MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
October 8, 2025

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Wednesday, October 8, 2025 at 7:30 p.m. at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Ms. Sims read the Open Public Meetings Act Statement.

There was a salute to the Flag.

Roll call for the below members was called:

Present:	Chairman Newman, C/M Ziner, C/W Zabrosky, Mr. Kotby, Ms. Sinha, and Mr. Cipriano (Alt. II).
Absent:	Mr. Pado, Mr. Kotby, Mr. Lambros and Mr. Parrino (Alt. I); 1 vacant seat.
Attending:	Michael Steib, Esq.; Sam Avakian, PE, PP, Board Engineer/Planner; Danielle B. Sims, Board Secretary.

Mr. Cipriano was seated for Mr. Lambros. Secretary Sims confirmed the Board has a quorum.

PUBLIC COMMENTS:

Chairman Newman 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 Newman closed the public comments session.

MINUTES:

Minutes from August 25, 2025 – Special Meeting

Chairman Newman introduced the minutes. With no comments from the Board, Chairman Newman made a motion to adopt the Minutes from the August 25, 2025 Special Planning Board Meeting, which was seconded by Mr. Pepe. The Minutes were adopted on a roll call vote: Chairman Newman, C/M Ziner, C/W Zabrosky and Ms. Sinha. Approved 4-0.

RESOLUTION(S):

None.

APPLICATION(S) BEFORE THE BOARD:

Babbitt, John & Margaret and Meshki, Michael & Desiree
2 Carr's Tavern Rd.
Block 51, Lot 8 – 2 Carr's Tavern
Request for Time Extension for Minor Subdivision Application # P24-07 (Ext.)
Request for Time Extension for a two (2) lot minor subdivision of a 38.75-acre property to create one 10.16-acre lot and one 28.5-acre lot in the RU-P zone with variance relief for minimum lot width and minimum lot frontage for proposed Lot 8.14. This site received minor subdivision approval under application P24-07 on 2/14/2025 (filing deadline 8/23/2025).

Attorney Steib confirmed that no notice is required for the request for an extension of time to file. Attorney Steib stated that the applicant has made a request as they are still waiting for the NJDEP wetlands delineation.

John Babbitt was sworn in and appeared as the applicant. He stated that the NJDEP told him he should get a response some time in January 2026. Attorney Steib stated that the maximum extension the Board can grant is one year, the Board considered the time to complete the approvals, and suggested granting the one-year extension, which would be through August 18, 2026. Mr. Babbitt stated that this is a new application as the prior one expired.

With no further discussion from the Board, Chairman Newman made a motion to approve a one-year extension of time to file, concluding on August 18, 2026, which was seconded by C/M Ziner. The motion passed with the following roll call vote in favor: Chairman Newman, C/M Ziner, C/W Zabrosky, Mr. Kotby, Ms. Sinha and Mr. Cipriano; none opposed. Approved 6-0.

MXS BMW, LLC (John DelGuidice)
Block 15, Lot 1 – 291 Disbrow Hill Rd.
Minor Subdivision Application # P24-06
Proposal for a two-lot minor subdivision of a 36.86-acre lot (proposed Lot 1.01 of 26.86-aces and proposed Lot 1.02 of 10-acres) in the RU-P zone. There is an existing dwelling and accessory structures which will remain on proposed Lot 1.01 which requires variance relief for the existing dwelling front yard setback, various bulk variance relief for seven (7) existing sheds, structures and trailers and relief for an existing 6' high fence in a front yard.

This application is incomplete, pending the Board's determination of the requested submission waivers.

Attorney Stieb reviewed the notice in advance of the hearing, which was correct in form and content, so that the Board has jurisdiction to hear the application.

Mr. Jared Pape, Esq. appeared on behalf of the applicant.

The following witnesses were sworn in and were under oath:

- Sam Avakian, PE, PP – Board Engineer/Planner
- John DelGuidice – Applicant
- Marc Zelina – Applicant's Engineer
- Allison Coffin – Applicant's Planner

Also present: Angelo Buonantuono, Applicant's Court Reporter.

The following exhibits were marked as evidence:

EXHIBITS

A-1 Jurisdictional Notice (Proof of Service)
A-2 Application, Checklist(s) and Administrative Forms
A-3 Environmental Impact Report, prepared by Midstate Engineering, Inc., revised 8/10/24
A-4 Minor Subdivision plan, one (1) sheet, prepared by Midstate Engineering, dated 8/1/18, revised through 7/24/25
A-5 Aerial Image (Google), unknown date
A-6 Notice of Violation, dated 11/1/24

A-7 Structural Integrity of out-buildings, two (2) pages, prepared by Midstate Engineering, Inc., dated 2/17/25
A-8 Survey of Property, one (1) sheet, prepared by Midstate Engineering, dated 8/19/16, revised through 7/24/25
A-9 Aerial Display with Existing/Proposed Lot Lines, rcvd. 10/8/25
A-10 General Storage breakdown of personal and farm uses, received 10/8/25 (does not include the 10,819 sf agricultural barn)
A-11 Photo of trailer (structure #6) being used for farm equipment storage

BOARD'S PROFESSIONAL'S REVIEW EXHIBITS

PB-1 Engineering and Planning Review – "INCOMPLETE", dated 8/29/25
PB-2 LTE Review dated 8/6/25

Mr. Jared Pape stated the applicant is seeking a minor subdivision for two residential building lots (one for the existing home, one for an additional dwelling). The property has several existing structures on the property.

John DelGuidice of 21 Princess Ct. Millstone, NJ was sworn in as the applicant. He stated he bought the property in 2016 and renovated the property for his daughter. He is looking to subdivide the lot for his son to build a house for his family to live close and for his grandkids to grow up together. He stated he cleaned up the property and likes to keep it neat.

Mark Zelina was sworn in and provided his credentials as a licensed engineer. The Board accepted him as a licensed professional. He explained that the property is located on the northeast corner of Disbrow Hill Road and Huneke Way. The site is located in the RU-P zone and has an existing home and several accessory structures, including a barn. There are wetlands and a floodplain on the site. The LOI was previously done on the site; however, it has since expired. Trident Environmental has recently inspected the site and believes the wetlands are located in the same areas as previously delineated.

Mr. Zelina stated one of the two lots will be approximately 27 acres and proposed Lot 1.02 will be ten-acres. The new lot is irregularly shaped, with a JCP&L ROW in the middle. The area beyond the JCP&L ROW contains some wetlands and will be completely placed in conservation area. Both proposed lots are completely conforming and do not require any variances. There are no proposals for development proposed as part of this application and no tree removal is required as part of this application.

Board Secretary Sims reminded the Board that the application is incomplete and the Board may want to review the requested waivers at this time. Board Engineer/Planner Avakian reviewed the requested waivers. He does not object to the granting of the requested waiver "A", noting requested waivers "B" and "C" can be deferred and that the Tree Removal/Preservation Plan would be waived until plot plan submission, as a condition of the approval. The Board agreed with these recommendations and granted the submission waivers as noted.

Mr. Pape noted the variances are existing and no new variances are being created as a result of this submission. Mr. Zelina stated there is a variance required for the front yard setback due to the right-of-way. There are multiple structures that do not meet the required setbacks.

Mr. Pape stated this is a farmland assessed property and is under a woodlands management plan. Several of the structures contain wood chippers and other farm equipment. He noted that woodlands management is a farming activity. Mr. DelGuidice stated the 60' x 180' barn was

originally constructed with the vision to use for animals and horses. Due to personal reasons, it prolonged him from getting back into the animals on the site. The applicant stated that the large barn is currently used to store some farming equipment and personal storage, but will be used for farm animals. Mr. DelGuidice stated there is a trailer that was previously used for farm labor workers and he has gutted it and uses it for storage. He stated there is a small shed, 96 square feet, that is in the front yard. He stated that there was a detached garage that was existing and he added a shed to the back of the garage. There was a lot of discussion about the many accessory structures, their uses and how they may require variance relief.

The applicant marked Exhibit A-10, a list of General Storage breakdown, indicating the uses of each of the structures.

Mr. DelGuidice stated he files his farmland assessment form annually. He has a professional forester that comes out every year for his woodlands management plan. The Board discussed how this may fall under farm assessment. Mr. Pape clarified that this use does fall under farming.

Board Planner/Engineer Avakian suggested that the applicant may want to consider some concessions in the overabundance of accessory structures. Mr. DelGuidice stated he build everything very nicely and as if it were a nice commercial building. Board Planner/Engineer Avakian acknowledged that the applicant has kept the site neat, but offered he is trying to help make the application a little more palatable.

Allison Coffin was sworn in and provided her credentials as a licensed professional planner. Ms. Coffin reviewed how she prepared for the hearing. The property is 37.43 acres located at the corner of Disbrow Hill Rd. and Huneke Way. The proposed subdivision does not require any variance relief; however, some existing structures do require relief. The farming activity is a permitted use in the RU-P zone. The variances requested for front yard setback on the existing home. The separation distance for structures. The existing trailer is not permitted. The fence height and the 75’ front yard setback. She does not believe that the applicant requires relief for the size of the garage as the “lean-to” which was added is used for farm equipment and she believes would be exempt from the overall 2,400 sf maximum and the 1,200 sf on a single accessory structure. She also stated that the applicant itemized each of the uses of the accessory structures (Exhibit A-10). She reviewed the need for the 6’ high fence in the front yard. Ms. Coffin reviewed the proofs for the variances requested.

Mr. Pape noted that a majority of the structures were on the site when Mr. DelGuidice purchased the property. He noted that the applicant even repaired some of these accessory structures. He suggested that the applicant can take out permits for the structures which did not previously have permits. C/M Ziner asked how any of the structures may affect the wetlands.

The existing house pre-dates the zoning and the setback is being affected by the additional required right-of-way. Mr. Zelina reviewed the bridge and structure in the wetlands area. The applicant has amended the request and would like shed and the bridge to the island to remain, subject to approval from the NJDEP. Mr. Avakian, noted that historic aerials show the footbridge and the island and may be “grandfathered” by the NJDEP. He, though, is concerned that the berm around the pond may need to be considered NJDEP. The shed, should the NJDEP permit it to remain, would also require a variance for being located in the front yard. The plan provided to the Board indicates that the footbridge and the shed near the pond are proposed to be removed. It was

clarified that the applicant would instead like to keep these structures, subject to approval by the NJDEP.

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

The applicant requested a short break. While the applicant takes their break, the Board decided it would be a good time to go into their executive session to discuss personnel and/or litigation matters.

EXECUTIVE SESSION:

Chairman Newman called for the Board to go into Executive Session in order to discuss pending litigation.

Chairman Newman made a motion to adopt a resolution under the Open Public Meetings Act to go into executive session; which was seconded by C/M Ziner. With all Board in favor, members of the public were excused from the meeting room for the executive session. The Board went into executive session.

The Board returned to the public session on a motion from Chairman Newman to end the Executive Session and continue with the meeting, which was seconded by C/M Ziner, with all in favor.

CONTINUED HEARING:

Upon return, Mr. Pape offered Exhibit A-11, a photo of the existing trailer on the site. He provided a summary, noting that the applicant would be willing to remove the trailer and shed #7, which is close to the road. Chairman Newman stated he is concerned with the closeness to the road of Shed #7. Mr. DelGuidice stated that there is no electric going to the trailer, although there are overhead wires to this trailer. The Board stated that the wires would need to be either removed or permanently disabled. Chairman Newman is satisfied with the testimony regarding the height of the fence as it relates to the safety of people, preventing them accessing the pond on the site. He stated that he is more inclined to grant the relief for the structures near the pond, but everything was subject to the approval of the NJDEP. Any tree removal would be required to comply with the tree ordinance and provide the required plan. In so long as the uses of the structures remain no greater than the 2,400 sf for the residential use. C/M Ziner would like the shed structure to be removed from the wetlands, which is also located in the front yard. He believes that this is an opportunity to remove the non-conforming structures.

Attorney Steib reviewed the variances being considered.

Chairman Newman made a motion to approve the minor subdivision with granting of several of the variances, but not including the shed near the pond and not including shed #7 in the front yard, which shall be removed. The motion was seconded by C/M Ziner. The motion passed with the following roll call vote in favor: Chairman Newman, C/M Ziner, C/W Zabrosky, Mr. Kotby, Ms. Sinha and Mr. Cipriano; none opposed. Approved 6-0.

CORRESPONDENCE/BOARD DISCUSSION:

There were no Board discussion matters and no comments on Board correspondence.

NEW/OLD BUSINESS:

None.

ADJOURNMENT:

With no further business, Chairman Newman made a motion to adjourn, which was seconded by Mr. Kotby. Chairman Newman closed the meeting.

Respectfully submitted,

Danielle B. Sims, Board Secretary