

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 26, 2019**

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

Reading of Adequate Notice by Mr. 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 - Barthelmes, Frost, Lambros, Morelli, Mostyn, Novellino
Absent - Conoscenti and Ferrara

MEETING MINUTES: The Board having reviewed and commented on the Meeting Minutes, Mr. Mostyn made a Motion to Approve and Mr. Frost offered a Second. Roll Call Vote: Mostyn, Frost, Lambros, Morelli and Novellino voted yes to approve.

RESOLUTION:

Z18-11 SOLAR ME - Block 12.05, Lot 1 located at 1 Perrine Circle consisting of 2.75 acres in the R-130 Zoning District. Applicant's seeks variance relief to construct ground mounted solar collectors in the front yard (applicant's property fronts three streets) variance relief sought for collector size where 900 s.f. is permitted, applicant seeks to install 1,560 s.f. of collectors. Noticing Required. Application was denied.

The Board having reviewed the Resolution, Mr. Morelli made a Motion to memorialize and Mr. Mostyn offered a Second: Roll Call Vote: Morelli, Mostyn, Frost, Lambros and Novellino voted yes to memorialize.

NEW APPLICATION:

Z18-05 McCAFFERY, JAMES - Block 42, Lot 11.03 located at 72 Stillhouse Road consisting of 3.70 acres located in two zones; R80 and RU-P Zone. Applicant seeks to construct a 1,500 s.f. single-family dwelling on a vacant lot. Applicant seeks relief Article 11-24.3 of the Land Use Development Ordinances, Steep Slope Buffer Requirements. Deemed complete 12-18-18. Date of Action: 4-17-19, Extensions of time granted through 6-30-19. Noticing required.

Attorney Vella having reviewed the Noticing packet and finding same in Order, accepted jurisdiction over the application.

Attorney Vella entered the following exhibits into evidence:

- A-1 Jurisdictional packet
- A-2 Application dated 9-20-18
- A-3 Website Notice
- A-4 Color Google Aerial
- A-5 Topographic Survey prepared by Peter P. Bennett III of WJH
Engineering dated 3-7-18
- A-6 Variance Plan prepared by Walter Joseph Hopkins of WJH
Engineering dated 8-30-18
- A-7 Stormwater Management Report prepared by Walter Joseph Hopkins

of WJH Engineering dated 9-9-18
BOA-1 Engineering Report dated 12-18-18
BOA-2 Planner's Report dated 12-20-18
BOA-3 Freehold Soil Conservation District Certification Letter dated 11-20-18

Attorney Greg Mordas representing the applicant.

Attorney Vella swore in the applicant, James McCaffery.

Mr. McCaffery explained that the property is located at 108 Backbone Hill Road. Mr. McCaffery's parents and brother live in the Township. He stated that this property has been in the family since the 1800's. It is wooded consisting of 3.7 acres that slopes in front by the road and levels off towards the back. He stated that he would like to build a home and live there. He will be selling his present home.

He advised that the property is flat toward the back. The way the property is situated, he would be in other residents' backyards. There is a suitable septic area where he has designed the home and stated that it is a dry parcel of land.

Attorney Vella marked into evidence, Exhibit A-8, Colored Rendering of the Site Plan.

Mr. McCaffery explained the property as being wooded. He stated that a gypsy moth infestation killed most of the large oak trees on the property.

Engineer Shafai asked the applicant why he is proposing to construct the house so far back because the proposed location has the house in the middle of steep slope area. Mr. McCaffery explained that he does not want to be too close to the road for his family.

Vice-Chairman Barthelmes stated that he drives by the property daily. He notices a curve there and discussed a home closer to the road could present a blind spot issue.

Attorney Vella wore in Michael Rodrigues, P.E. Mr. Rodrigues presented his credentials. He has his BS in civil engineering from NJIT. He has been working in the field for 15 years, and has been a licensed professional engineer for the last 10. He has testified before at least 10 municipal boards. Chairman Novellino accepts him as a professional engineer.

Utilizing Exhibit A-8, Mr. Rodrigues explained the project. St. Joseph Cemetery is adjacent to the property. Single-family residential properties surround the parcel. They will provide a ROW to the Township. Mr. Rodrigues provided that the setbacks to the house are 100 feet from the roadway. Stillhouse Road is the higher side of the property and the land slants to the east toward the Millstone River. Mr. Rodrigues stated that there will be a recharge basin to the rear of the house to capture runoff from the impervious area. He stated that 85% steep slopes will be disturbed.

Mr. Rodrigues explained how they balanced the earthwork and will not need any retaining walls. The usable septic location is on the proposed southern side of house with the well located to on the north side conforming to the Monmouth County Board of Health standards.

Mr. Rodrigues stated that 0.6 acres of clearing will need to take place. Moving the house back will reduce the clearing. He stated that the applicant understands that any installation of a pool in the future would require a return to the Board. The applicant has asked for a waiver from providing and EIS.

Engineer Shafai stated that the proposed new house is in line with the other houses.

Attorney Vella wants the applicant to understand that if a conservation easement is put in place, the applicant cannot build in that location.

Planner Gable stated that the conservation easement would preserve the existing wooded areas in its nature state. It assures that nothing is being disturbed, whether it is steep slope or not. This is a recommendation from Board Planner Fred Heyer.

The applicant is proposing a 3 to 1 (30%) steep slope. Engineer Shafai stated that presently it is 20%. The proposed area is in the side yard setback where they cannot construct anyway. Engineer Shafai is more concerned with the 3 to 1 area. Engineer Shafai stated that in order to get back to 15% the applicant would have to go to the back of the property.

Mr. Rodrigues stated that the driveway is 255 feet. The finished floor is 6 feet lower and 100 feet back. The driveway pitches away from the house and to an inlet. The house will have a basement. They do not want to import or export earth and he explained the plan.

Engineer Shafai wants to make sure that no erosion takes place in order to maintain the steep slope. Mr. Rodrigues stated that there is no problem with water flow just erosion. Freehold Soil will look at this. Engineer Shafai Matt wants trees to stop the erosion.

Trees in the 3 to 1 slope area must be stabilized that area. Engineer Shafai suggests 8 to 12 trees as per ordinance. Engineer Shafai asked that comments are incorporated.

The property is located in two zones. The house will be located in the R-80 Zone and the applicant will comply with the setbacks.

The applicant asked for a waiver from supplying the EIS offering that it was an undue hardship. They will limit the amount of clearing. Engineer Shafai stated that usually the Board receives the EIS when there wetlands and such. He stated that is okay with granting the EIS waiver request.

Planner Gable expressed that they recommend that the garage does not affect the street. Mr. Rodrigues explained the reason for the positioning of the garage.

At 8:25 p.m., Chairman Novellino opened the application to the public.

Attorney Vella swore in Brian Shjarback, 264 Sweetmans Lane. Mr. Shjarback explained that his backyard abuts the back of the subject property. He stated that the property slopes all the way back. He has concerns about this project.

Attorney Vella explained that we have ordinances in place and this Board can grant relief from the ordinances. The applicant has the burden to prove their case.

Chairman Novellino explained the purpose of the conservation easements. He advised that he visited the property today. His main concern for the neighbor is the visual impact and offered that the current location of the home is such that he feels it will not be seen by the neighbor. Chairman Novellino stated that we do not want to change the water flow so that runoff would impact the neighbors.

Mr. Rodrigues explained the underground recharge system. Engineer Shafai stated that the limit of disturbance is over 200 feet away from the neighbor's property. The house is to be located over 300 feet away.

Attorney Vella Swore in Dawn McCaffery, applicant's spouse. She explained that she does not want

the house is close to the road.

Chairman Novellino seeing no further public comment closed the public portion at 8:42 p.m.

The Board discussed the application. Vice-Chairman Barthelmes offered that the new home will definitely be far enough back off of the road but not too far back. The proposed location seems to be aesthetically pleasing. Chairman Novellino agreed. Mr. Mostyn noted that from the color aerial, the homes seem to be in alignment.

Chairman Novellino's main concern is with the slopes and erosion. He is satisfied that they are meeting a maximum of 30% and will plant grass. The runoff impact has been mitigated with the recharge facility taking care of that. The location of the house is not too close to the road and too far back to create issues disturbing more of the property that is visible to the neighbors and creating possibly more runoff issues.

Chairman Novellino asked Board Attorney Vella to go over the conditions of approval should the Board vote positively on the application. The conditions of approval include but are not limited to: the plans are to be revised to provide stabilization of new steep area where the new Right of Way is to be located, a list of waivers and zone lines are to be located on the plans, adjacent to the driveway should be underground, approval from Monmouth County Board of Health, Right of Way easement to be approved by the Township, etc.

Mr. Morelli made a Motion to approve the application as conditioned and Vice-Chairman Barthelmes offered a Second. Roll call Vote: Morelli, Barthelmes, Mostyn, Frost, Lambros and Novellino voted yes to approve the application.

Seeing no further new or old business, Chairman Novellino asked for a Motion to Adjourn. Mr. Frost made the Motion and Mr. Mostyn offered a Second and by unanimous vote the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Pamela D'Andrea