

# **2017 ANNUAL REPORT**

of the

## **MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT**

This Annual Report covers the Board's actions from January 1, 2017 through December 31, 2017. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted ten (10) regular meetings.

The Zoning Board rendered decisions on the merits on ten (10) applications, not including Final Approvals on previously approved Site Plans. This is an increase of one (1) application from 2016. The Board also granted two Final Major Site Plan Approval in 2017, after granting Preliminary Site Plan Approval. (Lenzo and Central Jersey Storage Application) One applicant withdrew his request for a submission waiver, (Merkel Application).

Many applications included more than one variance request as reflected below in Table 1. The Zoning Board approved eight (8) applications. Tables 1 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is also attached. The Board denied one (1) application. (Impact Solar, LLC)

The Zoning Board reviews applications with an eye toward reducing the intensity and quantity of variances by working with applicants to develop improved designs. Through this process, the number of variances that are initially requested is often reduced.

**TABLE 1: VARIANCES & APPLICATIONS APPROVED-2017**

<b>TYPE</b> →	1 acre Non- Env	Use	Lot Area	Setback Front/Sid e Rear Yard	Wireles s	Sign Size	Fence Variance	Lot Depth	Bld. Height	Size Acc Structure
<b>ZONE</b> ↓										
PCD		1								
HC		1		1		1		1	1	
R-130										
HC-1		1		1						
BP		1		2						
R-80	1		1				3			1
<b>Totals</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>4</b>		<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>

## **2017 SUMMARY**

### **“D” VARIANCES**

Applicants requested four (4) D Variances from the Zoning Board in 2017. The Board granted the Use Variances and they are set forth below:

#### **SILVI GROUP COMPANIES**

Use (“D”) variance, Expansion of Non-Conforming Use. Production, sale and distribution of concrete is not permitted in the HC-1 Zone. The use is being expanded.

#### **CENTRAL JERSEY STORAGE, LLC**

Use (“D”) variance, because self-storage use is not permitted in the HC-1 Zone.

#### **DANIEL MERKEL**

Use (“D”) variance, because residential use is not permitted in the in the BP Zone.

#### **MILLSTONE DONUTS, LLC**

Use (“D”) variance, because “Restaurant Drive-Thru” use is not permitted in the PCD Zone.

### **“C” VARIANCES**

The following are the list of the specific “C” Variances granted with each application. A review of all the “C” Variances do not reflect a pattern of one or more ordinances that relief is being requested from by numerous applicants.

#### **LENZO**

1. Lot depth variance for new lot 10.01, where 450 feet of depth is required and 320.55 feet is proposed.
2. Building height variance, where a maximum height is 30 feet, where 32.11 feet is proposed.
3. Sign variance, ordinance permits one double faced freestanding sign not to exceed 96 square feet on each face, where the applicant proposes three freestanding signs. Applicant proposes one double faced sign with 42 square feet on each face and two single face signs, each being 22 square feet. These two signs are located on the retaining walls at the entrance and exit to the site.

**ROBERT RACHMIEL**

1. Variance from minimum lot area requirement, which requires a minimum lot area of 130,680 square feet (3 acres), where the lot is only 115,469 square feet (2.658 acres).
2. Variance from Section 4-4.7, which requires the lot area to have an appropriately situated and shaped continuous non-environmentally encumbered area of 1 acre which can be inscribed either by a 200 foot diameter circle or by a rectangle at least 150' in width and length.

**MARK DENGLER**

1. Fence Variance, 6 foot fences are not permitted in front yard.
2. Fence Variance, the applicant proposes a chain link fence in the front yard, which is not permitted.
3. Fence Variance, the applicant proposes a 6 foot chain link fence 20 feet from the property line, which is not permitted.

**JESSICA MASHKEVICH**

1. Variance from Ordinance Section 4-9.3, which prohibits accessory structures greater than 900 sq. ft. The Applicant has modified their application and proposes a 1,200 square foot accessory structure.

**CENTRAL JERSEY STORAGE, LLC**

1. Combined side yard setback variance, which requires a combined 100 feet, where 88.7 feet is proposed.

**DANIEL MERKEL**

1. Front Yard Setback Variance, applicant proposes 35.3 feet, after ROW Dedication, where 75 feet is required.
2. Side Yard Setback Variance, of 29.6 feet (right side), where 50 feet is required (Existing Condition)

**NEW YORK SMSA LIMITED PARTNERSHIP D/B/A  
VERIZON WIRELESS**

1. Variance from Accessory Setback, where 75 feet is required, 36.5 feet is existing and 8.5 feet is proposed.

The Zoning Board considers each variance request carefully by meticulously analyzing the context-sensitive fashion of each request while remaining cognizant of the overall neighborhood impact. The Zoning Board also weighs the impact any variance may have on the Master Plan when reviewing the merits of any variance request to ensure the development will not have a substantial negative impact on its purpose or intent.

**RECOMMENDATIONS**

The Board did not observe any patterns in the variances requested or note any issues with ordinances related to the variance applications in 2017. Therefore, the Board does not have any recommendations to the Township Committee this year.

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2017 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2017 Annual Report on the Township Web Site.

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DATED

\_\_\_\_\_  
MICHAEL NOVELLINO, CHAIRMAN  
Millstone Township Board of Adjustment

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the Board of Adjustment Annual Report adopted by the Zoning Board of the Township of Millstone at a meeting held on January 24, 2018.

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PAMELA D'ANDREA, Secretary  
Board of Adjustment Township of Millstone

The vote on the Motion to approve the 2017 Annual Report:

- Motion: P. Mostyn
- Second: A. Ferro
- Roll Call: Mostyn, Ferro, Morelli, Barthelmes and Novellino
- Approve: 5
- Oppose: 0
- Abstain: 0
- Absent: 4