



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES July 27, 2022

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Vice-Chairman Barthelmes on Wednesday, July 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: Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Mostyn, Mr. Sinha (Alt. I) and Ms. Beckish (Alt. II).

Absent: Chairman Novellino*, one vacant seat.

Attending: Greg Vella, Esq.; Matt Shafai, PE, PP, Board Engineer; Angela Buonantuono, Court Reporter; and Danielle B. Sims, Board Secretary

Mr. Conoscenti resigned from the Board. Mr. Sinha was seated for Chairman Novellino. Ms. Beckish was seated for the vacant seat previously held by Mr. Conoscenti.

Mr. Vella, Esq. noted that the Board Planner is not present due to Covid exposure.

MINUTES:

Minutes from May 25, 2022

Vice-Chairman Barthelmes 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 May 25, 2022, which was seconded by Mr. Ferrara. The Minutes were adopted on a roll call vote: Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Beckish.

RESOLUTION(S):

Basha Enterprises, LLC (Kasam Basha) – Hand & Stone Massage and Facial Spa Block 59, Lot 11 – 508 Monmouth Road Denial of Appeal / Use Variance Approval – Application # Z22-05

Vice-Chairman Barthelmes asked if the Board had any comments on the resolution that was prepared. With no comments from the Board, Mr. Ferrara made a motion to adopt the Resolution for Application Z22-05, which was seconded by Mr. Morelli. The resolution was memorialized with the following roll call vote in favor: Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Beckish.

NEW APPLICATION(S):

The Sycamores, LLC Block 49.01, Lot 12 – 6 Oak Hill Drive Appeal Application # Z22-08

*Certified reviewed the records and exhibits and is eligible to act on matters from the 7/27/2022 meeting



Proposal to construct a single-family home on an existing non-conforming lot in the R-80 Zoning District. Variance relief is required for lot size of 60,061 s.f. whereas 80,000 s.f. is required, minimum useable development area of 31,315 s.f. whereas 1-acre is required, Minimum diameter of 165 ft; whereas 200 ft is required and disturbance to steep slopes. A Soil Removal Permit is required.

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.

Mr. Allen Weiss, Esq. appeared on behalf of the applicant.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer
Abe Budelman – Member, The Sycamores, LLC
John Ploskonka, PE, PP – Applicant's Engineer/Planner

The following exhibits were marked in evidence:

Exhibit A-1: Jurisdictional Notice (Proof of Service)
Exhibit A-2: Application, Checklist & Administrative Forms
Exhibit A-3: Correspondence
Exhibit A-4: Aerial Display of site, Monmouth County Property Viewer, dated 6/15/22
Exhibit A-5: Boundary & Topographic Survey, prepared by Crest Engineering Associates, Inc., 1 sheet, revised 6/15/22
Exhibit A-6: Architectural Elevations and Floor Plans, prepared by Feldman & Feldman Architects, four (4) sheets, dated 7/1/22
Exhibit A-7: Variance Sketch, prepared by Concept Engineering Consultants, P.A., five (5) sheets, dated, 6/23/22
Exhibit A-8: Septic Design Plan, prepared by Concept Engineering Consultants, P.A., one (1) sheet, dated, 5/19/22
Exhibit A-9: Aerial Photo of site, received 7/27/22
Exhibit A-10: Copy of Final Plat for Oak Hill Subdivision, prepared by Abbington-New Associates, filed 5-11-1987
Exhibit A-11: Variance Sketch, prepared by Concept Engineering Consultants, P.A., five (5) sheets, revised 8/8/22
Exhibit A-12: Transmittal sheet and narrative describing resubmission plan changes dated 8/8/22, two (2) pages, prepared by Concept Engineering Consultants, PA
Exhibit ZB-1: Engineer's Review, dated 7/18/22
Exhibit ZB-2: Planner's Report, dated 7/21/22

Mr. Allen Weiss, Esq. provided a brief history of the property.

John Ploskonka, PE, PP, has previously appeared before the Board and was accepted as a professional licensed Engineer and Planner. 60,000 s.f. lot with steep slopes along Laurel Ct. and Oak Hill Drive. The intent is to save as much of the steep slope as possible and to place a new home on the flattest area of the lot. The applicant requires variance relief for steep slope disturbance. The applicant will require about 125 square feet of disturbance on Oak Hill Dr. and 560 square feet of disturbance on Laurel Ct.

The proposed house would be approximately 5,000 s.f. with a three-car garage, similar to the existing homes in the neighborhood. The proposed house would have a pitched roof for aesthetics where there is no proposed living space. This pitched roof requires a variance for height of 36.79; whereas 35 feet maximum is permitted. Additionally, the applicant requires a



variance for not providing one-acre of buildable area; whereas 0.72-acres is provided. Mr. Ploskonka indicated that this is an existing site and that the reason for not providing the required 1-acre of buildable area is due to the existing steep slopes on the site. The applicant would also require to disturb the steep slopes in order to access the buildable area. Mr. Shafai confirmed that this would also cause the proposal to not meet the required 200' diameter circle area.

Abe Budelman, member of The Sycamores, LLC, provided his credentials as an experienced builder. He indicated that there would not be any living space in the pitched roof area, but can eliminate this if the Board requires.

Mr. Ploskonka stated that the lot would not be able to be developed without disturbing any steep slopes. The lot was created as part of the subdivision in 1987. The designed the site to

Mr. Weiss indicated that the lot was held in a trust for many years, presumably why the lot was never developed. The subject lot was conveyed to the previous owner in 1992 and sat in trust since 1997. The proposed house fits in the design of the neighborhood.

Mr. Ploskonka indicated that there is no other land available that would make the lot conforming.

Mr. Sinha stated he believes that this lot is the highest point in the entire township.

Mr. Shafai indicated that the Township has an ordinance that allows for certain undersized lots to be developed; however, the applicant requires relief for not providing one-acre of buildable area and for disturbing steep slopes. These two variances would not go away with any development of the site. A smaller house would not change this relief.

Mr. Vella explained the legal right to develop a lot to the Board.

Mr. Lambros confirmed the other bulk requirements with Mr. Ploskonka.

Mr. Ploskonka indicated that the proposal meets all other bulk requirements for the zone. The proposed house would be 1.79 feet greater than what is permitted. The applicant is providing a drywell on the site, which will not be located in the steep slopes. There will be an underground recharge system to avoid any additional disturbance. There is an existing electric box along Oak Hill Drive, where they will disturb about 125 s.f. to bring services to the site. Mr. Budelman indicated that this was how the electric company set it up when the subdivision was developed. Mr. Shafai stated that they may want to look at an alternative way to get the utilities to the site. Mr. Budelman stated that the electric line and cable would be located in one trench. He said they would like to preserve the trees. He said he has built in Millstone since 1979 and would like to preserve as many trees as possible. Mr. Budelman noted the gas line would be brought in from Laurel alongside the driveway.

Mr. Vella suggested that leaving a disturbance area which creates a variance should not be left to the discretion of the Board Engineer. Mr. Shafai suggested that the applicant may want to look into boring the utilities to the site. He also suggested that the applicant should contact JCP&L regarding the service to the site.

Mr. Lambros suggested that he would feel more comfortable acting on the application with these open questions, answered.

Mr. Ploskonka stated that they will identify the trees that are proposed to be removed.

Mr. Budelman indicated that the house would be stone and siding. Mr. Ploskonka stated that there would be lighting locate.

With no further witnesses and no further questions from the Board, Vice-Chairman Barthelmes opened the matter to the public.



Maria Maraday, 4 Oak Hill Drive, was sworn in and stated that there was a major “slide” on Oak Hill Drive due to the disturbance of steep slopes. She is concerned that the slope disturbance may cause a “slide” again.

Jim Maraday, 4 Oak Hill Drive, was sworn in and asks that the Board not grant the variances requested as the lot is not very big and the house would be very tall. The houses on Oak Hill Drive, he said, are typically between 2,800 s.f. and 3,200 s.f., the houses on Laurel Ct. are a little larger in size.

Tristan Maraday, 4 Oak Hill Drive was sworn in and is concerned with a possible slide due to the steep slope disturbance. He stated that about 24 years ago, there was a “land slide” on Oak Hill Drive and the road “collapsed.”

Michele Tarentino, Esq., Council (and daughter of) the homeowners of 7 Laurel Ct. appeared. She inquired if the applicant considered the additional impervious coverage proposed and the effect on the lot as there is no sewer connection in the area. She expressed concern over drainage. Mr. Ploskonka indicated that they meet the impervious coverage allowance and the applicant would be installing an underground stormwater system to discharge into the ground.

With no further questions or comments from the public, Mr. Barthelmes closed the public session.

Mr. Lambros stated he was not familiar with the “slide” that occurred 24 years ago. He asked if required to work with Freehold Soil Conservation District and would be required to stabilize the areas.

In order to allow the applicant to address the comments from the Board, (including the utilities and steep slope disturbance), the Board carried the matter to the August 24, 2022 Zoning Board meeting. Mr. Vella announced that the application would be carried without further notice to the August 24, 2022 Zoning Board of Adjustment meeting at 7:30 pm at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535. Any updates or revised plans will be made available ten days prior to the meeting. Members of the public may contact the Board Secretary.

Moscaritolo, Michele
Block 48, Lot 14.44 – 1 Molsbury Lane
Appeal Application # Z22-08

Request for an Appeal of a Zoning Officer's Determination, denying the applicant's Zoning Permit to construct a 4,833 s.f. dwelling on a vacant lot in the R-170 Zoning District; whereas the proposal was determined by the Zoning officer to contain a secondary dwelling unit.

Catherine Kim, Esq. appeared on behalf of the applicant.

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
Michele Moscaritolo – Applicant
Daniel D’Agostino, AIA – Applicant’s Architect
Thomas Ricci, PP – Applicant’s Planner

Mr. Vella, Esq. reminded the Board that the Board Planner was not present for the meeting.



The following exhibits were marked in evidence:

- Exhibit A-1: Jurisdictional Notice (Proof of Service)
- Exhibit A-2: Application & Administrative Forms
- Exhibit A-3: Correspondence
- Exhibit A-4: Notice of Appeal
- Exhibit A-5: Plot Plan, Septic Design & Soil Erosion Plan, prepared by Midstate Engineering, 2 sheets, revised 3/30/22
- Exhibit A-6: Architectural Plan, prepared by IP Plan Architecture, 21 sheets, dated 5/16/22
- Exhibit ZB-1: Planner's Report, dated 7/18/22

Ms. Kim, Esq. indicated that the applicant is appearing to appeal the Zoning Officer's Decision in denying a zoning permit for a single-family home.

Mr. Michele Moscaritolo appeared as the applicant and owner who intends to build a new house. He purchased the property about two years ago. The proposed house would be his primary home and would be used for him and his family. The inspiration for this house is an old style Italian Tuscan. He originally had another architect, but the architect was not designing the property to his desire, so he hired a new architect. Ms. Kim noted it is a single family dwelling. There are six bedrooms included and he intends to have his sister and his niece live with him. Mr. Moscaritolo does not intend to use the house as separate family units.

Mr. Shafai inquired about the total square footage noted on the plan as they do not add up. Ms. Kim suggested bringing up the applicant's architect.

Daniel D'Agostino provided his credentials as a licensed architect in the State of New Jersey and was accepted as a professional architect. He stated that the total square footage for the proposed structure contains 6,586 s.f. Excluded is the garage, covered porch patio and walks, the underside of the porte coche, and open to below areas are excluded from the square footage. On the right side of the home, the basement is 8' in height, unfinished. The left side would not have a basement, it would be slab on grade. The left side of the building was initially proposed to be within the basement of the home and the "man cave" area was originally proposed to be a garage. The sixth bedroom is counted as the "den" that is on the first floor of the left side of the house, near the studio and billiards. The applicant intends to use this "den" as his office. There is a laundry closet on the first floor and only a wet bar in this portion of the house.

Mr. D'Agostino stated that the home is similar in size to the surrounding homes. The owner wanted to have the most amount of open air as possible. He reviewed the proposed floor plan of the house. There will be a laundry closet to service the future pool in this portion of the home. The "man cave" will have a "wet bar" with counter space, a sink and a microwave. The applicant is not proposing any cooking appliances or refrigerator. He stated that he designed the house to function for a single family.

Mr. Lambros stated that the Zoning Officer made a decision and wanted to know why Mr. D'Agostino thought the zoning permit application was denied. He stated that the Zoning Officer told him he wasn't worried that the applicant was looking to make it a multi-family dwelling unit, just that the layout lends itself to be used as a two-family home. Mr. D'Agostino disagrees with this and that there are multiple reasons why this couldn't be used as a second dwelling. If a future owner wanted to convert the home to contain a second dwelling, they would have to come back to the town or the Board to obtain the proper approvals.



The Board inquired about the utilities for the structure. There would only be one electric meter for the house.

Mr. Shafai inquired about the discrepancies in the plot plan where it says framed "dwelling unit #1." Mr. D'Agostino stated this is likely to clarify it is all one building.

Mr. Shafai noted that the property is about 4.5-acres and more than half of it is detention basin for the subdivision.

Mr. D'Agostino responded to the Board Planner's review memo. The left area does not contain a kitchen and will be occupied exclusively as one family in one building. It is intended to be used as extended living space for the household, which is normally found in a basement. There is a sink and bar only, no gas, range or other cooking appliances and no hook ups available for these appliances.

Ms. Beckish inquired if the left wing "man cave" was moved into the basement, if it would be permitted. Mr. Vella explained that it is possible it would be permitted (if it followed the building codes).

Ms. Kim offered that the applicant can file a deed restriction that would indicate that the property would not be able to be used as anything other than a single family home and that it would be restricted from being used as anything different. Mr. Vella explained to the Board that the application is only for an appeal and cannot impose conditions on any approval or denial.

Thomas Ricci provided his credentials as a licensed planner in the State of New Jersey and was accepted by the Board as a Professional Planner. In his opinion, the proposed home is a single family dwelling. The property is in the R-170 zoning district. The point of contention appears to be the area opposite side of the porte coché, aka, the "man cave." He reviewed the definition of a single family-dwelling unit and the generalized definition of a "party wall."

Mr. Lambros stated that the Zoning Officer has determined that the proposed structure as presented does not constitute as a single family home.

Mr. Barthelmes opened the matter to the public for comments or questions. With no members of the public coming forward, Mr. Barthelmes closed the matter to the public.

Ms. Kim provided a closing statement, affirming that the home is intended to be used as a single family unit.

Mr. Barthelmes stated that he did not think that the Zoning Officer was wrong or right in his denial. The proposal is a unique design.

Mr. Lambros feels differently and can see the reasoning for the Zoning Officer's Determination. He has confidence that there was a reason for the denial and feels the applicant can get together with the Zoning Officer to make it a conforming single family dwelling unit.

Mr. Morelli feels that this is a unique house and may be considered a single family home.

The Board considered the request for an appeal, noting that each case stands on its own merit and facts, and with a split vote, determined that the proposed residence is a unique design and does not create a two-family home. With no further comments from the Board, Mr. Morelli made a motion to affirm the appeal of the Zoning Officer's decision and to reverse the Zoning Permit Denial, which was seconded by Mr. Barthelmes. The appeal was approved with the following roll call vote in favor: Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Beckish; with the following votes against: Mr. Lambros and Mr. Mostyn.



BOARD DISCUSSION:

There were no other business matters up for discussion.

ADJOURNMENT:

With no further business, Mr. Morelli made a motion to close the meeting. With all in favor, Vice-Chairman Barthelmes adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary