



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
December 9, 2021**

The Millstone Township Zoning Board of Adjustment Special Meeting was called to order by Chairman Novellino on Wednesday, December 9, 2021 at 7:30 p.m. in the Municipal Meeting Room, 215 Millstone Rd., Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Vice-Chairman Barthelmes read the Open Public Meetings Act Statement.

There was a salute to the Flag and an observance of a moment of silence offered for those serving and those who have served our country in the past.

Roll call for the below members was called:

Present: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Mostyn, Mr. Mangano (Alt. I) and Ms. Zabrosky (Alt. II).

Absent: None.

Attending: Greg Vella, Esq.; Matt Shafai, PE, PP, Board Engineer; Leigh Fleming, PP, AICP, Board Planner; Angela Buonantuono, Court Reporter; and Melissa Peerboom, Acting Board Secretary

MINUTES:

Minutes from August 25, 2021

Chairman Novellino asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from August 25, 2021, which was seconded by Ms. Zabrosky. The Minutes were adopted on a roll call vote: Chairman Novellino, Mr. Barthelmes, Mr. Lambros and Ms. Zabrosky.

RESOLUTION(S):

None.

NEW APPLICATION(S):

**St. Joseph Roman Catholic Church of Perrineville, Inc.
Block 40.01, Lot 20.01 – 91 Stillhouse Road
Variance Application # Z21-05**

Proposal to modify the existing church sign to include digital messaging, at an existing church property in the R-80 Zoning District. Variance relief is required for the sign's digital messaging.

Mr. Vella, Esq. noted that the Board has received the proof of notice and the Board does have jurisdiction to hear this application.

He noted that Board member Ms. Zabrosky has a conflict with this application and left the dais.

Mr. Vella, Esq. reviewed the exhibits for this application.

The following witnesses were sworn in and were under oath:

Matt Shafai, PE, PP – Board Engineer
Leigh Fleming, PP, AICP – Board Planner
Loralie Totten – Applicant's Engineer
Allison Coffin, PP – Applicant's Planner



Mr. Pape, Esq. entered his appearance on behalf of the applicant. He stated that the size and the location of the sign will remain the same as existing. The applicant intends to change the sign to provide digital messaging.

Ms. Totten has previously testified before this Board and the Board accepted her as a professional licensed Engineer. She was sworn in. She provided a summary of the site being used as an existing church and the surrounding area.

Mr. Pape stated the existing sign has ground lighting. The proposed sign will be digital and may contain color or pictures.

Ms. Allison Coffin has previously appeared before the Board, was sworn in and was accepted as a professional licensed Planner. The existing freestanding sign will require a d(1) variance. She reviewed the proofs for this proposed use. The sign will communicate information to the congregates about services and education.

Mr. Pape explained that the LED lighting would be adjustable to different lighting levels and the applicant would work with the Board's professionals regarding the lighting levels. The sign would not be constant changing, but the messaging would be changed only as necessary. The signage would turn off around 10:00 pm.

The proposed sign would be dark background and would typically contain white lettering. The Board did not take any exception to the testimony provided and feel that the sign would be beneficial to the changing times, and allows for the more modern LED lighting.

Mr. Vella reviewed possible conditions suggested by the Board, including that the messaging would not be flickering, flashing or constant changing, the congregation would work with the OEM Director to broadcast any emergency messaging, if needed, and the lighting levels would be adjusted to the satisfaction of the Board Engineer.

Chairman Novellino opened the matter to the public. With no members of the public coming forward, Chairman Novellino closed the public session.

With no further discussion from the Board, Mr. Ferrara made a motion to approve the application, granting relief for the digital message sign for the reasons put on record and the conditions noted by Mr. Vella, Esq. This motion was seconded by Mr. Conoscenti. The application was approved on a roll call vote in favor: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Mostyn; and against: Mr. Morelli. Approved 6 – 1.

Mr. Pape requested a recess while he prepared for the next application.

The Board took a five-minute recess. Ms. Zabrosky returned to the dais when the Board went back into session.

Mr. Lambros removed himself from the dais for the following application and sat as a member of the public for the following matter.

**Marandola, Anthony & Dianna
Block 12, Lot 14 – 11 Van Hise Drive
Appeal of a Zoning Officer's Determination and
(Alternately) Use Variance Application # Z21-07**

The applicants are proposing to add an additional 1,127 square feet of living area to the existing home. Applicants are appealing the Zoning Officer's determination that the proposed modifications covert their single-family home to a two-family residence. The Zoning Officer ruled that the proposed use constitutes a two-family residence. In the alternative, Use Variance relief is being requested to permit the modification of their home as proposed.



Mr. Vella, Esq. noted that the Board has received the proof of notice and the Board does have jurisdiction to hear this application. He noted that the applicant only had twenty days from the Zoning Officer's determination to file for an Appeal. Unfortunately, it was not recognized earlier, but the Appeal was filed after the allowed twenty-day time frame. The Zoning Denial was issued on September 28, 2020. The applicant can only file a substantially different application to the Zoning Officer and cannot apply for the same approvals that were previously denied by the Zoning Officer. This is known as "res judicata." As such, Chairman Novellino made a motion to deny the application for Appeal of a Zoning Officer's determination based on the Applicant not being filed within the required time frame. This motion was seconded by Mr. Morelli and carried with the following vote in favor of the denial: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Mostyn; None against.

Moving forward with the application for a Use Variance, Mr. Vella, Esq. reviewed the exhibits for this application, additional exhibits were marked.

The following witnesses were sworn in and were under oath:

Matt Shafai, PE, PP – Board Engineer
Leigh Fleming, PP, AICP – Board Planner
Anthony Marandola – Applicant
Loralie Totten – Applicant's Engineer
Brian Berzinkis – Applicant's Architect
Allison Coffin, PP – Applicant's Planner

Mr. Anthony Marandola appeared as the Applicant. He provided an opening statement, explaining the need for the addition to provide living space for his in-laws within the family home.

Ms. Loralie Totten has previously been recognized as a professional licensed Engineer and the Board accepted her credentials. Ms. Totten was again sworn in. She provided a summary of the surrounding area and the proposed addition.

Mr. Pape, Esq. stated that the proposed living space is, in part, utilizing the existing home living space.

Mr. Berzinkis was sworn in and provided his credential as a licensed architect. The Board accepted him as a professional licensed architect. Additional exhibits were marked. Mr. Berzinkis reviewed the proposed addition to the home, describing the existing and proposed floor plans. There will not be any doors to separate the living space from the main living area and the proposed living area for Mr. Marandola's in-laws.

Mr. Pape offered that the applicant would be willing to remove the door, if the Board preferred it to be removed. Mr. Vella noted that the Board cannot design the home, but can only consider the application before them.

Chairman Novellino asked if the Applicant would be providing testimony regarding the requested use variance.

Mr. Pape stated that the home is not proposed to be a two-family home. There is no definition in the codebook for a mother-daughter or two-family home in the codebook. Chairman Novellino stated that since it is not defined or listed as a permitted use, then it is not allowed and requires a use variance. Mr. Shafai stated that the proposal, in his experience, appears to be a two-family home.

Mr. Pape stated they are seeking the approval for a two-family home, although they do not intend to use it as a two-family home.

Mr. Shafai noted that the only additions that the Township can approve under a single-family home are a bedroom, a bathroom and living room. Anything further lends itself to be a two-family home.



Mr. Pape, Esq. requested a five-minute recess.

Upon going back into session, Mr. Pape offered several controls as a condition to an approval of the application, including a recorded deed/convenient restricting the use for family members.

Ms. Allison Coffin has previously appeared before the Board, was sworn in and was accepted as a professional licensed Planner. She stated there is a dwelling, a shed and an inground pool on the property. The applicant is proposing a one-story addition for an in-law suite for family members, with one bedroom, a study, a kitchen, bathrooms, laundry, storage space, and a deck with a second front door. The design would allow continuous living space and there would not be any door or separation. She reviewed the zoning regulations, noting the proposed use has been determined to be not permitted. No bulk variance relief is required for the proposed construction.

The applicant proposes to have multi-generational living within the home. Ms. Coffin continued to say that this type of living allows for housing options for multi-generational aging families. Chairman Novellino inquired if multi-generational living is recognized as a permitted use. Ms. Coffin indicated it is not.

Chairman Novellino inquired if this can be argued for all residences in the Township and may undermine the Zoning Plan. He confirmed that single-family use is permitted within the Township, but two-family use is not. He also noted that with two kitchens, two laundry rooms, two of everything, appears to be two-family, not one-family, acknowledging that the ordinance does not contain a definition of a two-family home. Ms. Coffin stated that mother-daughter homes typically allow for a second kitchen to allow for some independence, while living within the same home. Chairman Novellino stated it seems as the private areas, such as bedrooms and bathrooms are permitted, but the "common areas" are the areas that would be shared.

Mr. Vella, Esq. read a portion of a deed of restrictive covenant in place for the development that says that there will only be single-family residential homes. Mr. Pape, Esq. was not familiar with this document and would review it with his client.

With no further witnesses, Chairman Novellino opened the matter to the public. Mr. Vella, Esq. reviewed the procedures of the Board for members of the public.

Doris Gallagher of 9 Van Hise Drive appeared and was sworn in. She lives next door to the subject home. She stated that the home looks, to her, like a two-family home. She reviewed the definition of a single-family home. The proposal appears to contain all of the necessary facilities to create two dwelling units. This does not appear to be a "single house-keeping unit" where they would be sharing the household. She supports multi-generational living, but believes the applicant should provide a seamless flow within the household, not duplicate the facilities within the household.

Juliana Maltese of 2 Mount Drive (across the street from the subject home) appeared and was sworn in. She does not want two-family living in her neighborhood, but believes the offered restrictions are reasonable and does not object to the applicant's proposal, allowing for their family members to live there.

Jared Sorin of 8 Elm Court appeared and was sworn in. He does not object to the applicant's request and supports having parents living with their family members.

Karen Hering-Hodes (retired attorney) of 33 Van Hise Drive appeared and was sworn in. She said she does not have any problem with parents living with the family, but the entire neighborhood entered into the covenant to maintain the houses as single family and would like this to remain. She does not want to change any zoning to two-family homes. There is no advancement, other than that of the applicant, to grant this variance.

Jeff Ziner of 12 Van Hise Drive appeared and was sworn in. He stated the property is located in the R-130 zoning district, which is supposed to be low density, rural. He said that granting a variance for



this would open this option up to many other homes within the Township. He is also concerned that allowing this type of use would affect the Township's COAH requirement, possibly requiring additional COAH units. Multi-family dwelling is only permitted with COAH housing and provide restrictions/regulations within the zone.

Steve Lambros of 10 Van Hise Drive appeared and was sworn in. Mr. Vella, Esq. reminded everyone that Mr. Lambros, although a member of the Zoning Board, stepped off the dais for this matter and was not participating in the hearing for this application as he has a conflict of being a neighbor. He is appearing at this time as a member of the public and does not represent the Board in his appearance as a member of the public. He does not believe that the proposal meets a typical mother-daughter. It appears this proposed plan provides for completely separate and distinct living. He does not believe that the town should have to enforce all of the conditions that were offered by the applicant. The proposal is inconsistent with the neighborhood and the zoning laws. He questioned the need for two of everything (kitchens, laundry, etc.) if it is meant for one family.

Allan Gallagher of 9 Van Hise Drive appeared and was sworn in. He said defining a family may be different in the future, so planning should be done not just for today, but also for the future. He said that even if the second "front door" was eliminated, the proposal still appears and can function as two separate housing units. He asked the Board to reject the applicant's request.

Moses Rucker III, of 6 Mount Drive appeared and was sworn in. He inquired the difference between multi-generational and two-family housing. He lives in Millstone to keep with the standards in place and does not want to change the character of the neighborhood. He has multi-general living in his house, but his mother stays in one of the bedrooms within his house.

Laura Guterman of 19 Van Hise Drive appeared and was sworn in. She believes the proposal is intended for a mother-daughter and does not believe a second kitchen would constitute a second living unit since it is not being rented out. Second kitchens are allowed for religious reasons.

Srinivasa Boddu of 13 Van Hise Drive appeared and was sworn in. He does not believe the applicant intends to have a second home, but cannot say it wouldn't be used as a two-family in the future. He stated that families should be able to live together.

William Hollinger 8 Agress Road appeared and was sworn. He does not believe that the proposal would change the character of the neighborhood and does not take exception to the application.

Sandra Rucker of 6 Mount Drive appeared and was sworn in. She supports multi-generational living, but believes the house would be "overstressed" and would appear much larger than the surrounding homes. She does not support the proposal.

Paul Guterman of 19 Van Hise appeared and was sworn in. He stated that the house will be approximately 4,100 s.f. and does not feel it is out of character with the surrounding homes and that five members of a family living together would not "stress" a home. He feels the applicant has attempted to mitigate the concerns of the Board. He suggested that the town clarify a single-family and two-family home better.

Jeff Ziner, still under oath, reappeared and clarified that the house is currently over 4,400 s.f. and the addition would really create a 6,000 s.f. home. He feels this would be an eyesore and uncharacteristic of the surrounding area.

With no other members of the public coming forward, Chairman Novellino closed the matter to the public.

Chairman Novellino reiterated that the applicant is seeking a use variance for a two-family home. The applicant must meet the positive and negative criteria. The use is not clearly defined by the codebook, but is not permitted. The applicant, he said, has not proved that this particular property is particularly suited for the proposed use. He reviewed the key points put into the record. He does not feel that a second living space is required in order to have the multi-generational living. He also



stated that a variance goes with the property and although the applicants may intend to use the house as a single-family use, it really is not single-family and it is not practical to enforce. The ordinance limits things to characterize a single-family house to support the purposes of the Master Plan. He is opposed to the proposed application.

Mr. Mangano feels that since the two units can function independently, it can be considered a two-family home and would not function as a single-family unit. The house can accommodate the additional family members without going to this extent.

Mr. Vella, Esq. reviewed the stipulations offered by the applicant should the Board vote in favor of the application. He explained the recorded covenant only permits single-family residential and this is an application for two-family use. Any motion to approve this motion should also say that this condition of the restrictive covenant does not apply. Any motion to deny should also affirm the restrictive covenant.

Mr. Ferrara made a motion to deny the application, noting the restrictive covenant prevents the Board from granting a use variance for a two-family home, which was seconded by Mr. Mostyn. The motion to deny passed on the following roll call vote: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Morelli, Mr. Mostyn and Mr. Mangano (seated for this application). Application denied: 7 – 0.

Mr. Lambros returned to the dais for the following application.

Clickner, Dale
Block 47.02, Lot 2 – 80 Paint Island Spring Road
Variance Application # Z21-07

Located at 80 Paint Island Spring Road, Known as Block 47.02, Lot 2; consisting of 1.11 acres; located in the R-80 Zone. Applicant is seeking variance relief to construct a 1,609 square foot detached four-car garage. A building coverage of 10.6% is proposed where the maximum building coverage is 10%. A lot coverage of 27.7% is proposed where the maximum lot coverage allowed is 20%. An accessory structure of 1609 square feet is proposed where the maximum accessory structure allowed is 900 square feet.

Mr. Vella, Esq. noted that the Board has received the proof of notice and the Board does have jurisdiction to hear this application.

Mr. Vella, Esq. reviewed the exhibits for this application. Additional exhibits were marked.

The following witnesses were sworn in and were under oath:

Matt Shafai, PE, PP – Board Engineer
Leigh Fleming, PP, AICP – Board Planner
Donna Bullock – Applicant's Engineer
Allison Coffin, PP – Applicant's Planner
Dale Clickner, Jr. – Applicant

Mr. Jared Pape, Esq. appeared on behalf of the applicant. He provided a summary of the proposed application.

Donna Bullock, PE, has previously appeared before the Board, was sworn in and was accepted as a professional licensed Engineer. She explained that the reason for the location of the proposed garage and noted that there is an existing draining easement on the property. Ms. Bullock reviewed the existing structures and attributes of the site.

Mr. Pape suggested that the proposed structure would not be visible from the street. The proposed garage would be the same color as the house. There are some trees that would need to be removed



in order to construct the proposed garage. The applicant is proposing a meandering gravel driveway to access the proposed garage.

Ms. Bullock stated that the structure would not contain any living space. The proposed garage would be the same color as the existing home, but would not be of the same material. This requires variance relief.

Chairman Novellino stated he has driven past the property and it appears that the structure would be visible from the roadway. Ms. Bullock stated that it would be screened, but Chairman Novellino noted it is not sufficiently screened.

Ms. Allison Coffin has previously appeared before the Board, was sworn in and was accepted as a professional licensed Planner. She reviewed the proposed application and relief requested. The existing lot is undersized for the zone, and the existing lot coverage is non-conforming. The proposed garage would further increase the impervious coverage.

Ms. Fleming inquired about any outdoor lighting that may be proposed and other utilities to the proposed garage structure.

Dale Clickner appeared as the applicant and was sworn in. He stated that the proposed garage would contain electric and gas. There would be no water and no plumbing to the structure. The existing shed on the property is used to store pool equipment. Ms. Fleming asked if the shed would be coming down with the construction of the proposed garage. Mr. Clickner indicated he did not intend to remove the existing shed, but would if the Board deemed it necessary.

Ms. Coffin noted the applicant is proposing landscaping to mitigate the visibility to the proposed garage structure. She said that the lot size is the reason for the variance. Chairman Novellino suggested there may be other means to lessen the amount of impervious coverage. The proposed garage is a four-car garage and there is an existing two-car garage.

Mr. Clickner stated that the existing garage does not allow for car storage with the other items stored in the garage.

Mr. Lambros inquired about the need for the excess height of the proposed garage. The height proposed to be 18' tall. Mr. Clickner suggested it is to allow him extra room for his big truck. Chairman Novellino noted the applicant is seeking a 1,500 s.f. accessory building whereas only 900 s.f. is permitted. He also suggested that if the building was to be of the same material as the existing home, it would also alleviate the need for additional variance relief.

With no other witnesses, Chairman Novellino opened the application to the public. There were no members of the public that came forward and Chairman Novellino closed the public session.

Mr. Pape, Esq. suggested that there are some things that the applicant could have done different that would address some of the concerns of the Board. He asked if the Board would give him a minute to speak to his client. The Board took a short break.

Upon coming back into session, Mr. Pape, Esq. asked if they can carry the application in order to revise the plans and resubmit to address some of the concerns brought up during the hearing. The applicant agreed to grant an extension of time in order to allow the application to be carried to the January 26, 2022 meeting.

Mr. Vella, Esq. announced that this hearing will be carried to the Zoning Board meeting to be held on January 26, 2022, at 7:30 pm, at this same location. There would be no further notice of this hearing.

BOARD DISCUSSION:

The Board wished everyone a happy holiday season. There were no other business matters up for discussion.



ADJOURNMENT:

With no further business, Mr. Lambros made a motion to close the meeting, which was seconded by Mr. Mostyn. With all in favor, Chairman Novellino adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary*