



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MINUTES  
May 22, 2024**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Vice-Chairman Barthelmes on Wednesday, May 22, 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: Ms. Arpaia, Mr. Barthelmes, Mr. Lambros, Mr. Morelli, Mr. Sinha and Mr. Cadigan (Alt. I).

Absent: Chairman Mostyn and 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.

**SWEARING IN OF NEW BOARD MEMBERS:** Lisa Arpaia (unexpired term)  
Lloyd Cadigan, Alternate I (unexpired term)

Prior to the meeting, Lisa Arpaia was sworn in as a regular Board member, fulfilling the unexpired term of Ms. Beckish. Lloyd Cadigan was sworn in as Alternate I, Board member, fulfilling the unexpired term of Ms. Arpaia. The Board welcomed the new Alternate I Board member, Mr. Cadigan, and congratulated Ms. Arpaia on being sworn in as a regular member.

**MINUTES:**

**Minutes from February 28, 2024**

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 February 28, 2024, which was seconded by Ms. Arpaia. The Minutes were adopted on a roll call vote: Ms. Arpaia, Mr. Barthelmes, Mr. Lambros and Mr. Morelli; Approved, 4-0.

**Minutes from March 27, 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 March 27, 2024, which was seconded by Mr. Morelli. The Minutes were adopted on a roll call vote: Ms. Arpaia, Mr. Barthelmes, Mr. Lambros, Mr. Morelli and Mr. Sinha; Approved, 5-0.

**RESOLUTION(S):**

**David Wasenda – Resolution of Approval  
Block 16.01, Lot 1 – 500 Rike Dr. – Units 2A & 2B  
Use Variance Approval # Z24-04**



Vice-Chairman Barthelmes 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 use variance approval. This motion was seconded by Mr. Sinha. Resolution Z24-04 was adopted with the following votes in favor: Ms. Arpaia, Mr. Barthelmes, Mr. Lambros, Mr. Morelli and Mr. Sinha. Approved 5-0.

#### **APPLICATION(S):**

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

Variance relief request to operate a commercial Tree Service Business (conducted off-site) on a 11.58-acre lot in the RU-P Zoning District. Applicant proposes to store vehicles, equipment and wood generated from the tree clearing business, on the site. The property currently has a residential dwelling, a 97' x 40' pole barn, a 30' x 58.7' detached garage, a pond and also is being farmed. Application is deemed "incomplete" and the applicant has requested submission waivers. If the Board grants the requested waivers and the application is deemed "complete", the applicant will be prepared to hold a public hearing, with notice to be provided. Formal action may be taken.

Attorney Vella explained that the applicant is seeking a bifurcated use variance approval, but before they are able to move forward, the applicant has requested some submission waivers for the Board's consideration. The application is currently deemed "incomplete". Attorney Vella reviewed the notice package in advance of the meeting and confirmed that it was in proper form, so should the Board grant the requested submission waivers, they can take jurisdiction to hear the application.

Ms. Donna Jennings, 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  
Glenn Donnelly – Applicant

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 Correspondence
- A-4 Application Rider – project description, undated, source unknown
- A-5 Prior Subdivision Resolution of Approval P2-88, adopted 1/13/88
- A-6 Property Deed, recorded 9/13/22
- A-7 Boundary Survey, 1 sheet, prepared by DPK Consulting, dated 7/13/22
- A-8 Aerial Photos, Ocean Regional Realtors, date unknown
- A-9 Witness List
- A-10 Updated Survey, 1 sheet, prepared by DPK Consulting, dated 5/10/24

#### **BOARD'S EXHIBITS**

- ZB-1 Engineer's Review and Incomplete letter dated 3/19/24
- ZB-2 Planner's Review dated 3/21/24
- ZB-3 Notices of Violations and Request for RTF Conflict Resolution



- ZB-4 Request of Stay, Wilentz Attorneys at Law, dated 12/19/23
- ZB-5 Monmouth County Agriculture Development Board, Complaint Dismissal Letter, The Beekman Law Firm, dated 12/20/23

Ms. Jennings explained that they are seeking relief from submitting some items from the checklist, but have now provided one, an updated survey. The applicant is seeking use variance approval for the operation described in their Notice of Violation. It is their belief that the operations are protected by the Right to Farm Act. There is no development proposed. A plat is a submission requirement and since they are not really proposing anything, so they are seeking a waiver. Ms. Jennings also stated that since they are not doing anything on the site that would impact the site, other than farming, they are seeking a submission waiver for the statement of environmental impact and assessment report. She said they are seeking relief from providing a recent aerial image and would do that if they had a site plan, but they are not impacting anybody within 500 feet. She stated that it is not that they are not going to ever give the information, but that she doesn't believe the Board needs the information. She briefly described the structures on the site.

Engineer Shafai responded that there have already been improvements made on the site and should be included as the proposed improvements. He noted there is a wetlands map that shows wetlands in the back of the building, where a parking lot was already constructed. No Environmental Impact Statement was provided. He noted that a survey dated two years earlier does not show the over one-acre of added driveway and parking areas. The added impervious areas require stormwater management.

Ms. Jennings stated that these items would come in during site plan.

Attorney Vella explained that the applicant is seeking use variance approval for a commercial use on a residential property. There is a residential house and farm use existing on the property. He questioned how the Board can evaluate if the site is particularly suited without knowing what is proposed.

Ms. Jennings indicated that there would be no outside storage of vehicles or equipment and the survey shows what they are doing on the site.

Attorney Vella stated he understands a fully engineered plan is not needed for a bifurcated use application, but to have a plan explaining what is proposed, even if it is notes on a plan, does not seem unreasonable. Ms. Jennings reiterated that the survey shows everything. Engineer Shafai added that the updated survey doesn't even have a zoning table.

Mr. Sinha inquired about the proposed use. Ms. Jennings explained it is for farming and for storing equipment used for the farm and for Pro-Stump Tree Removal Company. No tree removal residue or tree products would be on the property. Mr. Lambros stated the application describes wood and wood generated from the tree clearing business. It seems there will be storage of material on the site.

The Board confirmed that the applicant has already constructed the driveway and parking lot. The structures are existing since the 1960's.

Mr. Lambros noted the Board received correspondence from Beekman Law Firm. He noted there was a complaint and a Notice of Violation from the Township.

Ms. Jennings disagrees with the letter from the Beekman Law Firm stating that the proposal is not farm use. She stated that the County Ag Board should have taken the case. The County Ag Board wouldn't take jurisdiction and directed the applicant to come to the Zoning Board to seek approvals.



Mr. Vella suggested that a conceptual plan describing the proposed improvements is not onerous and can even be hand drawn. Ms. Jennings suggested that it can be a condition of approval.

The Board confirmed that there were improvements made over the last year and a half by the applicant.

The Board agreed to listen to some of the testimony to determine if they can waive the submission requirements. Any testimony can be carried forward for the hearing testimony. Glenn Donnelly was sworn in. He stated he is one of the three partners in Winding Brook Farm. Referring to Exhibit A-10, Mr. Donnelly stated that the house was built in 1965 and sold off pieces of the farm and kept the remaining existing lot. The site has a five (5) car garage in disrepair. He stated that they have planted a couple hundred tree, widened the driveway about 10' and added access to the red barn to the rear of the property. They have a chicken coop and a dog house. Mr. Donnelly stated that he constructed a berm along the driveway and planted some trees on them. The wood he harvests is cut into wood for furniture such as table tops and the mulch goes elsewhere for recycling at Britton Mulch.

Mr. Donnelly stated that he is a commercial farm and he does work on other properties. He removes trees for farmers that have a woodlands management plan. They sometimes trade their services as a share crop. He decided to come to the Zoning Board of Adjustment to show he is a good steward of the town.

Mr. Donnelly stated that the equipment will all be stored in the barn.

Mr. Sinha stated that farm products are produced on the farm. Mr. Donnelly stated that they will harvest the hardwood under a woodlands management plan.

Mr. Cadigan inquired about the percentage of the use being on-site compared to off-site. Mr. Donnelly responded that the equipment will be used mostly off-site (daily).

Mr. Donnelly described the type of equipment to be stored on site. A grapple saw is mounted on a truck, a bucket truck, a TDA special access lift, two (2) chipper trucks and two chippers, a wood truck (log removal), a mason dump truck and two (2) flatbed trailers (stored on the gravel area behind the red barn), three (3) bobcats, an auger, an excavator and two (2) stump grinders (usually only one kept on site). He has a wood processor, but does not keep it on site. The chipper will only be used on the farm for chipping material from the farm. All equipment is stored in the barn.

Mr. Donnelly's son lives in the house on the site. There are four employees that drive to the site daily, park their personal cars on the property and leave with the business trucks for off-site work. There are no other visitors at the site. The employees will also help on the farm, if needed.

Mr. Lambros noted that the applicant is in violation, as indicated in the notices from the code enforcement officer.

Mr. Donnelly stated that a small area of wood chips would be kept on site to use when performing tree work.

Mr. Barthelmes asked what would happen if the applicant instead went to the County Ag Board. Attorney Vella explained that they would be able to gain approval to do anything farm related and under their jurisdiction.

There was some discussion by the Board as to the difference of the primary operations being done on-site vs. the primary operations being done off-site.



Attorney Vella confirmed that the applicant would not have any storage outside with the exception of one trailer and the personal vehicles for his employees. Mr. Donnelly gave some exceptions, such as wood chips for use on the farm.

Attorney Vella expressed concern with jurisdiction since Mr. Donnelly continues to state he is a commercial farm and is doing farming activities. Mr. Donnelly added that his business vehicles all have farm license plates. According to the violation notice from the Code Enforcement Officer, the site has exceeded any possibility of being considered a home office.

Attorney Vella asked the Board if they are comfortable waiving the additional required submission waivers or if they needed more information in order to consider the application for bifurcated use variance. The Board deliberated what would be required in order to evaluate the use variance request.

The Board asked for a vote on granting the requested submission waivers. Ms. Arpaia made a motion to grant the requested submission waivers, which was seconded by Mr. Morelli. The Board granted the requested submission waivers on a roll call vote in favor: Ms. Arpaia, Mr. Barthelmes, Mr. Morelli and Mr. Cadigan; those against, Mr. Lambros and Mr. Sinha. Submission waivers granted, 4-2.

The applicant requested a short recess. Vice-Chairman Barthelmes called for a short break.

Upon return, Ms. Jennings explained that they would prefer to continue the hearing on the application at the next available meeting in order to hopefully have the benefit of a full Board.

Attorney Vella announced that the application was being carried to the Wednesday, June 26, 2024 Zoning Board of Adjustment meeting which will be held at 7:30 pm, in this same location, without any further notice. Any interested parties may appear.

#### **BOARD DISCUSSION:**

There were no other business matters up for discussion.

#### **ADJOURNMENT:**

With no further business, Ms. Arpaia made a motion to close the meeting, which was seconded by Mr. Lambros. With all in favor, Vice-Chairman Barthelmes adjourned the meeting.

Respectfully submitted,

  
Danielle B. Sims, Board Secretary