he has no problem addressing the comments in the Engineer's and Planner's review memos. The Board noted that the Board of Health will require a 100' separation of the well and the septic.

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

Chairman Mostyn opened the matter to the public.

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

Attorney Vella reviewed the conditions discussed. Mr. Morelli made a motion to approve the application for variance relief with the conditions put on record; which was seconded by Mr. Cadigan. The Board approved application ZB24-10 on a roll call vote in favor: Chairman Mostyn, Ms. Arpaia, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved 7-0.

Sean Cox

Block 20, Lot 2.01 – 1 Dugan's Grove

Variance Application # Z24-08

Submission Waivers Requested

Request for variance relief to maintain an existing non-conforming detached garage within the front yard (corner lot), an existing above ground pool and existing accessory storage structures within the front yard of a residential lot in the R-80 zone. Variance relief is also being requested to put an addition on the existing non-conforming garage and a new non-conforming fence within the front yard. This 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. John Rentschler, Esq. appeared on behalf 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
Sean Cox – Applicant
James Higgins, PP – Applicant's Planner

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 Project Coverage Calculations, prepared by Bernard Collins Surveying, Inc., undated
- A-4 Aerial Google Image
- A-5 Proposed Fence Details
- A-6 Series of eleven (11) photos, received 10/17/24, undated
- A-7 Plan of Survey, one (1) sheet, prepared by Bernard Collins Surveying, Inc., dated 9/9/24
- A-8 Plan drawn on survey, two (2) sheets, unknown date/source

BOARD'S EXHIBITS

- ZB-1 Incomplete determination & Engineer's Review dated 11/4/24
- ZB-2 Planner's Review dated 12/5/24

Mr. Rentschler, Esq. explained that many of the variances required are due to the property being a corner lot, essentially making the property have two front yards. He reviewed the two requested waivers, noting the information provided should be sufficient to review the application.

Mr. Cox was sworn in. He stated that he is proposing to build the addition to the detached garage. The existing garage is made of block wall and the proposed garage with addition would match the house in color, but not material.

Board Engineer Shafai noted that the applicant has not yet provided a project plat or architectural plans, so the Board would need to consider the submission waivers requested. He does not object to the waivers, but would recommend that these be provided as part of resolution compliance. The applicant agreed that the proposed garage addition would not be greater than 16' in height and the color would match the house.

Mr. Lambros made a motion to grant the requested waivers, which was seconded by Ms. Arpaia; with all in favor, no objections. The Board moved onto the public hearing.

Mr. Cox gave the history of the house, starting with his parents, then his brother, and he purchased it from his brother. His father built the house. He described the property and the surrounding area. His father built the garage and his brother built the shed closest to Indian Path. Mr. Cox stated he is a single dad and is also a musician. He explained that he plans to put his instruments in the garage. He recently cleared out the property, creating a proper sight line at the intersection. The fence will provide extra security for him and his daughter.



The 20' x 12" above ground pool was started without permits and once he was alerted it was considered in the front yard, he stopped construction. He is proposing to finish the pool and to construct a surrounding deck.

Attorney Vella explained the double front yard requirements for corner lots.

James Higgins, PP, was sworn in and has previously appeared and been qualified by this Board and was accepted as a licensed Professional Planner. Mr. Higgins noted that the lot predated the Township Ordinance and the lot is very particular in that it is less than half of the required size, 2/3's of the lot are considered "front yard" because the house is set so far back from Indian Path. Mr. Higgins stated that there is increased traffic and for the safety of the dog and well-being of the family, he believes a privacy fence is appropriate. Mr. Higgins suggested that some landscaping be installed at the exterior of the fence to soften the look of the privacy fence. The existing house setback of 102' from Indian Path is the primary reason the applicant requires relief. The setback for the zone is only 50' and if the detached garage were to be connected to the home, the garage would meet the primary setback and the pool would not be in variance. The two small sheds (one next to the one shed to remain and one attached to the rear of the detached garage) will be removed from the front yard setback.

Planner Mertz noted that the proposed fence is not measured 15' from the roadway, as this is measured from the right-of-way. Mr. Higgins stated the proposed 6' white vinyl privacy fence is approximately 22' from the roadway. Ms. Arpaia asked if there was any consideration to keep the fence 50% open with arborvitae, which may allow similar privacy. Planner Mertz inquired if there was a consideration for another color fence. Mr. Cox stated he would like it to match the other white vinyl fence on the property. The Board suggested that a hedge row with some possibly some white pines may provide enough screening of the fence.

Board Engineer Shafai noted that there is a "Stop" sign at the corner of the intersection on Mr. Cox's property and requested a radius right-of-way for the signage. The applicant agreed to keep the proposed garage addition 16' in height and would be the same color as the house.

The Board asked why the shed proposed to remain cannot be moved. Mr. Cox stated that the structure is quite old and cannot be moved.

The Board would condition any approval for the privacy fence on the Shade Trees Commissions review and approval of plantings to help screen the privacy fence.

Chairman Mostyn opened the matter to the public.

Jeff Clark, 11 Dugan's Grove Rd., was sworn in. He would like to see some green shrubbery in front of the fence. He believes the intersection should be a 4-way intersection. He does not object to the variance requests.

Christopher Leeds, 1 Indian Path, was sworn in. He stated he is in favor of the application, but not in favor of the applicant installing white pines in front of it. There was a sight visibility issue, then Mr. Cox removed the trees and now the Board is asking him to put new trees that will be big. He would like to see alternative trees. Mr. Ferrara stated it will be a lot further back than what was previously there. Mr. Lambros explained it will be reviewed and approved by the Shade Tree Commission as to what is appropriate.



Gary Woznica, 3 Dugan's Grove is in favor of the proposed improvements, but would prefer not having the trees between the fence and the roadway.

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

Attorney Vella reviewed the comments and conditions discussed on record. The Board discussed the application and reviewed the conditions proposed.

Attorney Vella reviewed the conditions discussed. Mr. Sinha made a motion to approve the application for variance relief with the conditions put on record; which was seconded by Mr. Cadigan. The Board approved application ZB24-08 on a roll call vote in favor: Chairman Mostyn, Ms. Arpaia, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved 7-0.

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.

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.

Mr. Joseph Compitello, Esq. appeared on behalf of 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
Kevin Knecht – Applicant's representative
Adam Musgrave – Property Owner, Landlord
Mark Reme, PE – Applicant's Engineer

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 Notices of Violation dated 4/21/23 and 9/5/23
- A-4 Location Survey with Enlarged View of Work Area (fence), prepared by WSB Engineering Group, PA, dated 11/28/11 (no rvsn. date noted) and fence dimension detail, two (2) sheets,
- A-5 Aerial Image of site, date and source unknown
- A-6 Series of three photos of the site, date and source unknown
- A-7 Location Survey, prepared by WSB Engineering Group PA, one (1) sheet, dated 11/28/11
- A-8 NJDEP Regulatory Investigation, prepared by Environtactics, dated 2/6/24
- A-9 Plot Plan, prepared by Reme & Associates, one (1) sheet, dated 5/2/24
- A-10 Boundary & Topographic Survey, K III Surveying & Construction Services, LLC, one (1) sheet, dated 12/20/23



- A-11 Request for adjournment and Extension of Time to Act, dated 8/22/24
- A-12 Request for adjournment and Extension of Time to Act, dated 10/25/24

BOARD'S EXHIBITS

- ZB-1 Engineer's Review dated 7/22/24
- ZB-2 Planner's Review dated 8/8/24

Joseph Compitello, Esq. explained that this application is a resolute of a notice of violation for the fence and the outdoor storage in a front yard.

Kevin Knecht, Earth Anchoring representative, was sworn in. Earth Anchoring is the tenant of the building to the far right of the site. They have rights to use the exterior of the site as part of their lease, but the leech field is in this area. Earth Anchoring installs steel pilings and support foundations. The applicant is storing the steel pilings. Mr. Knecht stated that their lease includes outdoor area for storage, but has a designated area as the landlord is using the rest of the site for outdoor storage. The pilings are currently behind an 8' high fence, but they are still slightly visible.

Attorney Vella noted that the applicant is in violation for storage in the front yard, for the solid fence in a front yard and for an 8' height fence.

The applicant occupies about 1/3 of the warehouse space.

Attorney Vella noted that the owner has leased outdoor storage space when outdoor storage is not permitted.

Engineer Shafai stated that there were other items being stored outside the fence area, such as a trailer, pallets, trash, etc. Mr. Knecht stated they have all been removed from the site.

Mr. Knecht stated that the business is growing and they need the space. The bundles of pilings are wrapped and binding with steel. The 8' fence is the same fence that was existing on the site. Engineer Shafai noted that all of these improvements were done without obtaining any approvals.

Adam Musgrave, landlord of the site, was sworn in. He is the sole member of Trenton-Lakewood, LLC. His grandfather was the original owner, then his father and now him. The current tenants are his company, Shore Systems Group and his father's "sister company", and the only real tenant is Earth Anchoring. Mr. Musgrave explained how the parking lot is completely full when they have all of their equipment and trucks. Mr. Musgrave has a concern with safety so that the bundles do not fall on anyone. He stated he gave the tenant permission to put up the fence. He said that they have had theft issues in the past.

Mr. Musgrave stated that there is a creek on the property. He stated they have not had any complaints from the neighboring properties. He has dealt with flooding issues on the property and had to build a drainage system to address the runoff from the neighboring property.

The area of existing storage currently being used by Earth Anchoring is approximately 6,000 s.f. Attorney Vella asked if he would be able to offer the approximately 6,000 s.f., either inside the warehouse or in an area not in the front yard of the site. Mr. Musgrave said he wishes he does have areas to offer, but he does not, the building is out of room. Planner Mertz stated it appears that they have outgrown the site.



Engineer Shafai stated that the site has grown throughout the years and there are some areas that encroach onto the neighbor's property. Mr. Musgrave stated the site has been like this as long as he can remember. Engineer Shafai said there have been a lot of improvements and asked if they ever went to the Board for all of the improvements. The back building appears to have been constructed between 1974 and 1981 and there does not appear to be any record of any Board approvals.

Ms. Arpaia stated she does not know how the applicant can make this work. It seems they have outgrown the facility and is not sure if they should grant a variance to allow it to continue.

Mr. Ferrara stated that the business is doing so well that the applicant has well outgrown the site. He congratulated the applicant their business is doing well, but at some point, the site no longer fits your needs.

Mr. Compitello asked that the Board consider the uniqueness of the site and the dead-end roadway.

Mr. Knecht stated that the additional storage was as a result of taking on another manufacturer.

Mr. Musgrave stated that he plows and maintains the dead-end road. Planner Mertz asked if Mr. Musgrave has ever considered trying to have the right-of-way vacated. He has not.

The Board asked Mr. Knecht if he has tried searching for an additional site to store the additional material. He stated he has but has not been successful. Earth Anchoring is a national distributor of pilings and this location is ideal, being centrally located, located close to the Turnpike, 195 and other major roadways.

If the application were to be denied, Mr. Musgrave stated that they would likely lose the tenant.

Mark Reme, PE, was sworn in and provided his credentials as a licensed engineer. The Board accepted him as a licensed professional engineer. Mr. Reme was not able to determine if the road is right-of-way, a driveway or if it is a vacated roadway. This clarification would determine if the applicant requires a variance for outdoor storage in a front yard.

The Board suggested that they carry this application to their February meeting to allow the applicant time to figure out if the roadway has been vacated. Some of the variance relief may no longer be required if it has been vacated. The Board carried the matter to the February 26, 2025 meeting at 7:30 pm without any further notice. This was announced by Attorney Vella.

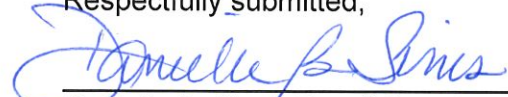
BOARD DISCUSSION:

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

ADJOURNMENT:

With no further business, Chairman Mostyn wished everyone a happy holiday season and adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary