MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
April 23, 2025

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Wednesday, April 23, 2025 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, Vice-Chairman Barthelmes, Ms. Arpaia, Mr. Cadigan, Mr. Ferrara, Mr. Lambros and Mr. Sinha.
Absent:	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:

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

MINUTES:

Minutes from February 26, 2025

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 February 26, 2025, which was seconded by Mr. Sinha. The Minutes were adopted on a roll call vote: Chairman Mostyn, Ms. Arpaia, Mr. Cadigan and Mr. Lambros: Approved, 4-0.

Minutes from March 26, 2025

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 March 26, 2025, which was seconded by Ms. Arpaia. The Minutes were adopted on a roll call vote: Ms. Arpaia, Mr. Barthelmes, Mr. Cadigan and Mr. Lambros: Approved, 4-0.

RESOLUTION(S):

None.

APPLICATION(S)

Daniel Merkel & Lilly Mark – REQUEST TO ADJOURN
Block 59, Lot 2.01 – 8 Burnt Tavern Rd.
Use Variance Application # Z24-14

Request for use variance to permit the construction of a 20' in height, +/- 736 s.f. garage/storage expansion of the non-conforming residential use on a lot in the BP Zoning District. Bulk variance relief is also required. This application was subject of a prior approval to construct a two-story addition to the home under application # Z17-05. The applicant is also seeking amendments to conditions related to the approvals granted in 2017. Request to adjourn to 7/23/25. Time Extension granted through 7/31/25.

It was announced that at the applicant's request, the application would be adjourned and placed on the July 23, 2025 Zoning Board of Adjustment Agenda. New notice will be provided since the notice was not proper. The applicant provided an extension of time to act through July 30, 2025.

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.

The Board took jurisdiction on this application at their March 26, 2025 meeting, where it was carried without further notice to this meeting. The Board continues to have jurisdiction to hear the application. The Board halted the previous hearing because the applicant required representation since he is a developer, not an individual. Attorney Vella explained that since the applicant appeared at the prior meeting, but not that the applicant has proper council, the Board will be "starting over" with the application.

Mr. Ian Goldman, 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
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)
A-9 Variance Plan Set, prepared by Project S Architecture, six (6) sheets, dated 6/18/24, revised 3/11/25
A-10 Proposed Tree Removal Evaluation (Aspen Tree Expert Co.) and Plan, received 4/11/25

A-11 Two (2) Green Certified R/R Mail slips (for Exhibit A-8, Buy/Sell Letters)

BOARD'S EXHIBITS

ZB-1 Completeness & Engineer's Review dated 1/28/25
ZB-1b Engineer's Review dated 4/21/25
ZB-2 Planner's Review dated 2/12/25
ZB-2b Planner's Review dated 4/21/25

Mr. Goldman explained that the applicant has revised the plans and is now proposing to demolish the existing construct a new home on the lot. The proposed new home will still require variance relief for rear yard setback, but the other relief required are due to existing lot conditions.

Mr. Howard Klotzkin was sworn in. He indicated he provided the "buy/sell" letters to the adjoining properties (see marked Exhibits A-9 and A-11) and stated that he did not receive any response from the adjoining properties. He stated they are now proposing a larger home than previously.

The applicant will be required to provide the right-of-way dedication, which adds to the front/rear yard setback relief. The Board felt there was a lot of unnecessary driveway area in front of the home.

Mr. James Gilburn, GC for the Applicant, was sworn in. He stated the idea of the driveway area in the front of the house was to account for potential impervious coverage area, if they were to install a walkway or patio. The applicant agreed to remove the driveway area in front of the house, remove the "pinch point" and to add a walkway. The plans will be updated. The applicant will comply with any outstanding comments in the Board's professionals' review memos.

James Shaughnessy was sworn in and provided his credentials as a licensed architect.

The Board was confused by the driveway shape. The applicant has no problem changing the area in front of the house, but not in front of the garage, to a walkway.

The applicant has no objection to any of the outstanding comments in the Board's professional's review memos. Engineer Shafai read them into the record. The applicant will be required to provide a 25' half-width right-of-way dedication.

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

The applicant agreed to amend the plan to change the area in front of the house to a walkway or patio. The applicant will correct the setback notations on the plan. The house front yard setback can be corrected to 50' if home is able to be moved forward to the 50' setback line.

Mr. Barthelmes thanked the applicant for taking their suggestions and making the changes. Chairman Mostyn said that the revised plans seem like a much better option.

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. Cadigan made a motion to approve the application for variance relief with the conditions put on record; which was seconded by Mr. Lambros. The Board approved application ZB24-12 on a roll call vote in favor: Chairman

Mostyn, Vice-Chairman Barthelmes, Ms. Arpaia, Mr. Cadigan, Mr. Ferrara, Mr. Lambros and Mr. Sinha; none opposed. Approved 7-0.

Outfront Media
Block 23.02, Lot 2.04 – State Highway 33
Appeal/Preliminary and Final Major Site Plan and Use Variance Application # Z24-13
Appeal of the Zoning Officer's Denial of the application. In the alternative, Use Variance and Preliminary and Final Major Site Plan proposal to demolish the existing 592 s.f. static outdoor advertising sign (billboard) and construct a new 10.5' x 36' (378 s.f.) double sided digital LED billboard (756 s.f. total) on a monopole.

Mr. Edward Purcell, Esq. appeared on behalf of the applicant.

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.

The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
Ron Tourtellot – Outfront Media
William Vogt, PE – Applicant's Engineer

Also attending:

Angela Buonantuono – Court Reporter for Applicant
George Wheatle Williams, PP, AICP – 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 Correspondence
A-4 EIS Waiver Request, one (1) page, prepared by L2A Land Design, LLC, undated
A-5 Addendum to Application for Appeal and, in the Alternative, Request for Site Plan and Use Variance Relief
A-6 List of Deed Restrictions and Covenants, one (1) page, unknown source and undated
A-7 Outside Agency Approvals
A-8 Existing Conditions Plan, one (1) sheet, prepared by Lakeland Surveying, dated 5/2/24, last revised 7/22/24
A-9 Preliminary and Final Major Site Plan and Use Variance Plan, seven (7) sheets, prepared by L2A Land Design, LLC, dated 8/27/24, last revised 12/6/24
A-10 Preliminary and Final Major Site Plan and Use Variance Plan, seven (7) sheets, prepared by L2A Land Design, LLC, dated 8/27/24, last revised 4/4/25
A-11 Aerial Exhibit, unknown source, dated 4-9-25
A-12 NJDOT Outdoor Advertising Permit # 75392, Issued 11/14/2014, and renewal for 5/15/24 through 5/15/25
A-13 "Public Benefit Package" presentation, thirteen (13) sheets, for Outfront
A-14 Outfront Media, LLC Local Emergency Services LED Multi-Message Sign – Protocol "A"
A-15 Outfront Media, LLC Local Emergency Services LED Multi-Message Sign – Protocol "B"
A-16 Historic Aerial Exhibit, prepared by L2A Land Design, LLC, nine (9) pages, dated 4/17/25

A-17 Millstone Township Ordinances: §35-15-7.3 Commercial Outdoor Advertising Signs and Billboards and §35-15-3 Prohibited Signs
A-18 Sign Permit Application and Sign Permit dated 4/26/1976
A-19 Simulation Presentation, prepared by Tomlinson Creative Services, Inc, thirty-three (33) pages, dated 9/19/2024 (photos taken by Bill Vogt, PE on 5/21/24)
A-20 LED Panel Module Sample pictures – front view, profile and zoomed profile view, two (2) pages, dated unknown
A-21 Planning Display Exhibit, one (1) page, source and dated unknown

BOARD'S EXHIBITS

ZB-1 Completeness & Engineer's Review dated 4/7/25
ZB-2 Planner's Review dated 4/15/25
ZB-3 Tree Expert's Review dated 3/28/25
ZB-4 Environmental Commission's Review dated 3/11/25

Mr. Purcell explained that the applicant is seeking to remove the existing 12' x 49.3' static sign, 22.9' in height and replace it with the proposed modernized sign of the same height, on a single monopole on the "v-shaped" property on State Highway 33. He believes that they only require a d(2) variance for the expansion as he believes it is a pre-existing non-conforming use. He indicated that they filed an appeal of the zoning permit denial and also an application for Use variance and site plan.

Attorney Vella and Mr. Purcell disagreed about the interpretation of the Modernization Doctrine.

Mr. Ron Tourtellot of Outfront Media was sworn in. He stated they have been in business since 1940. They have been operating digital billboards since 2009. The property is 0.36-acres and is situated on the western portion of the property on State Highway 33 and is in the HC zone. The sign appears to have been on the site since the 1950's. Signs originated on painted walls or on painted wood. They later evolved into a printed sign. Signs then were printed on vinyl, which would be hung on structure. Then, there was a "Tri-Vision" where they had slats which could be mechanically turned to hold up to three displays. Now, signs are completely digital.

Mr. Tourtellot stated that they received a permit from the NJDOT for the sign (A-12) in 2014 and is current in their renewals. He explained that the signs can be changed and be flexible to the advertisers. For example, a restaurant can advertise breakfast in the morning and dinner in the afternoon, without the need to physically go to the site. A multi-message digital sign allows multiple advertisements. Most advertisers advertise for 1-3 months on a static sign. A digital sign offers more flexibility. About 80% of advertisers are local.

Chairman Mostyn asked what made this site the desired location for a digital sign. Mr. Tourtellot explained the location fills a gap in their inventory. There are about four (4) sites in Millstone where they have billboards.

The Board took a ten-minute break.

Mr. William Vogt, PE, was sworn in and provided his credentials as a licensed engineer. The Board accepted his credentials. Mr. Vogt described the site and the surrounding area on State Highway 33. The property is completely in wetlands. In reviewing historic aerials of the site, you can clearly see the sign in the 1957, where it was a "V" shaped sign and by 1972, after the new Route 33 was constructed, the sign was altered to be "back-to-back", in the same location.

Mr. Vogt compared the size of the existing static sign, explained that the sign will be smaller than the existing sign. The new modernized digital sign is proposed to be 10.5 x 36.22' feet. Both the existing and proposed signs are 22.95' in height and 3.25' setback. The rear setback is currently 17.85' and the setback will be increased to 29.79' due to the reduced size of the modernized digital sign. The site is completely surrounded by roads and will require setback relief for the 100', which is required. The sign is being considered as both a building and a sign. Planner Mertz interprets billboards as a "structure". This is not a typical sign, where you are advertising something on that site, so she would consider a billboard as a primary structure (primary use). The applicant will provide copies of the agreement with JCP&L for the electrical work.

The applicant has obtained a GP-1 permit from the NJDEP for the proposed sign since there is an existing structure on the site. The proposed plan will bring the site into better conformance with the NJDEP regulations by removing some of the encroachments in the wetlands and buffer area by installing a smaller sign. Under the permit, the NJDEP will allow the applicant to remove invasive species from the permitted areas and to replant with non-invasive species.

Mr. Vogt described the view simulation (Exhibit A-19). He also described how the LED display works, and explained that the light levels dim at night. He stated that drivers can pick up the sign at approximately 1,000 feet, or farther, and will be readable at 500-750 feet.

Mr. Purcell confirmed with Mr. Vogt that they would be able to comply with the comments in the Board's professionals' review memos.

Engineer Shafai reminded the Board that the application was not deemed compete since the applicant requested a waiver from providing an EIS and he feels they have put enough on record regarding the NJDEP permitting to recommend the Board grant the requested waiver from providing an Environmental Impact Statement. Ms. Arpaia made a motion to grant the requested submission waivers and to deem the application "complete", which was seconded by Mr. Lambros; with all in favor, none opposed.

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

BOARD DISCUSSION:

Board Secretary Sims stated that the Annual Report will be provided in advance of the next meeting. Should the Board have any recommendations based on the prior year's hearing; to submit them so they may be considered in the drafting of the annual report.

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

Danielle B. Sims, Board Secretary