



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MINUTES  
April 27, 2022**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Novellino on Wednesday, April 27, 2022 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. Ferrara, Mr. Lambros and Mr. Sinha (Alt. I).

Absent: Mr. Conoscenti, Mr. Morelli, Mr. Mostyn and Ms. Beckish (Alt. II).

Attending: Greg Vella, Esq.; Matt Shafai, PE, PP, Board Engineer; M. McKinley Mertz, AICP, PP, Board Planner; and Danielle B. Sims, Board Secretary

Mr. Sinha was seated for Mr. Mostyn.

**MINUTES:**

**Minutes from March 23, 2022**

Chairman Novellino asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Ferrara made a motion to adopt the Minutes from March 23, 2022, which was seconded by Mr. Sinha. The Minutes were adopted on a roll call vote: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros and Mr. Sinha.

**RESOLUTION(S):**

**Abe Francisco  
Block 62.02, Lot 20 – 1 Baldwin Drive  
Variance Application # Z22-01**

Chairman Novellino asked if the Board had any comments on the resolution that was prepared. With no comments from the Board, Mr. Barthelmes made a motion to adopt the Resolution for Application Z22-01, which was seconded by Mr. Lambros. The resolution was memorialized with the following roll call vote in favor: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros and Mr. Sinha.

**Charles Noreika  
Request for an Extension of Approvals for Preliminary and Final Major Subdivision,  
Bulk Variance and Preliminary and Final Major Site Plan  
Block 50, Lots 1.01, 1.02, 1.03 and 2 – Millstone Rd. & Paint Island Spring Rd.  
Variance Application Z18-02 (Ext. and Phasing Plan)**

Mr. Vella explained it is a resolution for the approval of an extension of time and for the phasing plan of the previously approved site plan. He asked if the Board had any comments on the



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proposed resolution. With no comments from the Board, Mr. Ferrara made a motion to adopt the Resolution for Application Z18-02(Ext.), which was seconded by Mr. Sinha. The resolution was memorialized with the following roll call vote in favor: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros and Mr. Sinha.

**NEW APPLICATION(S):**

**Ryan Jeffray**

**Block 60.02, Lot 21.22 – 1 Patterson Lane**

**Variance Application # Z22-04**

Proposal to construct a 6' privacy fence within the "front yard" of the residential property located on a corner lot in the R-80 Zoning District and to place a stand-by emergency generator within the same fenced in area. Variance relief is required for the 6' high fence within the "front yard", for fence that is less than 50% open and to install a generator within the front yard.

Mr. Vella, Esq. confirmed that the proof of notice was correct in form, published and properly served, so that the Board has jurisdiction to hear the application.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer  
M. McKinley Mertz, AICP, PE – Board Planner  
Ryan Jeffray – Applicant

The following exhibits were marked in advance of the hearing, as follows:

Exhibit A-1: Jurisdictional Notice (Proof of Service)  
Exhibit A-2: Application, Checklist & Administrative Forms  
Exhibit A-3: Aerial photo of property  
Exhibit A-4: Survey, prepared by Acre Land Surveying, dated 3/24/21  
Exhibit A-5: Proposed Generator location plan  
Exhibit A-6: Proposed overall plan (fence, generator & driveway)  
Exhibit A-7: Monmouth County Planning Board (no application required)  
Exhibit A-8: Proposed fence specs  
Exhibit ZB-1: Completeness Determination, dated 3/30/22  
Exhibit ZB-2: Engineer's Report, dated 4/5/22  
Exhibit ZB-3: Planner's Report, dated 4/12/22

Mr. Jeffray appeared as the applicant. He stated that he is proposing to install a vinyl fence, tan or beige in color, within the required front yard setback and a standby generator within the proposed fenced area (within the front yard setback). The trees along the left side of the property would be removed in the area of the proposed fence.

Mr. Shafai stated that the proposed fence along Millstone Road varies from 35' to 55'. The applicant would remove the existing fence, which is non-conforming, and would push it approximately 40' closer towards Millstone Road. The Board made recommendations that the tree line along Millstone Road should remain to screen the proposed fence.

Chairman Novellino inquired about the proposed generator within the front yard. Mr. Jeffrey stated that his gas meter is in this area and it would be within the proposed fenced in yard area.



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Chairman Novellino stated that the noise is the same whether it is inside a fence or out, but noted the screening is a better scenario, with it being placed behind a fence.

Mr. Shafai confirmed that if the applicant was not on a corner lot, the applicant would not require variance relief for the proposed improvements.

Ms. Mertz confirmed that the Board has made recommendations that the applicant would keep the tree line along Millstone Road.

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

Mr. Barthelmes took no exception to the application, subject to the applicant using earth tones for the proposed fence and that the trees remain along Millstone Road. Mr. Sinha suggested that the generator be placed a little further away from the home to help buffer the noise. The Board suggested that the generator may be shifted in the front yard area, so as long as it remains within the fenced in area.

The Board considered the conditions and the reasons for the variance relief. With no further comments from the Board, Mr. Ferrara made a motion to approve the application with the conditions placed on record, which was seconded by Mr. Barthelmes. The application was approved with the following roll call vote in favor: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros and Mr. Sinha.

**Andrea Winkel-Blair  
Block 45, Lot 6 – 37 Charleston Spring Road  
Variance Application Z22-03**

Proposal to install roof-mounted solar photovoltaic system on both the primary residence and the accessory masonry building structure, whereas both structures exist within the required setbacks, requiring variance relief, on a 2.9-acre (+/-) lot in the R-130 Zoning District. The lot currently is undersized and contains a 1-story masonry dwelling, a masonry building, a frame building and a metal trailer.

Mr. Vella, Esq. confirmed that the proof of notice was correct in form, published and properly served, so that the Board has jurisdiction to hear the application.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer  
M. McKinley Mertz, AICP, PE – Board Planner  
Andrea Winkel-Blair – Applicant  
Garald Davis, Jr. – All Seasons Solar, Applicant's contractor

The following exhibits were marked in advance of the hearing, as follows:

Exhibit A-1: Jurisdictional Notice (Proof of Service)  
Exhibit A-2: Application, Checklist & Administrative Forms  
Exhibit A-3: Survey, prepared by Harris Surveying, dated 3/19/20  
Exhibit A-4: Plan of Proposed Solar Panels, prepared by All Season Solar  
Exhibit A-5: Proposed Solar System Plans & Specs, prepared by All Season Solar  
Exhibit ZB-1: Completeness Determination, dated 4/7/22  
Exhibit ZB-2: Engineer's Report, dated 4/11/22  
Exhibit ZB-3: Planner's Report, dated 4/12/22



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Mr. Shafai inquired about the need for solar panels on both structures.

Ms. Blair stated that the garage has a room with gym equipment which has some space heaters in it, but is otherwise not heated and not being used for living space. Ms. Blair stated her February electric bill was about \$1,000.00 and the previous month was about \$700-\$800. She is now on a monthly payment plan with the electric company.

Mr. Davis, Jr. stated that the electric company does not allow solar companies to install systems in excess of the average over the previous 12-months of use.

Mr. Vella explained that previous applications heard by the Board were for ground mounted solar systems that exceeded the permitted amount. The current applicant is before the Board because the existing house and garage are within the required setbacks and the solar system is proposed to be installed on top of the existing non-conforming setbacks. The existing non-conforming structures cause the need for variance relief.

Ms. Winkel-Blair stated that the adjacent property is Abate Park. She stated that the lot has many trees and there would not be any surrounding visual impact. Ms. Mertz suggested that from a Planning aspect, roof mounted solar systems are a better alternative than a ground mounted system and would have less of a visual impact.

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

Mr. Ferrara noted that there does not to be any visual impact or any negative impact in approving the application. Chairman Novellino agreed.

Mr. Vella confirmed that any change of the existing non-conformities would be considered an exacerbation of a variance requires relief from a Board.

The Board considered the reasons provided for the granting the variance relief.

Chairman Novellino asked the Board if there were any further comments, there were none. Mr. Barthelmes made a motion to approve the application with the conditions placed on record, which was seconded by Mr. Ferrara. The application was approved with the following roll call vote in favor: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros and Mr. Sinha.

**BOARD DISCUSSION:**

Ms. Sims reminded the Board about the required training sessions. Mr. Sinha will review the stormwater video training session.

Chairman Novellino reminded the Board to complete the Financial Disclosure Statements prior to the deadline to avoid penalties from the State.

With no further business, Chairman Novellino made a motion to adjourn, which was seconded by Mr. Lambros, with all in favor. As such, Chairman Novellino closed the meeting.

Respectfully submitted,

  
Danielle B. Sims, Board Secretary