



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES March 26, 2025

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Vice-Chairman Barthelmes on Wednesday, March 26, 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: Vice-Chairman Barthelmes, Ms. Arpaia, Mr. Lambros and Mr. Cadigan.

Absent: Chairman Mostyn, Mr. Cadigan and Mr. Sinha; two vacant seats (Alt I & Alt. 2).

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

PUBLIC COMMENTS:

Vice-Chairman Barthelmes opened the meeting up to members the public for comments on matters not before the Board. With no members of the public coming forward, Vice-Chairman Barthelmes closed the public comments session.

Vice- Chairman Barthelmes noted there was announcement regarding the one application noted on the agenda.

**The Estate of Fay Hom – Frank Hom and Wickie Hom – REQUEST FOR ADJOURNMENT
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 (total approx. 360,000 s.f.) incl. office space on a 78.33 +/- acre lot (Block 17, Lot 10.10 – PCD zone). The require 'd' variance relief for building height 10' or 10% greater and 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. Hearings: 10/17/24 and 1/2/25.

Attorney Vella stated the applicant has filed a Request to Adjourn to the June 25, 2025 Zoning Board of Adjustment meeting at 7:30 pm, in this same location. He stated that the Board will require the applicant to re-notice. If you previously received notice from the applicant, you will receive it again.

From the public, Ryan Walker of 11 Pine Hill appeared. He inquired if the Board will be taking a vote at the meeting in June. Planner Mertz explained that the applicant still has their architect, their planner and their engineer was expected to provide additional testimony. Attorney Vella explained the process of a public hearing and that the applicant has the ability to change their plans and present it to the Board. Larger applications take more time. Mr. Walker asked if it was a technique the applicant is using to “wear down” the Board and the public. Board Secretary Sims explained that the applicant was not available for the next two meetings and requested to be placed on the June agenda. Attorney Vella stated there is no way to know how long an applicant is going to need or when they will be ready to come to a vote.



Scott Boland of 302 Winter Crest Court appeared. He stated this is a typical thing applicants do, they delay. Attorney Vella explained that when the applicant was alerted that there were only four Board members available for this meeting, the applicant asked to be adjourned, it was due to the Board's availability, not due to the applicant. They would need five affirmative votes since it is a use variance.

With no other members of the public coming forward, Vice-Chairman Barthelmes closed the comments from the public.

MINUTES:

Minutes from December 12, 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 December 12, 2024, which was seconded by Mr. Lambros. The Minutes were adopted on a roll call vote: Ms. Arpaia, Mr. Cadigan and Mr. Lambros: Approved, 3-0.

Minutes from January 22, 2025 – Reorganization and Regular Meeting

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 January 22, 2025, which was seconded by Mr. Cadigan. The Minutes were adopted on a roll call vote: Ms. Arpaia, Mr. Cadigan and Mr. Lambros: Approved, 3-0.

RESOLUTION(S):

Robert Hyer

Block 52, Lot 3.02 – 76 Red Valley Rd.

Variance Application # Z24-10

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Ms. Arpaia made a motion to memorialize the resolution of approval, which was seconded by Mr. Cadigan. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Ms. Arpaia, Mr. Cadigan and Mr. Lambros. Motion approved, 3-0.

Earth Anchoring Suppliers, LLC

Block 57, Lot 13.02 – 19 Trenton-Lakewood Rd.

DISMISSING APPLICATION WITHOUT PREJUDICE – Bulk Variance Application # Z23-07

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Mr. Lambros made a motion to memorialize the resolution of dismissal without prejudice, which was seconded by Ms. Arpaia. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Ms. Arpaia, Mr. Cadigan and Mr. Lambros. Motion approved, 3-0.

Daniel Lichtman

Block 39.01, Lot 9 – 319 Sweetman's Lane

DENIAL – Bifurcated Use Variance Application # Z24-07

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Mr. Lambros made a motion to memorialize the resolution of approval, which was seconded by Ms. Arpaia. With no comments from the Board, the resolution of denial was adopted on a roll call vote in favor: Ms. Arpaia, Mr. Cadigan and Mr. Lambros. Motion approved, 3-0.



Michael Brescia
Block 42, Lot 5.09 – 6 Pittenger Ct.
Bulk Variance Application # Z24-16

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Mr. Cadigan made a motion to memorialize the resolution of approval, which was seconded by Ms. Arpaia. With no comments from the Board, Resolution #Z24-16 was adopted on a roll call vote in favor: Ms. Arpaia, Mr. Cadigan and Mr. Lambros. Motion approved, 3-0.

APPLICATION(S)

Howard Klotzkin
Block 48, Lot 11.02 – 103 Brookside Rd.
Bulk Variance Application # Z24-12

Proposal to demolish an existing one-story home and construct a new two-story, three-bedroom dwelling on the existing footprint using the existing foundation walls and to construct a one-story detached 2-car garage. The existing dwelling/foundation does not meet the required side yard or rear yard setbacks and the lot does not contain one contiguous acre of developable area.

Attorney 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. Howard Klotzkin 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
Howard Klotzkin – Applicant
James Shaughnessy – Applicant's Architect
James Gilburn – Applicant's General Contractor

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 Outside Agency Approvals
- A-4 Google Aerial Image, date unknown
- A-5 Soil Borings and Residential Foundation Evaluation, prepared by Reme & Associates, dated 3/4/24
- A-6 Variance Plan Set, prepared by Project S Architecture, six (6) sheets, dated 6/18/24, revised 11/5/24
- A-7 Boundary & Topographic Survey, one (1) sheet, dated 4/17/23, prepared by Professional Design Services, LLC
- A-8 "Buy/Sell" letters to adjoining neighbors (B48 L11.01 and B48 L11.03)

BOARD'S EXHIBITS

- ZB-1 Completeness & Engineer's Review dated 1/28/25
- ZB-2 Planner's Review dated 2/12/25

Howard Klotzkin was sworn in. He stated that he is a resident of Millstone, living on Stage Coach Road and he purchased this property on Brookside and is looking to take down the existing house and re-build a new house on the existing foundation. Engineer Shafai confirmed



the structure was a house, since he believed it did not have a bathroom. Mr. Klotzkin confirmed it was a house and that it did not have a bathroom, but had an “out-house” on the property. The house, he believes, was built in the 1940’s-1950’s. The Board inquired why he would like to build on the old foundation. Mr. Klotzkin stated he believed it was easier to build on the existing foundation and build up, rather than build out, with the variances.

James Shaughnessy was sworn in and provided his credentials as a licensed architect. Mr. Shaughnessy stated he visited the site and the property was a mess, and there was so much junk in the basement. The joists appeared to be substantial and appeared the be constructed in the 1940’s. The soil test show that the footings were good and figured it could support a two-story home. He suggested that they build on the foundation and go up to create a two-story home. Mr. Vella stated that once you tear down the home, you require variances for the side and rear yard setbacks and would like to know what restraints there may be that they could not comply with the setbacks. Mr. Klotzkin explained he was advised that it was easier to go up on the existing foundation, but could not recall who advised this. Attorney Vella explained that may be the case where there are other restraints or would create a need for additional variance relief. In this case, Planner Mertz explained, the footprint can be shifted to remove the side yard setback variance. Attorney Vella inquired if there was anything unique about this property. Planner Mertz noted that due to the depth of the lot, the applicant would still require front and rear yard setback relief.

James Gilburn, Applicant’s general contractor, was sworn in. He explained that if they were to shift the house over, they would still need the front and rear yard setback relief.

Engineer Shafai noted that he previously mentioned to the applicant that they may want to consider moving the house and avoiding the side yard setback variance. He noted the detached garage is so far away from the house. Mr. Gilburn explained that the detached garage needed to be 20’ feet away from the home, so he figured they would create a bit of a yard area for the home. He also noted the impact on tree removal would be less in this area. Engineer Shafai noted that with the 70-foot distance between the garage and the house and the exceptionally large driveway, the impervious coverage is about 20% and would not allow any future development on the site.

Mr. Gilburn stated that moving the house would only eliminate one variance. Attorney Vella noted that the applicant can move the house, move the garage to attach it to the home and put the driveway directly to the garage and no longer need the side yard variance and will likely have a much better design and can likely have a much bigger home.

Attorney Vella noticed in the application that the owner of the property is HK Real Properties, LLC and Mr. Klotzkin is the applicant. Attorney Vella noted that Mr. Klotzkin appears to be HK Real Properties, LLC. This was confirmed by the applicant. Since he, individually, is not a contract purchaser for the property, he therefore cannot represent himself in the matter. He is the owner, which is a corporation and the law says he must be represented by a lawyer.

Attorney Vella recommended that the applicant consider amending the plans to address the concerns expressed by the Board and the applicant resubmit and come back to the Board at the next meeting. He reminded him he will need to bring his attorney.

Attorney Vella announced that the application will be carried to the April 23, 2025 Zoning Board of Adjustment meeting at 7:30 pm without any further notice.




BOARD DISCUSSION:

There were no other business matters up for discussion.

ADJOURNMENT:

With no further business, Vice-Chairman Barthelmes adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary