

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 27, 2021**

Meeting called to Order by Chairman Novellino at 7:30 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, Lambros, Morelli, Mostyn, Novellino and Zabrosky
Absent - Ferrara and Mangano

ADOPTION OF VIRTUAL MEETING RESOLUTION:

In September of 2020 the New Jersey Legislature adopted an amendment to N.J.S.A. 52:27D-18 designated as N.J.S.A. 52:27D-18.11 expressly authorizing the conduct of public meetings remotely under certain circumstances including whenever a public health emergency, pursuant to the "Emergency Health Powers Act, or a state of emergency, or a state of local disaster emergency has been declared by the governor and is in effect; the regulations at N.J.A.C. 5:39-1.4(h) provide that the Public body shall adopt by resolution standard procedures and requirements for public comment during the meeting and comments submitted in writing ahead of the meeting.

The motion to adopt the virtual meeting resolution was made by Mr. Lambros and a Second offered by Mr. Conoscenti. Roll Call Vote: Lambros, Conoscenti, Barthelmes, Morelli, Mostyn, Novellino, Zabrosky

ELECTION OF OFFICERS:

CHAIRMAN:

Election of Officers began with a nomination of Chairman. Mr. Lambros made a Motion to nominate Mr. Novellino to serve as Chairman. Mr. Morelli offered a Second. Roll Call Vote: Lambros, Morelli, Barthelmes, Conoscenti, Mostyn, Zabrosky

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. Conoscenti offered a Second. Roll Call Vote: Novellino, Conoscenti, Lambros, Morelli, Mostyn, Zabrosky

Congratulations to Mr. Barthelmes. 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 Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Conoscenti, Lambros, Morelli, Mostyn, Zabrosky

Ms. D’Andrea thanked the Board.

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 Mr. Lambros. Roll Call Vote: Novellino, Lambros, Barthelmes, Conoscenti, Morelli, Mostyn, Zabrosky

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. Conoscenti. Roll Call Vote: Novellino, Conoscenti, Barthelmes, Lambros, Morelli, Mostyn, Zabrosky

PLANNER:

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

COURT REPORTER:

The Motion to appoint AB Court Reporting, LLC. with Angela Buonantuono as the Board Court Reporter was made by Chairman Novellino and a Second offered by Mr. Mostyn. Roll Call Vote: Novellino, Mostyn, Barthelmes, Conoscenti, Lambros, Morelli, Zabrosky

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, Lambros, Morelli, Mostyn, Zabrosky

REGULAR MONTHLY MEETING SCHEDULE:

The Motion to adopt a regular monthly meeting schedule for 2021 and the first meeting date of 2022 with the meetings to begin at 7:30 p.m. via Zoom was made by Chairman Novellino and a Second offered by Mr. Lambros. Roll Call Vote: Novellino, Lambros, Barthelmes, Conoscenti, Morelli, Mostyn, Zabrosky

These meetings will be held remotely as the conditions attendant to the emergency compromise the safety of Board members and members of the public if the meeting were conducted in person.

Members of the public have the option to attend the meeting either by using a device (PC, laptop, tablet or smartphone) or by dialing in via telephone.

Attending Using a Device

If attending using a device, you will be able to see and hear the members of the Board of Adjustment while they conduct the meeting. Your microphone will be muted and you will NOT be seen by the Board of Adjustment or any other meeting attendee. By clicking on the Q&A icon, you may submit comments or questions throughout the meeting. Your comment or question will be read aloud during the Public Comment portion of the meeting.

To join the meeting use the link on the Millstone Township Board of Adjustment web site home page <https://www.millstonenj.gov> or join the meeting at:

Join Zoom Meeting

<https://us02web.zoom.us/j/9225936112>

Meeting ID: 922 593 6112

One tap mobile

+19292056099,,9225936112# US (New York)

+13017158592,,9225936112# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 922 593 6112

Find your local number: <https://us02web.zoom.us/u/kchOGRTFx1>

Attending via Telephone

If attending via telephone only, you will be able to hear the Board of Adjustment Meeting while they conduct the meeting. Your microphone will be muted. During the Public Comment portion of the meeting, you will be identified by the last four digits of your phone number and will be invited to make a comment. Your microphone will be unmuted at this time.

Use one of the following phone numbers to join the meeting.

Please be advised that, pursuant to New Jersey Administrative Code section N.J.A.C. 5:39-1.4(d) and N.J.A.C. 5:39-1.7(c) all individuals giving sworn testimony must appear by both video and audio.

Pursuant to N.J.A.C.5:39-1.4(f) members of the public may submit comments to the Board secretary by electronic mail at p-dandrea@millstonenj.gov or in written letter form at 470 Stage Coach Road, Millstone Township, N.J. 08510 at least two (2) business days prior to the meeting date. Comments timely submitted shall be read aloud at the meeting audible to all meeting participants and the public, subject to the same time limits as are placed on public comments.

All plans, maps and papers regarding this matter are on file with Board of Adjustment and are available for public inspection on the Millstone Township Board of Adjustment website at

<http://www.millstonenj.gov/boardsnotices.html>

If you have any questions prior to the meeting regarding Zoom Conferencing feel free to contact Board Secretary Pamela D'Andrea at p-dandrea@millstonenj.gov during normal business hours who will be hosting the meeting.

The Millstone Township Board of Adjustment meetings will begin at 7:30 p.m. and the dates are as follows:

Chairman Novellino read the dates into record.

| | |
|-------------------|--------------------|
| January 27, 2021 | July 28, 2021 |
| February 24, 2021 | August 25, 2021 |
| March 24, 2021 | September 22, 2021 |
| April 28, 2021 | October 27, 2021 |
| May 26, 2021 | November 24, 2021 |
| June 23, 2021 | December 29, 2021 |
| | January 26, 2022 |

APPROVAL OF MEETING MINUTES: October 28, 2020

The Board having reviewed the Meeting Minutes and suggested changes having been made. Mr. Conoscenti made a Motion to approve the minutes with changes and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Conoscenti, Barthelmes, Lambros, Morelli, Mostyn and Novellino voted yes approve the meeting minutes.

NEW APPLICATION:

Z20- RHEINHARDT, SAMPSON & VICTORIA – Located at 140 Disbrow Hill Road, known as Block 11, Lot 1.02 consisting of 2.28 ac and Bock 11, Lot 24 of 5.72 acres located in the Rural Preservation (RU-P) Zoning District. Applicant seeks to construct an attached 3-car garage with attic consisting of 864 s.f. and 22'4" approx. height. Parcel has two front yards (Disbrow Hill Road and a dirt lane) where set back is 50 feet and applicant can provide 28 feet. Bulk Variance required. Deemed complete: 9-1-20. Date of Action:12-30-20, extension granted through January 31, 2021. Noticing required.

Attorney Vella advised that he has read the noticing packet, finding same in order to accept jurisdiction over the application.

Attorney Vella read the following exhibits into the record:

- A-1 Jurisdictional Packet
- A-2 Application dated 7-22-20
- A-3 Color Aerial of Property
- A-4 Architecturals prepared by Drafting Concept dated 5-4-20 consisting of 1 page.
- A-5 Applicant's Photo of front of home.
- A-6 Applicant's Photo of side of home.

- A-7 Building Elevations prepared by Alpine (undated)
- BOA-1 Engineer Report dated 9-1-20
- BOA-2 Planner Report dated 10-16-20

Attorney Vella swore in the Applicants, Sampson and Victoria Rheinhardt.

Mr. Rheinhardt explained they are before the Board this evening for the approval of the setback not being met due to not having an existing garage and would like to propose the garage on the side of the house and the setback would be for a private driveway shared by another resident located at Block 11, Lot 4.

Ms. Rheinhardt stated the setback is for the unmarked lane and not for Disbrow Hill Road.

Mr. Shafai advised the Board that the unmarked lane is a public right-of-way.

Attorney Vella advised the Applicant currently owns Block 11, Lot 24 directly behind their property which is all wetlands. Due to the doctrine of merger, it should be one lot. The Board requests a lot consolidation deed which creates two lots to be one lot from the Tax Assessor which makes the lot larger. The other lots are undersized so there is no way the Applicant could not acquire lands from the neighbors to eliminate the undersized lot variance.

Mr. Shafai stated the original setback is 59 ft. and it is being reduced to 35 ft. The conditions set forth should be what Attorney Vella stated for the lot consolidation and a right-of-way dedication on Disbrow Hill Road.

Chairman Novellino opened the meeting to the public on this application at 8:15 p.m., with no public comment Chairman Novellino closed the public comment portion at 8:16 p.m.

Mr. Lambros commented stating the approval of the application will be an improvement to the property. This will give them a safe entry to their home from the garage.

Chairman Novellino stated he does not see any negative to this application.

Attorney Vella explained if the application is approved by the Board the Applicant must provide the following conditions: applicant to provide a lot consolidation deed for Lots 1.02 and 24 and obtain a new lot number from the Tax Assessor, the material used for the garage shall match the existing home, a new plan to provide the existing septic field and tank, 25 ft. right-of-way dedication to the Township on Disbrow Hill Road prior to getting Certificate of Occupancy.

The Board having discussed the application, Mr. Conoscenti made a Motion to approve the application as conditioned and Mr. Mostyn offered a Second. Roll Call Vote: Conoscenti, Mostyn, Barthelmes, Lambros, Morelli, Novellino, Zabrosky voted yes to approve as conditioned.

NEW BUSINESS: 2020 Annual Report

The Board had received and reviewed the contents of the draft report. There were no recommendations by the Board for the 2020 Annual Report.

Chairman Novellino asked if the Board wanted to adopt the Annual Report at this time. Mr. Lambros made a Motion to adopt the 2020 Annual Report and Mr. Morelli offered a Second. Roll Call Vote: Lambros, Morelli, Barthelmes, Conoscenti, Mostyn, Novellino, Zabrosky

NEW BUSINESS:

Ms. D'Andrea stated for the next meeting as long as notice properly done New Cingular Wireless AT&T, Block 17, Lot 4, will be presenting at the next Board of Adjustment meeting on February 24, 2021 for the cell tower. Burger King may be presenting in the future for a second lane drive through and a menu board.

Seeing no old business, Chairman Novellino asked for a Motion to adjourn and a Second. Vice-Chairman Barthelmes made the Motion and Mr. Morelli offered a Second and by unanimous vote, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Pamela D'Andrea