



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES August 28, 2024

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Vice-Chairman Barthelmes on Wednesday, August 28, 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, Mr. Morelli, Mr. Sinha and Mr. Cadigan (Alt. 1).

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

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

Mr. Cadigan was seated for Mr. Ferrara.

MINUTES:

Minutes from June 26, 2024

The Board received the minutes in advance of the meeting for their review. With no comments from the Board, Mr. Barthelmes made a motion to adopt the Minutes from June 26, 2024, which was seconded by Mr. Morelli. The Minutes were adopted on a roll call vote: Chairman Mostyn, Ms. Arpaia, Mr. Barthelmes, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved, 7-0.

RESOLUTION(S):

Resolution of Denial Winding Brook Farm, LLC Block 52, Lot 6 – 25 Spring Rd. Bifurcated Use Variance Application # Z24-03

Attorney Vella noted that he was still working on this resolution and it will be ready for the Board for the next meeting.

Resolution of Approval Thomas Rabbit Block 39.01, Lot 19.21 – 19 White Birch Dr. Bulk Variance Application # Z24-05

Chairman Mostyn noted that the Board received the resolution in advance of the meeting for review. With no comments from the Board, Ms. Arpaia made a motion to memorialize the resolution for variance approval. This motion was seconded by Mr. Sinha. Resolution Z24-05 was adopted with the following votes in favor: Chairman Mostyn, Ms. Arpaia, Mr. Barthelmes, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan; Approved, 7-0.



APPLICATION(S):

Michael Holzer

Block 43, Lot 16.02 – 176 Sweetman’s Lane

Preliminary and Final Major Site Plan and Use Variance Application # Z24-01

Proposal to use the apple tree farm for the processing and production of hard cider by constructing a 3,500 s.f. (50'x70'), one-story pole barn with a basement for storage and an attached 20'x40' pergola with associated site appurtenances for the cidery operation. A tasting room within the pole barn building would be used for on-farm direct marketing of the product. The tasting room would be open from April through December, Thursdays through Sundays from 12:00 pm to 8:00 pm and would employ 7-8 people. Limited Special Events would include orchard tours, cidery tours, instructional classes, etc. The lot consists of 9.04 acres in the RU-P zoning district.

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. Peter Licata, 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
Michael Holzer – Applicant
Donna Bullock, PE – Applicant’s Engineer
Andrew Thomas, PP, AICP – Applicant’s Planner

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 Statement of Operations, unknown source, undated, received 12/29/23
- A-4 Boundary and Partial Topographic Survey, one (1) sheet, prepared by Morgan Engineering, dated 9/11/22
- A-5 Use Variance and Major Site Plan, seven (7) sheets, prepared by Morgan Engineering, revised 5/2/24
- A-6 Sample Pole Barn Image with dimensions and floor plans, unknown source, undated, received 3/7/24
- A-7 Outside Agency approvals
- A-8 Environmental Impact Statement, prepared by Morgan Engineering, dated 2/20/24
- A-9 Traffic Impact Analysis, prepared by Morgan Engineering, dated 3/22/24
- A-10 Correspondence
- A-11 Use Variance and Major Site Plan, seven (7) sheets, prepared by Morgan Engineering, revised 8/9/24
- A-12 Aerial Display, undated
- A-13 Color Rendering Display of Site Plan Sheet 3 of 7, revised 5/2/24
- A-14 Enlarged Floor Plan of proposed structure

BOARD’S EXHIBITS

- ZB-1 Engineer’s Completeness Determination dated 5/28/24
- ZB-2 Engineer’s Review dated 6/3/24
- ZB-3 Planner’s Review dated 6/12/24



ZB-4 Shade Tree Review dated 7/30/24

ZB-5 Environmental Commission Review dated 8/12/24

Mr. Licata provided a brief description of the proposed cidery operation and use. He stated that the growing of the apple trees is a permitted use, the processing is permitted, but the manufacturing of the product and the service of the goods is not permitted.

Donna Bullock provided her credentials as a licensed engineer and in good standing. The Board accepted her as a professional engineer.

Ms. Bullock described the proposed improvements and the surrounding area. Parking spaces would be alongside the expanded driveway and near the proposed new structure. They expect 2-4 people to travel together for events to justify the parking needs.

Ms. Bullock reviewed the comments in the Board Engineer's review memo and the Monmouth County Development Review Committee's comments.

Engineer Shafai inquired about the added impervious coverage. He said his calculations seem to be in excess of 1/4 –acre of disturbance. The Pergola will be open and will be grassed. They applicant is proposing 820 s.f. of additional gravel parking areas, they are proposing a 3,500 s.f. pole barn, 560 s.f. tractor shed, a 10' x 50' sidewalk and a handicap parking area. (also a 10' x 70' overhang from the pole barn). Ms. Bullock stated that they will revisit this so that they can stay below the 1/4 –acre disturbance.

There is a discrepancy in the plan where the Site Plan says it is a 9.04-acre site, the Survey says it is 9.23-acres. Ms. Bullock stated it is 9.04-aces and everything will be updated/corrected.

Planner Mertz inquired about the parking for the residence. Ms. Bullock stated that there is parking at the residential home that is not included in the calculations.

The applicant is seeking a submission waiver for submitting the required environmental reports. Ms. Bullock stated that the site has historically been a farm and they are seeking the waiver.

Michael Holzer was sworn in. He explained that he lives on the adjacent preserved farm property. He stated he farms his property. He took a class about a cidery during covid, including production, fermentation, etc. and decided he wanted to do this on the property. He planted 1,000 trees for the cidery operation about two years ago. He is hoping for it to be a smaller family business operation. The residents of the property grew up on the property and maintain the farm property, including caring for the animals.

Mr. Holzer stated that he has consulted with the County Agriculture Board. He stated they told him they were not sure why he needs a variance as it is direct farm marketing.

Planner Mertz inquired about the waste from the production of the cider. Most cideries compost the apple residue and spread them on the fields. Mr. Holzer said he would like to do this, too. Mr. Holzer stated he does not expect any offensive smell from the production.

The cidery would have production during non-tasting room hours. They plan to be open Thursdays to Sunday from noon to 8:00pm, but may want additional days/times. They are applying for a plenary wine license and would be able to also produce apple wine. They would only be able to serve alcoholic products from the production of the farm.

The proposal includes a 1,000 s.f. tasting room and would like to hold small events such as a shower or special events for the farm product.

The staff would include a manager of the site, a marketing person, and seasonal employees. He estimates 5-8 employees in total. They do not expect more than 25 people in the tasting room at any time. During special events, he would hire additional staff, parking assistants. For special



events, they would bring in portable sanitary facilities. They are permitted to have food, but they plan on limiting the options since they are not providing a commercial kitchen.

Mr. Holzer stated that they have not yet designed the septic or the new well.

There is no proposal for bands using amplification systems and they do not plan to be open after 8:00 pm, except maybe during special events. Special events will not have more than 100 people. They can limit the number by requiring reservations. They may allow acoustic, without amplification.

The applicant proposes a sign at the driveway entrance that would not be lit. Attorney Vella stated that it should be included in the variance relief since it is advertising the business. They will look into lighting at the parking areas.

Attorney Vella reviewed the reasons the applicant is appearing before the Board and not in front of the County Ag Board.

Mr. Licata indicated that they would like to move forward and bifurcate the application and come back at a later time to address the concerns with the site plan.

The Board took a five-minute recess.

Upon returning, due to the late hour and in anticipation that the first application will still take some time, the Board redirected to the second application on the Board's agenda.

The Estate of Fay Hom – Frank Hom and Wickie Hom

Block 17, Lot 10.01 – 25 Millstone Rd.

Block 23, Lot 2.02

Preliminary Major Site Plan and Use Variance Application # Z23-10

Proposal to construct two warehouse buildings with office space on a 78.33 +/- acre lot (Block 17, Lot 10.10) in the PCD zone. Building A would contain 180,000 sf of warehouse space and 3,000 sf of office space. Building B with 180,000 sf of warehouse space and 3,000 sf of office space. The proposed warehouses will require 'd' variance relief for building height 10' or 10% greater than what is permitted and relief for maximum useable FAR, and bulk variance relief. Block 23 Lot 2.02 (8.33-acres) is located on the opposite side of Millstone Rd. Applicant is seeking Preliminary Site Plan and Use Variance approvals.

Attorney Vella announced that the application for The Estate of Fay Hom will be carried to September 25, 2024 at 7:30 pm without any further notice. The meeting will be held in this same location. Any interested parties may attend, there will not be any additional notice.

The applicant will provide an Extension of Time through December 31, 2024.

Michael Holzer

Block 43, Lot 16.02 – 176 Sweetman's Lane

Preliminary and Final Major Site Plan and Use Variance Application # Z24-01

The Board continued with the application.

Andrew Thomas, PP, was sworn in and provided his credentials as a licensed Planner. The Board accepted his credentials as a Professional Planner. Mr. Thomas reviewed the surrounding area of the site primarily consisting of single-family housing and some green-acres property owned by the NJDEP. There is a wooded buffer abutting the farm. He reviewed the agriculture use on the farm, described how the application aligns with the Right to Farm Act's "Agri-Tourism" and "Eco-Tourism" and with the Township's Farmland Preservation Plan.



Chairman Mostyn opened the matter to the public.

Kimberly Paulmenn of 4 Shield Rd. appeared and was sworn in. She stated that the trees have thinned out. She is concerned with the pesticides being used on the farm. She stated she is concerned with people that may cross over the property boundary and onto the adjoining properties. Ms. Bullock offered to add fencing to connect the existing and relocated fence shown on the plan. She asked about the trash and dumpsters on the site. Mr. Holzer stated that the applicant will put the garbage to the curb or take directly to the trash hauler, there will not be any dumpsters on site.

Collin Dansberry of 12 Shield Rd. appeared and was sworn in. He stated he is concerned with the parking, potential drunkenness, the smell of the product refuse. He is concerned that guests would travel onto Shield Rd. Ms. Bullock confirmed that Shield Rd. is at least 1,600 feet from the proposed cidery. Mr. Holzer stated that the proposed cidery is designed to be an afternoon family style venue, it is not intended to be in kind to a bar.

Gavin Cummings of 20 Shield Rd. appeared and was sworn in. Mr. Cummings is concerned as the neighborhood is ¼ mile from a traffic light and there are two curves in the roadway. He is concerned that there would be no way to control the number of people going to the site. Mr. Holzer stated that the parking attendants during any special events can control people going onto the site. Ms. Bullock stated that the parking requirements for the site are 14 parking spaces.

Lori Cummings inquired about the marketing aspect of the site. Mr. Holzer clarified that the tasting room is only one aspect of the operations. The marketing aspect really is for sales and putting the product in local establishments.

Thomas Solitario of 8 Shield Rd. appeared and was sworn in. Mr. Solitario is concerned with the traffic to the site. He said that there is no benefit to the town for this use. He expressed concern over the noise that may be generated from the site. He is worried about public urination. Mr. Holzer confirmed he would only be selling cider and some prepackaged food items. He reminded the Board that the hours of operation are expected to end at 8:00 pm.

Gavin Cummings stated that the trash is picked up on Thursdays and Mondays. He does not feel that the applicant has confirmed that details of the proposal.

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

Attorney Vella reminded the Board that the applicant has requested to modify the application to seek a bifurcated use variance application. If the Board were to grant the application, the applicant would be required to address the comments related to site plan before they come back for the hearing on the site plan.

Mr. Lambros stated he is concerned with the commercial use in a residential zone. Mr. Lambros made a motion to deny the use variance application; which was seconded by Mr. Cadigan. The Board denied application ZB24-01 on a roll call vote in favor of denial: Chairman Mostyn, Ms. Arpaia, Mr. Lambros and Mr. Cadigan; those against the denial, Mr. Barthelmes, Mr. Morelli and Mr. Sinha. Denied 4-3.

BOARD DISCUSSION:

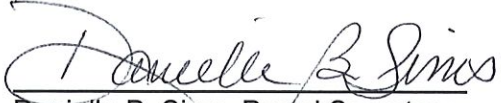
There were no other business matters up for discussion.



ADJOURNMENT:

With no further business, Chairman Mostyn adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary