

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
FEBRUARY 27, 2019**

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

Reading of Adequate Notice by Mr. Barthelmes as well as the additional Noticing required by the Township.

Attorney Vella Swore in Member Frost.

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

Roll Call: Present - Barthelmes, Conoscenti, Frost, Lambros, Morelli and Mostyn  
Late: Ferrara (arrived at 7:50 p.m.)  
Absent - Novellino

**Meeting Minutes: January 23, 2019**

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

**RESOLUTION:**

**Z18-12 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 sought and received variance approval to install digital menu boards.

The Board having reviewed the Resolution, a Motion to memorialize was made by Mr. Mostyn and a Second was offered by Mr. Morelli. Roll Call Vote: Mostyn, Morelli, Barthelmes and Conoscenti voted to memorialize the Resolution.

**NEW APPLICATION:**

**Z18-09 MAZZITELLI - Block 36.01, Lot 3** located at 6 Quail Hill Road consisting of 2.66 acres in the R-80 Zoning District. Applicant seeks to construct single family home on the existing vacant lot. Variances are required for: Sec. 4-4.7 (Lot Area requirements) because a 200' diameter circle cannot be inscribed within the usable building area; Sec. 11-24.3 because existing steep slopes (15%+) are proposed to be disturbed and a conservation easement is not proposed around the remaining steep slopes. Also requested is a waiver from checklist submission of Environmental Impact and Assessment. (Sec. 9-3). Not Deemed Complete pending checklist submission waiver.

Attorney Vella advised that he has reviews the noticing packet and finds same in order to accept jurisdiction over the application. Attorney Vella enters the following exhibits into the record:

A-1	Jurisdictional packet
A-2	Application dated 10-25-18
A-3	Web Site Notice
A-4	Aerial of Property Prepared by Crest Engineering dated 10-12-18
A-5	Variance Sketch prepared by Crest Engineering dated 10-12-18; last revised 2-4-19
A-6	Plan approved by the Zoning Board in 2017, plans dated 11-21-16, last revised 2-5-17
A-7	Proposed Grading Plan prepared by Crest Engineering dated 2/4/19
A-8	Architecturals Plans prepared by Moglino Architect dated 10-29-18
BOA-1	Engineering Report dated 12-11-18
BOA-2	Planning Report dated 12-20-18
BOA-3	Recorded Conservation Easement dated 4-24-17, recorded 5-15-17

Attorney Vella Swore in Applicant's engineer, Lorali Totten of Crest Engineering, who has appeared before this Board and is known to the Board and accepted as an expert witness.

Board member Mr. Ferrara arrives at 7:50 p.m.

Ms. Totten explains the application. She clarified that the proposed home has a basement and a first floor. Ms. Totten explained that the applicant is seeking approval for a C Variance, a hardship variance, due to the uniqueness of the parcel. She explained to the Board that the proposed plan has less impact on the steep slopes and meets the goals of the master plan.

Ms. Totten explains that if we could not disturb some of the steep slopes we could not use this residential piece. Her opinion is that this proposed plan disturbs the steep slopes to a slightly lesser degree than the prior plans that the Board has seen.

Board Planner Heyer stated that he is satisfied with the location with the septic system that can be moved to the east. Attorney Vella asked if a portion of the septic system is located in the steep slope area. Ms. Totten explained that a special trench system will be put in place and purposely designed to fit into this system.

The applicant is prohibited from constructing in a certain area per the last Resolution.

Mr. Frost asked about the applicant has not submitted an Environmental Impact Statement (EIS). Engineer Shafai advised that an EIS was not been submitted with this application. Engineer Shafai stated that the 2017 Application had asked for a waiver from submitting an EIS.

Tree Removal was discussed and the Township requires that an application for a tree removal be filed. This would be a condition of approval. Ms. Totten advised that they would stabilize the area and submit an application to the Freehold Soil Conservation District with the new proposed project.

At 8:02 p.m., Vice-Chairman Barthelmes opened the application to the public. Seeing no Public comment, he closed the public portion.

The Board discussed the application. If the Board approves the application, Attorney Vella went over the conditions of approval including the first 4 conditions of the 2017 prior approval are to be included in this application. He advised that condition 6 of the 2017 approval has been complied with and the conservation easement has been filed. Condition 7 of the 2017 approval is included, Condition 8 is the driveway and this driveway is proposed to be 12 feet in width which is less. Conditions 9, 10 and 11 will be carried to this application. The building will be one-story with a basement. Tree removal will require a tree removal permit.

Vice-Chairman Barthelmes asked to a Motion to approve or deny the application. Mr. Conoscenti made a Motion to approve as conditioned and Mr. Morelli offered a Second. Roll Call Vote: Conoscenti, Morelli, Mostyn, Lambros, Ferrara, Frost and Barthelmes votes yes to approve the application.

**CARRIED APPLICATION:**

**Z18-10 NOREIKA, CHARLES -** Block 50, Lots. 1.01, 1.02, 1.03 & 2 located at Route 524 Scooter Corner consisting of 28+ acres located in the R-80 zoning district. Applicant seeks Preliminary and Final Major Subdivision Approval, Preliminary and Final Site Plan Approval and Use Variance Approval for the property commonly known as Rte 524 Scooter Corner, also known as Block 50, Lots 1.01, 1.02, 1.03 and 2 on the tax map of Millstone Township. The applicant proposes to create 11 lots. 8 of the lots will contain new residential lots, 1 of the lots will be designated for stormwater management, 1 lot will contain the existing single family home and 1 lot will be for the commercial use.

The applicant proposes to continue the retail and sales commercial use and buildings on the commercial lot and to construct a new 3,600 square foot commercial building with a 2 bedroom apartment on the second floor and a four car garage in the basement on the commercial lot. The applicant also proposes to construct a 1,900 square foot addition to the existing 4,900 square foot barn, The applicant requires a Use Variance for the commercial use, as it is not permitted in the R-80 Zone. The applicant also requires a lot coverage variance of 26.3%, where the maximum of 20% is permitted on the proposed commercial lot. The applicant also requires a front yard setback variance of 45.6 feet, where a minimum of 50 ft. is required for the existing home and a side yard setback of 8.2 feet, where 15 feet is required for the existing shed. These variances relate the proposed lot that will contain the existing single family home. Deemed Complete 12-7-18. Date of Action: 4-6-19. Noticing Required.

Attorney Vella advised the public that this is a continuation of an application that began in

December 2018. The plans have been changed and the applicant has noticed for the continuation of the application.

Attorney Vella advised that he has reviewed the jurisdictional packet and finds same in order and accepts jurisdiction over the application.

Attorney Vella reads the following exhibits into evidence:

- A-18 Jurisdictional Packet for 2-27-19 Meeting
- A-19 Website Notice
- A-20 Use Variance Plan and Preliminary and Final Major Site Plan for proposed Lot 1.05 prepared by T&M Engineering undated, last revised 1-4-19
- A-21 Architectural Drawings prepared by Partrick Hirsz dated 1-18-19
- BOA-6 Engineering Report dated 1-18-19
- BOA-7 Planning Report dated 2-18-19

Engineer Patrick Jeffery of T&M was sworn in prior and Attorney Vella advised that he is still under oath.

Mr. Jeffrey explained the change in the proposed application compared to the one submitted to the Board in December. There is screening and buffering from the existing propane storing station. Commercial access is off of Millstone Road and access to the business which is considered to be the main entrance, is off of Paint Island Spring Road.

Referring to Sheet 6 of Exhibit A-21, Color Rendering of the proposed site and proposed building. Mr. Jeffrey explained how large trucks traverse the site. The Fire Department will review this new plan and provide their comments.

Wheel stops would be installed in the parking spaces next to the building.

Lighting was discussed. A lighting plan was provided. The applicant is proposing a few site lights at the entrance on Paint Island Spring Road. There will be no lighting located off the Millstone Road. The parking area lights will be less intense. Applicant advises the lights will be minimally intense next to the barns.

The applicant discussed various requests for signage on the property. The applicant wants to install signage at the commercial access to eliminate parties from cutting through the site from Millstone Road.

The Board discussed their concerns for large signage taking into consideration that this is a residential zone. The size and location of the signage was discussed.

The applicant discussed various requests for signage on the property. The applicant wants to install signage at the commercial access to eliminate parties from cutting through the site from Millstone Road.

The applicant did not provide to the Board a proposed signage for their review and consideration.

Planner Heyer read from the signage ordinance.

As a condition of approval should the Board approve the application, the applicant would have to return to the Board with their formal plan for signage. This meeting would require public noticing per Attorney Vella.

The Board discussed the proposed floor plan. Mr. Jeffery stated the area designated "service Area" is actually for storage of merchandise. The Board Planner asked for clarification as to the grade of the property. The Building height was discussed.

Mr. Jeffrey discussed the second floor apartment. The applicant confirmed that the He explained that you access that floor via an elevator. This is a 2-bedroom family apartment. The Board could deed restrict the living space.

Mr. Jeffrey discussed the outdoor display areas. The applicant wishes to display out front and underneath the building overhang. They will leave the heavy merchandise outside.

The applicant will comply with the Board Planner's Report and the Board Engineer's report.

Vice-Chairman Barthelmes opened the application to the public.

Attorney Vella swore in Ms. Jenkins, 418 Stage Coach Road. Ms. Jenkins advised that she likes the look of the building. She voiced her concern about the apartment and asked why the Board is not addressing this.

Attorney Vella advised that this meeting is a continuation of the December 12, 2018 meeting. He clarified that all of the evidence is in and that we are not starting anew but rather continuing. The Board has already heard the testimony about the apartment.

Attorney Vella sworn in Jeff Torno of Paint Island Spring Road. Mr. Torno is concerned about the size and scope of the project. Regarding the prior approval, Attorney Vella stated that the prior approvals have expired and are no longer valid.

Mr. Torno voiced his concern that the lot with the commercial building is a residential lot that should have one home on it. He is concerned about the size of the project. He is concerned with the impact of the project has on the residents' quality of life. He asked the Board not to grant the requested variances.

Attorney Vella recommended to the Board that what the applicant is proposing looks like a residential home and does not look out of the neighborhood.

Attorney Vella swore in Christine Gellane 365 Stage Coach Road . She advised that the lighting and signage will be minimal.

Attorney Vella swore in Michael Loverich of Paint Island Spring Road. Mr. Loverich feels that the building has scaled down to conform better. He understands the concerns of the residents

who live around the site.

Seeing no further public comment on the application, Vice-Chairman Barthelmes closed the public portion at 10:00 p.m.

Board Planner Heyer stated that the principal variance is the D1 use variance to permit the development of an apartment in a single family zone. The D2 variance is for increasing an existing non-conforming use. A variance is needed for lot coverage. The applicant is proposing 36 parking spaces where 38 parking spaces are required. Planner Heyer advised that the applicant will comply with the comments made in his report.

The Board discussed the application. The business was established on this spot since 1949. Mr. Frost felt that the applicant complies with the comments in the professionals' reports. Mr. Frost felt that historic plaque located within the front area reflecting the site being a local historic site would be appropriate. Mr. Frost is satisfied that the applicant they have done what they could.

Mr. Lambros felt it was important to apply the facts to the circumstances. This is a residential zone. The applicant is proposing to expand a non-conforming use. They are proposing to increase the existing use by almost 50%. He explained why he felt this is a major expansion of a non-conforming use. He offered that this application is as if they were rezoning the property without rezoning.

Vice-Chairman Barthelmes offered that the applicant is going to build what they need in order to make the business more user friendly. The fact that they have been in business at this location since 1949 makes a difference. The lighting is important so that it does not impact the neighbors. He stated that he appreciated the applicants downsizing the size of the project. Mr. Barthelmes feels this is a nice compromise.

Mr. Morelli feels this business has been in the location for a very long time, yet this is not a business zone. Mr. Morelli wants to see all of the outside merchandise to be stored inside the building, He wants to see the lighting minimized for the residents.

Attorney Vella offered that the Board has two concerns. One is the alleged roundabout. He offered that it is prudent to make a condition of approval, if the County does not take the applicant's property, then the building is not built and the buildings stay where they are.

Mr. Mostyn advised that he likes the condition. He feels that the new building was a little larger. He feels that if you want to expand you would give yourself a little room. He stated that they are a commercial building in a residential zone. Mr. Mostyn like it but feels it could be fine tuned and has mixed feelings overall.

Mr. Conoscenti feels it is an existing business. The family has been there since the 1940s. He feels that the applicant has taken the comments received by the Board and its Professionals and tried to incorporate those ideas.

Mr. Frost agrees with what the Board members have said. He feels that the proposed building is nice. He feels that the applicant deserves to thrive in Millstone.

Mr. Ferrara feels that this is a difficult situation for owners of the business and residence who have lived here for decades. He offered that the County will be forcing this. The roundabout will be changing the entire area. The roundabout itself will have an increase of traffic. Mr. Ferrara applauded the improvements made on the structure. He likes the building and the changes made, including beautifying and concealing the parking lots. The roundabout will change Scooter' Corner.

Board Engineer Shafai advised that the roundabout will be bright. The Roundabout must be lit.

Attorney Vella read conditions of approval should the Board vote positively for the application, including but not limited to: Only a family member or a direct employee can stay in the apartment, the apartment will be deed restricted and be reviewed by the Board Engineer and Attorney, the applicant will add signage to prohibit customer traffic using Millstone Road, concrete wheel stops will be added, applicant will comply with the ordinance for non-residential signs in residential zones, one sign at circle area with the square footage to be determined and additional signage at Pain Island Spring entrance, there are no architecturals presented to the Board, the Board will impose a square footage limit, the banked parking to be constructed if the required, the applicant must appear before the Board for approval for the banked parking spaces to be constructed, no architecturals were provided for the signage, applicant must return for signage approvals, the historic plaque location shall be decided by the Board Engineer and Planner, lights will be on timers to go off one hour after the close of business, site plan approval will not trigger until the County takes formal action to begin the roundabout (may be the awarding of the contract), the applicant can however perfect the subdivision, the applicant is required to amend the site plan for submission of the architecturals for the signage, provide landscaping to buffer the parking lot subject to the Board Engineer approval, etc.

Vice-Chairman Barthelmes asked for a Motion and a Second. Mr. Lambros made a Motion to deny the application. Seeing no Second offered, the Motion fails. Vice-Chairman Barthelmes made a Motion to approve as conditioned and Mr. Frost offered a Second. Roll Call Vote: Barthelmes, Frost, Morelli, Conoscenti, Mostyn and Ferrara voted yes, Lambros voted no.

The application was approved.

Seeing no further old business or new business, Mr. Ferrara made a Motion to Adjourn and Mr. Lambros offered a Second and by unanimous vote the meeting adjourned at 10:50 p.m.

Respectfully submitted,

Pamela D'Andrea