

**MILLSTONE BOROUGH  
PLANNING BOARD  
MEETING MINUTES  
February 6, 2024**

**CALL TO ORDER**

Chairman Matt Denne called the meeting to order at 7:00 PM followed by a salute to the flag and reading of the open public meetings act statement below.

**SALUTE TO THE FLAG**

**NOTICE OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News on January 30, 2024. Notice remains continuously posted as to required notices under the State Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we proceed to the next item on the agenda.

**ROLL CALL**

Secretary Newman called the roll.

<u>Board Member</u>	<u>Present</u>	<u>Absent</u>
Dan Devoti	x	
Matthew Denne	x	
Jan Feger	x	
Christine Fung	x	
Robert Galli		x
Mike Kester	x	
<u>Also Present:</u>	<u>Present</u>	<u>Absent</u>

Rebecca Newman, Board Secretary	x	
Mayor Ray Heck	x	
Jerry Muller, Board Attorney	n/a	
Lucinda Bartley, Board Planner	n/a	

### **OPEN TO THE PUBLIC**

Chairman Denne opened the meeting to the public at 7:04 PM.

Pat Shimalla, 1377 Main Street, resides at 15 Market Street, East Millstone. Mr. Shimalla informed the planning board that he has new tenants that will be running the liquor store. Renovations were being made that consisted of new flooring, painting and installing new coolers. When the new coolers were being installed the fire alarms were set off and the DCA was contacted regarding permitting. Mr. Shimalla stated he had no idea permits were needed to change coolers out. Once he was informed he needed permits he immediately applied for permits however Bill Patterson, State DCA, is telling him the zoning is wrong. Mr. Shimalla asked the board how a building that is over 100 years old and has been in operation over 50 years, be zoned wrong and he asked why this is becoming a problem now when the building has been sold many times in the past. Mr. Shimalla stated that Bill Patterson the construction official would release the permits if the planning board, specifically Dan Devoti zoning officer gives him a letter stating the business could operate. Mr. Shimalla stated that a village commercial zone is not a recognized zoning classification by the State of New Jersey and it would be considered an M1 district. Mr. Shimalla also stated the liquor license that he owns permits him to operate a liquor store and bar stating that the ABC has been very lenient with him since that was how it was operating and also because Millstone is such a small town.

Board Secretary Newman stated the email that was received from Bill Patterson stated the use group under the UCC needed to be verified and that the planning board has no jurisdiction over the type of license the ABC issues.

Mr. Shimalla was also told the new structure similar to a lean-to that has been attached to the exterior of the building would need historic preservation approval. Mr. Shimalla stated that he noticed that new structure as well and the tenant erected it to deter rainwater from entering the basement.

Mr. Shimalla went on to say the tenants only made a change to the sink behind the bar and did not think a minor change like that warranted a permit.

Chairman Denne stated that the Board attorney would have to weigh in on the planning boards authority to send a letter to the DCA. Mr. Denne also inquired if Mr. Shimalla has secured the necessary approval through the Board of Health. Mr. Shimalla stated he could not because Mr. Patterson was not issuing permits because of the zoning issue.

**APPROVAL OF THE MINUTES**

- Regular/Reorg Meeting Minutes 1/9/2024

Motion was made by Denne to approve the minutes as presented and seconded by Feger. Motion carried.

Roll Call:	Ayes:	Dwnne, Devoti, Fung, Feger, Kester, Mayor Heck
	Nays:	
	Abstain:	

**APPROVAL OF INVOICES**

No invoices were presented

**DISCUSSION ITEMS**

None at this time.

**OPEN TO THE PUBLIC**

Chairman Denne opened the meeting to the public at 7:32 PM. Hearing None, the public portion was immediately closed.

**REPORTS/OPEN TO BOARD MEMBERS AND PROFESSIONALS**

- Board Chair-Mr. Denne reached out to Lucinda at Carter VanDyke and associates to discuss the upcoming year and budgetary needs. Mr. Denne stated he would like to get a calendar of events together
- Dan Devoti-Devoti updated the board that Mr. Wierzbowski, 1444 Main street will be receiving a letter regarding sight triangle issues with his yard. Mr. Devoti also spoke to Mr. Grimshaw about the hvac items in his driveway.
- Board Members- Christine Fung inquired about the rules for entering into executive session. Board secretary Newman stated she would circulate them to the board members. Ms. Fung also stated we need to have a better process in place, like checklists/ flow charts on the website. Ms. Fung stressed the need for better communications with the residents.

**OPEN TO THE PUBLIC**

Denne opened the meeting to the public at 7:40 PM. Hearing None, the public portion was immediately closed.

## **ADJOURNMENT**

Motion was made by Devoti to adjourn the meeting at 7:41 PM. Motion seconded by Fung. Motion carried all-eyes.

Respectfully Submitted,  
Rebecca Newman  
Planning Board Secretary