

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 12, 2018**

The Meeting called to Order by Chairman Novellino at 7:35 p.m.

Reading of Adequate Notice by Vice-Chairman Barthelmes.

Chairman Novellino read the additional Noticing required by the Township.

Salute to the Flag and observance of a moment of silence for the troops.

ROLL CALL: Present- Conoscenti, Ferrara, Frost, Morelli, Mostyn, Lambros, Barthelmes and Novellino

APPROVAL OF MEETING MINUTES: November 28, 2018 Minutes have been tabled to January 23, 2019

RESOLUTIONS:

Z-18-03 DP INVESTMENTS, LLC. - Block 16.01, Lot 3 located at 800 Rike Drive consisting of 3.37 acres in the Business Park (BP) Zone. Subject property is located on a corner Lot. Bulk variance relief is sought wherein applicant seeks to install a generator in the front yard setback. Applicant further sought Use Variance relief to construct an accessory structure (shed) on the property which is not permitted in the BP Zone. Approval granted.

The Board having reviewed the Resolution and finding same in good order, Mr. Conoscenti made a Motion to memorialize and Mr. Morelli offered a Second: Roll Call Vote: Conoscenti, Morelli, Lambros, Mostyn, Ferrara and Novellino voted yes to memorialize the Resolution.

Z18-07 MILLSTONE RIVERMART, LLC. - Block 59, Lot 11 located at Intersection of Routes 537 & 526 consisting of 2.24 acres in the Highway Commercial (HC) Zoning District. Applicant was approved by the Planning Board on 6-14-17 to construct a 14,443 s.f. commercial building. Applicant sought Use Variance relief to permit a category 3 restaurant (drive thru) which is not permitted in the HC Zone. Variance sought for front yard setback where 100 feet is permitted, 96 feet proposed. Approval granted.

The Board having reviewed the Resolution and finding same in good order, Mr. Lambros made a Motion to memorialize and Mr. Mostyn offered a Second: Roll Call Vote: Lambros, Mostyn, Barthelmes, Morelli, Ferrara, Conoscenti and Novellino voted yes to memorialize the Resolution.

NEW APPLICATION:

Z18-10 NOREIKA, CHARLES - Block 50, Lots. 1.01, 1.02, 1.03 & 2 located at Paint Island Spring Road and Millstone Roads consisting of 28+ acres located in the R-80 zoning district. Applicant seeks Use ("D") variance for proposed Lot 1.05 to construct 7,500 s.f. of retail/repair/office for commercial use with 2-bedroom apartment on second floor. Variance required on proposed Lot 1.05 for lot coverage where 20% is permitted, applicant proposes 31%. Existing dwelling on proposed Lot 1.04 requires variance for front yard setback and for the shed located in the side yard setback. Applicant further seeks Preliminary and Final Subdivision Approval for an 11 lot subdivision to include, existing dwelling on proposed Lot 1.04 and stormwater management on proposed lot 1.14 and 8 new residential lots. Deemed Complete 12-7-18. Date of Action: 4-6-19. Noticing Required.

Attorney Vella reviewed the noticing packet and finds same in order to accept jurisdiction over the application.

Attorney Vella advised that the Board has determined that this application is substantially different then the prior application and therefore the Board has jurisdiction to hear this application.

Chairman Novellino explained what is occurring in this application. He offered that the applicant is seeking approval to subdivide the lots into multiple other lots. There is a use variance request for an expansion of a non-conforming use because the applicant's lot size is being diminished.

Attorney Vince Halleran representing the applicant.

Attorney Vella entered the following Exhibits into evidence:

- A-1 Jurisdictional packet
- A-2 Application dated -11-30-18
- A-3 Web Site Notice
- A-4 Aerial of Property
- A-5 Use Variance Plan and Prelim and Final Major Site Plan for proposed Lot 1.05 prepared by T&M Engineering undated, last revised 11-15-18.
- A-6 Stormwater Management & SESC Report for Proposed Lot 1.05, prepared by T&M dated 11-2018.
- A7 Preliminary and Final Major Subdivision Plan prepared by Gravatt Consulting Group dated 4-23-18
- A-8 EIS prepared by Gravatt Consulting dated 11-19-04, Last revised 10-11-05
- A-9 Environmental Impact Statement Memorandum prepared by Gravatt Consulting dated 4-23-18
- A-10 Stormwater Management Report prepared by Gravatt Consulting dated 4-2018
- A-11 Stormwater Management Operation and Maintenance Plan prepared by Gravatt Consulting dated 4-2018
- A-12 Stormwater Management Operation and Maintenance Plan for Individual Underground Recharge Trench Systems prepared by Gravatt Consulting

- dated 4-2018
- A-13 Traffic Impact Statement prepared by Gravatt Consulting dated 4-23-18
 - BOA-1 Engineering Report dated 12-7-18
 - BOA-2 Planning Report dated 12-7-18
 - BOA-3 Bureau of Fire Prevention dated 6-13-18
 - BOA-4 EC Report dated 6-12-18
 - BOA-5 Millstone Township Board of Adjustment Resolution Approving Settlement and Granting Use Variance and Preliminary Major Subdivision Approval Memorialized on dated 7-25-18.

Attorney Vella swore in Patrick Jeffery, P.E. who has appeared before the Board in the past and is accepted as an expert as an engineer and planner.

Mr. Jeffery explained the existing site consists of 4 lots that encompass 28.6 acres. The applicant is proposing a subdivision of 11 lots consisting of one single-family dwelling that exists and 8 proposed new residential lots with proposed lot 1.14 containing the stormwater management basin for the subdivision and proposed lot 1.05 to contain the business.

Mr. Jeffery stated that the applicant is requesting several bulk variances with the use variance. He explained all of the variances being requested.

Referring to Exhibit A-14 Mounted Color Aerial of the property, Mr. Jeffery explained that the existing residence would be removed as well as the existing commercial building for the County road widening. The applicant is proposing to construct a 7,500 building would consist of a workshop, office, 3,400 retail and show room area. Mr. Jeffery explained that the lot coverage will be 31 % where 20% is required. A D1 variance is required for the proposed residential element above the retail building. A D2 variance is needed for the expansion of the non-conforming existing use.

The home would be for the family member to live there because his existing dwelling is being demolished.

Mr. Jeffery stated that the proposed construction would be more aesthetically pleasing. All outdoor storage would be brought inside. This would result in a cleaner site. It would prevent theft having the items stored inside. Mr. Jeffery stated that the expansion helps improve the site.

Attorney Vella asked how many square feet are being removed and being replaced with. Mr. Jeffery stated that the buildings being demolished are the commercial building, which is 2900 s.f., the residential home is 1100 s.f. and the garage is 450 s.f. These are being replaced with a single 7,500 s.f. building footprint

Attorney Vella advised that the new building in a residential zone. The Board needs to

know how that building is going to look in that residential zone. The Board needs to feel comfortable that the building would fit into the neighborhood.

Board Planner Heyer stated that this is difficult without a sketch of the proposed building.

Attorney Vella asked if the proposed building has residential characteristics. You want it to look as if it fits into the neighborhood. The Board would want that a condition of the use variance so that it has residential characteristics.

Attorney Vella swore in applicant Charles Noreika.

Mr. Noreika explained what the proposed building.

Attorney Vella swore in Robert Noreika who explained the proposed building.

Mr. Jeffery stated that there are two entrances to the site. The Main entrance is on Paint Island Spring Road and deliveries would be accessed via Millstone Road. The applicant wants to bank 24 parking spots and only construct the parking shown on the Exhibit.

The entrances are located as far away from the roundabout as a request by the County.

Mr. Mostyn asked if the banked parking was built out, it would be the impervious coverage still be at 31%.

Attorney Vella had reviewed the previous conditions on the subdivision plan that was approved. Has he reviewed those conditions and are they incorporated into the site.

Attorney Vella sworn in Bruce Jacobs, Engineer and Planner. He advised that he has testified before Boards all over Central New Jersey.

Mr. Jacobs went over the residential zone. He advised that all lots are 2-acre lots conform to the zone. He stated that proposed one lot to be a drainage basin incorporated all of the comments made in 2007 and in the review letters into the design of the subdivision. Two deviations from that as it relates to the commercial site. The original requirement of the subdivision that the commercial lot maintain a buffer along the property line of 1.06 and 1.04. There is a restriction on Lot 1.06, the commercial site that had to be abandoned before lot 1.06 could be developed with a residential dwelling.

Attorney Vella feels all of the settlement conditions apply to this application. Attorney Halleran feels that this is a new, modern building and that condition should not be there.

Attorney Vella read Exhibit BOA-5 aloud.

Mr. Jacobs agrees to meet all of the conditions in Engineer Shafai's report except for the condition in the Settlement Resolution. He is proposing a 30-foot landscape buffer on the commercial lot. He stated that the buffer is a visual screening and light and noise.

Entered into Exhibit A-16 Preliminary Architectural Design prepared by Patrick Hurst consisting of 4 sheets, floor plans and elevations. This is a conceptual architectural design.

Mr. Jeffrey went over the views of the elevation pointing out the shop area for lawnmower repair. No cars will be repaired on site.

Mr. Frost asked if all equipment will be located in the building.

Mr. Noreika advised that some products for sale will be located on the porch.

Chairman Novellino advised it is the Board's goal to try to make the building look as if it belongs in a residential neighborhood.

Attorney Vella asked if the applicant plans on having an outdoor display.

Mr. Frost asked if the propane filling area will be screened. Mr. Jeffrey advised that there will be a new fence installed there for screening.

The Board took a 5 minute break at 9:05 p.m. returning at 9:10 p.m.

The application was opened to the public at 9:10 p.m.

Attorney Vella swore in Delores Jenkins 418 Stage Coach Road in Millstone. She read a statement into the record.

Chairman Novellino explained that the Board is trying to help facilitate the County roundabout moving for public safety and that is why we have scheduled this hearing.

Attorney Vella swore in Jeff Torno of Paint Island Spring Road. He voiced that he is concerned about the new size of the building and parking and lighting and deliveries all day long. He stated that the building and lighting as is works presently but the new project is too much for the neighborhood.

Attorney Vella swore in Michael Lovrich. Mr. Lovrich enjoys the rural nature of the town. He is concerned with the expansion and the size and scope of the proposed building.

Attorney Vella swore in James Wishbow who voiced his concerns about the project. He asked Why is parking and lighting out front why not behind the building. Mr. Wishbow stated that the parking in the back helps to blend in with the neighborhood. He advised that the gas area is unkempt.

Mr. Halleran stated that Monmouth County is pushing to construct the roundabout. Mr. Noreika stated that the County performed an appraisal on December 11, 2018. A traffic study was done by the County.

Mr. Jeffrey advised a traffic study done. Mr. Noreika needs more space for his current business.

Attorney Vella swore in Sam Qutub of 126 Paint Island Spring Road who offered that the applicant's elimination of the additional proposed retail is better.

Attorney Vella swore in Judy Lovrich who asked how many customers they have daily. Mr. Noreika stated that today they had 4 today. She asked if they need all of those parking spaces. Mr. Noreika stated that the building now is jammed for space. If he has to move, he needs more space.

Attorney Vella swore in Christine Gellane 365 Stage Coach Road. Ms. Gellane is Mr. Charles Noreika's daughter. She stated that this is the family livelihood. She stated that as far as the use is concerned, 2,900 s.f. does not work. Functionality is there. A larger facility is neater and cleaner. She stated that aseptically, it would be nicer. They would landscape because they grow trees and are good at it.

Ms. Jenkins asked why not have a 50-foot buffer with a 3-5 foot high berm.

Seeing no further Public comment, Chairman Novellino closed the public portion at 9:59 p.m.

Mr. Jeffrey is trying to address the concerns of the neighbors. The lot adjacent to the commercial can be combined with the commercial lot, placing a 50-foot buffer on the lot. This would put the applicant at 20% or less lot coverage. They will work on reducing the parking spaces. A modest reduction down to 6,500 s.f. for the building, with room for shop maintenance, assembly, office area and a show room.

Mr. Jeffery advised that the pole barn is used for agricultural storage for the tree farm.

Christine Gellinella stated that the equipment outside is there for repair service. She stated that new equipment is brought inside. She stated that the customers' equipment in for repair would be brought indoors with the proposed plan. There is limited space presently to service the equipment.

Attorney Vella asked if the shop is on the plans. He stated that in the 2007 approval was well constructed to allow the subdivision so that when the commercial went away it could revert to a single family lot. He struggled with the fact that by allowing this expansion, the commercial will not go away unless the building was abandoned.

Board Planner Heyer said if you do not have exterior storage, you do not need the exterior lighting.

The applicant advised that the operation of the business would be Monday - Friday 8:00 a.m. to 5:00 p.m. Saturday 8:00 p.m. to 12:00 p.m. Closed on Sundays.

Attorney Vella stated that regarding the site plan, the most difficult thing to grapple with is the size of the building. If the Board grants the use variance, they can scale down the requirements at site plan. The expansion of the building is the question. Without the architectural, Attorney Vella asked what size building are we looking to approve.

Mr. Mostyn asked about the purpose of the pole barn presently is for storage of tractors and equipment that they currently use. He asked if that will be eliminated by the construction of the new building.

Mr. Barthelmes stated that the current building is overstuffed. He stated that you trip over things and cannot see the new equipment. He agrees that the applicant does need more space to do the things that he wants to do. He sees it as the same use but with more space. He stated that lot improvements and buffers would lower the impact of the to the neighborhood.

Referring to Exhibit A-15, the property Aerial

If we can do the building correctly, it will not be unattractive.

Chairman Novellino asked what is to stop a future applicant from cluttering up the building because it is bigger.

Board Planner Heyer stated that prohibiting outdoor storage is a way. They would be capped by the boundaries of the building . We have to follow the law.

Chairman Novellino stated that would be tough to enforce.

Mr. Lambros asked if it is rezoning without rezoning.

Mr. Robert Noreika stated that they are so jammed up in the building presently. It would not be profitable to build the same size building. He explained the difficulty now.

Chairman Novellino stated that once we grant the variance it follows the property.

Mr. Frost offered that he does not feel it is in his purview as to how a business owner should run his business. He does not know that business. We have to follow the law and come up with an accommodating that should be able to come up with the answer.

Attorney Vella offered that perhaps the applicant revisit the look and come back to the Board with real numbers. Mr. Mostyn feels they are moving in the right direction but are not there yet. Mr. Mostyn feels the Board needs a better visual of the plan.

Attorney Vella impact on the size of the building. This property is pretty large, he asked if the applicant placed two large structures in the back instead of what they are proposing. Regular storage for their repairs could be behind the building. Store the service items in

the back there. The two buildings, one in the range of 3,000 s.f. for retail, office, service and warehouse. If this was contained behind the buildings, it would reduce the impact to the neighbors.

Attorney Vella suggested reducing the front building to limit future impact of what can be done in that building.

The Board discussed.

The matter will be carried to 2-23-19 with applicant providing new site plan, architectural drawings for the Board and the professionals to review and re-noticing is required.

NEW BUSINESS: The Board will be working on the Annual Report.

Seeing no further business Chairman Novellino asked for a Motion to Adjourn. Mr. Morelli made the Motion and Mr. Ferrara offered a second and by unanimous vote, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Pamela D'Andrea