

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
JANUARY 23, 2019**

Meeting called to Order by Chairman Novellino at 7:31 p.m.

Reading of Adequate Notice by Mr. Barthelmes.

Attorney Vella Swore in Members

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

Roll Call: Present - Barthelmes, Conoscenti, Morelli, Mostyn, Novellino and Ferrara  
Absent - Frost and Lambros.

**ELECTION OF OFFICERS:**

**CHAIRMAN:**

Election of Officers began with a nomination for Chairman. Mr. Morelli made a Motion to nominate Mr. Novellino to serve as Chairman. Mr. Conoscenti offered a Second. Roll Call Vote: Morelli, Conoscenti, Mostyn, Barthelmes and Ferrara voted yes to the election of Mr. Novellino to serve as Chairman.

Congratulations to Mr. Novellino. Mr. Novellino thanked the Board

**VICE-CHAIRMAN:**

Election of the Office of Vice-Chairman. Chairman Novellino made a Motion to nominate Mr. Barthelmes to serve as Vice-Chairman. Mr. Mostyn offered a Second. Roll Call Vote: Novellino, Mostyn, Morelli, Barthelmes, Conoscenti and Ferrara voted yes to the election of Mr. Barthelmes to serve as Vice-Chairman.

Congratulations to Mr. Barthelmes. Mr. Barthelmes thanked the Board.

**SECRETARY:**

The Motion to appoint Pamela D'Andrea as the Board Secretary was made by Chairman Novellino with a Second offered by Mr. Ferrara. Roll Call vote was taken: Novellino, Ferrara, Barthelmes, Conoscenti, Morelli and Mostyn yes to appoint Ms. D'Andrea.

Ms. D'Andrea thanked the Board.

Chairman Novellino announced that the Township has a fair and opening bidding process for the appointment of Board professionals. No bids were received outside of those submitted by the present Board Professionals. Chairman Novellino personally reviewed all of the bids. He offered that the Board professionals do an outstanding job.

## **ELECTION OF BOARD PROFESSIONALS:**

### **ATTORNEY:**

A Motion to appoint Gregory W. Vella, Esq. of the firm of Collins, Vella & Casello, L.L.C. as Board Attorney was made by Chairman Novellino with a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Conoscenti, Mostyn, Morelli and Ferrara voted yes to appoint Gregory W. Vella, Esq.

Attorney Vella thanked the Board.

### **ENGINEER:**

The Motion to appoint Leon S. Avakian, Inc. as the Board Engineering firm with Matt Shafai, P.E. as the principal Engineer was made by Chairman Novellino with a Second offered by Mr. Mostyn. Roll Call Vote: Novellino, Mostyn, Barthelmes, Conoscenti, Morelli and Ferrara voted yes to appoint Mr. Shafai.

Mr. Shafai thanked the Board.

### **PLANNER:**

The Motion to appoint the firm of Heyer Gruel and Associates with Fred Heyer, P.P. as principal Board Planner was made by Chairman Novellino and Mr. Morelli offered a Second. Roll Call Vote: Novellino, Morelli, Barthelmes, Conoscenti, Mostyn and Ferrara voted yes to appoint Fred Heyer, P.P.

Mr. Heyer thanked the Board.

### **COURT REPORTER:**

The Motion to appoint Angela Buonantuono as the Board Court Reporter was made by Chairman Novellino and a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Conoscenti, Morelli, Mostyn and Ferrara voted yes to appoint Ms. Buonantuono.

Ms. Buonantuono thanks the Board.

### **DESIGNATION OF THE OFFICIAL NEWSPAPER:**

The Motion to designate The Asbury Park Press and the Times of Trenton as the official Board newspapers was made by Chairman Novellino with a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Conoscenti, Morelli, Mostyn and Ferrara voted yes to designate the Asbury Park Press and The Times of Trenton as the official newspapers.

### **REGULAR MONTHLY MEETING SCHEDULE:**

The Motion to adopt a regular monthly meeting schedule for 2019 and the first meeting date of 2020 with the meetings to begin at 7:30 p.m. in the Municipal Building located at 215 Millstone Road, Millstone Township, New Jersey, was made by Chairman Novellino and a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Conoscenti, Morelli, Mostyn and Ferrara voted yes to as follows:

Chairman Novellino read the dates into the record.

January 23, 2019  
February 27, 2019  
March 27, 2019  
April 24, 2019  
May 22, 2019  
June 26, 2019

July 24, 2019  
August 28, 2019  
September 25, 2019  
October 23, 2019  
November 27, 2019  
December 12, 2019 (Thursday)  
January 22, 2020

**APPROVAL OF MEETING MINUTES:** November 28, 2018

The eligible members having reviewed the minutes, Mr. Conoscenti made a Motion to approve the minutes and Mr. Morelli offered a Second. Roll Call Vote: Conoscenti, Morelli, Barthelmes, Mostyn and Ferrara voted yes approve the meeting minutes.

**APPROVAL OF MEETING MINUTES:** December 12, 2018

The eligible members having reviewed the minutes, Mr. Mostyn made a Motion to approve the minutes and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Mostyn, Barthelmes, Conoscenti, Morelli, Ferrara and Novellino voted yes approve the meeting minutes.

**CARRIED 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. Heard in part on 12-12-18. Carried to 1-23-19. Noticing Required. Deemed Complete 12-7-18. Date of Action: 4-6-19.

Chairman Novellino made the announcement that the application will not be heard this evening. The application been moved to the 2-27-19 date. He advised that the applicant will have to re-notice for the meeting.

**NEW APPLICATION:**

**Z17-09 McDONALD'S CORPORATION** - Block 57.01, Lot 19.02 located at 542 Monmouth Road consisting of 3.48 acres in the Highway Commercial 1 (HC-1) Zone. Applicant seeks to construct a digital menu board. Applicant seeks bulk variance request. Noticing required. Deemed Complete: 1-8-19. Date of Action: 12-8-19

Attorney Vella advised that he has read the noticing packet and finds same to be in order for the Board to take jurisdiction over this matter.

Attorney Vella read the following exhibits into evidence:

- A-1 Jurisdictional packet
- A-2 Application dated 12-13-19
- A-3 Boundary and Topographical Survey prepared by James C. Weed dated 2-9-12, last rev. 5-10-18

- A-4 Preliminary and Final Site Plan prepared by Bohler Engineering dated 10-20-17, Last Rev., 12-10-18
- BOA-1 Engineering Report dated 1-18-19
- BOA-2 Planning Report dated 1-14-19

Attorney Brian Yarzab representing the applicant.

Attorney Vella asked the Board Planner to clarify the request for the signage as a C Variance or a D variance. Board Planner Heyer stated that general speaking we are dealing with a C2 variance and he explained why.

Mr. Yarzab provided that the application is for Amended Site Plan approval and variance approval for the site known as 542 Monmouth Road. He provided a brief overview of the project including that the applicant was before the Board last year for approval to construct an additional drive-thru lane. The applicant is before the Board to replace the static and pre-browse menu boards. They are pursuing a variance to install digital signs since this is not a permitted use.

Mr. Barthelmes asked what is a digital board. Board Planner Heyer stated that the ordinance is silent on them. They are not expressly permitted so they are considered prohibited.

The applicant is now changing a few static boards to digital.

Attorney Vella swore in engineer Timothy Aguilar who presented his qualifications citing that he graduated from NJIT, is a licensed engineer in the State of New Jersey and has been practicing for the past five years and has appeared before other Boards.

Chairman Novellino accepts him as an expert.

Mr. Aguilar explained why the applicant was here last year.

Referring to sheet 3 of Exhibit A-4, Mr. Aguilar explained that there was a change to the menu board. He explained that the applicant has installed digital menu boards and is returning to the Board for approval after the fact. Two menu board signs are smaller than the approved signage. They have also installed presell signage.

It was discussed that the reduction in signage is approximately 38 s.f. in the drive thru lane. The sign is more efficient located closer to the curb line.

The presell board may focus on specials for the day. They are digital boardsbut do not have scrolling images or flashing lights or strobe effects.

Mr. Aguilar explained that from the adjacent property, there is no intensified light to the neighbors. The boards are less visible because they are smaller. He explained that the boards are in line with the modern look of McDonalds. There is a directional sign in the stall to let the patron know to move forward.

Board Planner Heyer's report, page four, references two directional signs but this has no bearing on the application and causes no variances. A smaller source of light is emitted. Mr. Aguilar stated that this is a more efficient sign since no one has to manually go out and change the sign.

Attorney Vella entered into evidence Exhibit A-5, Picture of Digital Sign.

Mr. Aguilar clarified the location of the presell boards and digital menu boards advising that there is one for each drive thru lane.

Attorney Vella entered into evidence Exhibit BOA-3, Board Engineer's Picture of Digital Sign.

The Board discussed the reduction in signage.

Board Planner Heyer addressed that the ordinance has a prohibition against flashing or moving signs. The Board agreed that the signs cannot be in any flashing mode.

Chairman Novellino opened the application to the public at 8:10 p.m. Seeing no public comment on the application, he closed that portion at the same time.

Attorney Vella read the conditions of approval should the Board vote that way. The only condition would be that the signs shall not be flashing or moving and shall remain static.

Board Engineer Shafai added that there are no residents who live around the restaurant. He offered that the digital signs will not interfere with traffic.

Board Planner Heyer summarizes that the application was dealt with under the C2, flexible C because the site design makes more sense to grant rather than deny due to improved planning. The overall area of signage is to be reduced. There is greater efficiency represented and the signs go with the aesthetic of the new building. Planner Heyer sees no negative impact on the ordinance because the ordinance is silent on the matter so it does not impair the ordinance.

Chairman Novellino offered that the new signage encompasses less square footage. The technology is better for the public with more relevant information can be displayed to the consumer since the information is displayed at mealtime and makes better usage of square footage. The benefit to the public is the improved aesthetics with the smaller sign. Chairman Novellino felt there was no reason to deny the application.

Vice-Chairman Barthelmes felt this was an easy decision to make to grant the approval.

Attorney Vella pointed out that the picture taken by Engineer Shafai was during the morning and reflects the breakfast selection so that is what they are doing today. Mr. Mostyn asked if the signs go off at night when the establishment shuts down.

Attorney Vella Swore in Kenneth Hullings, owner and operator of the McDonalds. Mr. Hullings advised that the menu board is turned off an hour after the restaurant closes. The facility is open from 6:00 a.m. Sunday through Thursday and closes at 11:00 p.m. during the weekday. On the weekends, the restaurant closes at 12:00 a.m. and during the summertime, it closes at 1:00 a.m.

Attorney Vella read the conditions of approval including, but not limited to the signs will not have any flashing or moving images or strobe effects, the applicant can finalize on any permits needed that are outstanding.

Vice-Chairman Barthelmes made a Motion to approve the application and Mr. Morelli offered a Second. Roll Call Vote: Barthelmes, Morelli, Conoscenti, Mostyn, Ferrara and Novellino voted yes to approve the application.

**NEW BUSINESS: 2018 ANNUAL REPORT**

The Board had received and reviewed the contents of the draft report. Vice-Chairman Barthelmes asked about hardships for corner lots, which have two front yards by definition, when trying to install a pool or fence. Attorney Vella advised that all towns are pretty consistent with their dealing with corner lot parcels. He explained sight triangle issues with traffic and problems that can occur. Engineer Shafai stated that an applicant has to prove that they cannot place a pool in another area on the lot in order to be granted the variance to place it in that front yard setback. It is best to handle on a case by case basis.

Chairman Novellino asked if the Board wanted to adopt the Annual Report at this time. Mr. Conoscenti made a Motion to adopt the 2018 Annual Report and Mr. Ferrara offered a Second. Roll Call Vote: Conoscenti, Ferrara, Barthelmes, Morelli, Mostyn and Novellino voted yes to adopt the Annual Report.

Seeing no new or old business, Mr. Morelli made a Motion to adjourn and Mr. Barthelmes offered a Second and by unanimous vote the meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Pamela D'Andrea