



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
August 24, 2022**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Vice-Chairman Barthelmes on Wednesday, August 24, 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.

Mr. Sinha was sworn in prior to the meeting as a regular member of the Zoning Board of Adjustment, for the unexpired term of Mr. Conoscenti who resigned. Ms. Beckish was sworn in prior to the meeting as Alternate I member of the Zoning Board of Adjustment, for the unexpired term of Mr. Sinha. Ms. Arpaia was not present and will be sworn in prior to the next meeting.

Roll call for the below members was called:

Present: Chairman Novellino, Mr. Lambros, Mr. Morelli, Mr. Mostyn, Mr. Sinha (Alt. I) and Ms. Beckish (Alt. II).

Absent: Mr. Barthelmes, Mr. Ferrara and Ms. Arpaia (Alt. #2).

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

Ms. Beckish was seated for Mr. Ferrara.

MINUTES:

Minutes from July 27, 2022

Chairman Novellino asked the Board if they had any comments on the minutes that were prepared, noting he was not eligible to vote since he was not in attendance. With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from July 27, 2022, which was seconded by Mr. Sinha. The Minutes were adopted on a roll call vote: Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Beckish.

Minutes from December 9, 2021

The December 9, 2021 meeting minutes were carried to the following meeting.

RESOLUTION(S):

Moscaritolo, Michele

Block 48, Lot 14.44 – 1 Molsbury Lane

Appeal of a Zoning Officer's Determination Application # Z22-08

Chairman Novellino asked if the Board had any comments on the resolution that was prepared. With no comments from the Board, Ms. Beckish made a motion to adopt the Resolution for Application Z22-08, which was seconded by Mr. Morelli. The resolution was memorialized with the following roll call vote in favor: Mr. Morelli, Mr. Sinha and Ms. Beckish.



CONTINUED APPLICATION(S):

**The Sycamores, LLC
Block 49.01, Lot 12 – 6 Oak Hill Drive
Variance Application # Z22-07**

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. noted that this application was heard at the previous meeting and was carried without further notice to continue the application, so the Board continues to have jurisdiction to hear the application.

Mr. Peter Licata, Esq. appeared on behalf of the applicant, filling in for Mr. Weiss, Esq., who is home sick with Covid.

The following witnesses were sworn in or are still under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
Abe Budelman – Member, The Sycamores, LLC
John Ploskonka, PE, PP – Applicant's Engineer/Planner
Gary Lovallo – Certified Tree Expert, Certified Arborist, Certified Forester

The following exhibits were marked in evidence, including new exhibits:

Exhibit A-1: Jurisdictional Notice (Proof of Service)
Exhibit A-2: Application, Checklist & Administrative Forms
Exhibit A-3: Notice of Appeal and Board Acknowledgement
Exhibit A-4: Correspondence
Exhibit A-5: Copy of Retail Center Resolution PB16-01
Exhibit A-6: Copy of Approved Overall Site Plan, App. PB16-01, Sheet 3 of 14
Exhibit A-7: Aerial Display
Exhibit A-8: Proposed Floor Plan of tenant space
Exhibit A-9: Aerial Photo of subject property
Exhibit A-10: Copy of Final Plat for Oak Hill Subdivision, prepared by Abbington-Ney 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 A-13: Photo from Lot to Street in area of proposed directional drill within the steep slope area, dated 8/16/22
Exhibit A-14: Photo from Laurel Lane to Lot at proposed driveway area, dated 8/16/22
Exhibit ZB-1: Engineer's Review, dated 7/18/22
Exhibit ZB-1b: Engineer's Review, revised 8/12/22
Exhibit ZB-2: Planner's Report, dated 5/18/22
Exhibit ZB-2b: Planner's Report, dated 8/17/22
Exhibit ZB-3: Environmental Commission's Review, dated 8/15/22



John Ploskonka, PE, PP, was previously sworn in and is still under oath. He provided a summary of where the application left off at the previous meeting. Mr. Ploskonka offered the additional Exhibits A-13 and A-14, photos of the site in the areas of the steep slopes on the site. Exhibit A-13 shows a photo at 80' from the property line.

Mr. Ploskonka stated that the applicant would need to export approximately 300 cubic yards of soil for the basement of the proposed home, not fill would be required. Mr. Shafai confirmed that this amount of soil movement can be reviewed administratively and does not require Board approval unless it exceeds 400 c.y. of import/export.

Mr. Vella inquired about the status of the proposed utilities as the applicant was asked to look into other options in order to not disturb the steep slopes in the area proposed.

Mr. Budelman was previously sworn in and still under oath. He stated that he reached out to JCP&L regarding the utilities and they would have to do a lot of work to locate the utilities in other areas. They would be disturbing more areas, including within steep slope areas, in order to move the service to the other side of the lot. The applicant proposes to directional drill in the area shown on Exhibit A-13, where they will not need to remove any trees. Mr. Shafai stated that he spoke to the Shade Tree representative who was concerned with the health and safety of the trees in the area of the proposed directional drilling. Mr. Licata stated that he has a tree expert that will testify regarding the trees.

Mr. Budelman stated that the cable service will go underground and will run up the side of the driveway, along with the gas to the site. The issue with the power, he said, is that the power is in a transformer on the other side of the property. He would directional drill to install a 60' long, 4" conduit pipe, to run a 400 amp service to the proposed home.

Mr. Gary Lovallo was sworn in and provided his credentials as a certified arborist and Certified Tree Expert (CTE). The Board accepted him as an expert of trees. He stated that the area is primarily made of Chestnut Oak. The feeder roots are 8"-10" in the top soil. The proposed directional drill is at three-feet. Mr. Lovallo stated that the vegetation will not be disturbed by the proposed directional drill. Mr. Shafai noted that the Board's Shade Tree consultant was at a disadvantage as she was not able to do a site visit to analyze the trees.

Referring to Exhibit A-14, Mr. Budelman explained that there is a flat area behind the curb line where they would be able to make a 3' x 3' opening to perform the directional drill.

Ms. Beckish asked about the number of trees that are proposed to be removed. Mr. Ploskonka confirmed that the applicant will replace any trees that would be removed in order to install the proposed driveway.

Mr. Mostyn confirmed with Mr. Lovallo that the three foot depth for the proposed directional drill for the power utilities would be below the depth of the root systems of the trees in the area of the proposed drilling. Mr. Lovallo stated that deeper is better, but believes that three feet is adequate. The Board would like the applicant to remain below the root system. Mr. Shafai suggested 3'-5' in depth, as necessary. Mr. Lovallo suggested that junipers or other fibrous trees are good options to help erosion.

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

Maria Maraday, 4 Oak Hill Drive, was previously sworn in and still under oath. She said that when she purchased her house, she inquired why the property was not developed, and she was told by the realtor that it was not conforming. She believes the area of the proposed directional drill is filled with deep rooted trees and rocks. She does not believe the Board has addressed



the fact that the lot is not buildable. Mr. Vella explained that the terminology is off as this is a lot that is non-conforming and would require variance relief. He briefly explained the functions of a Zoning Board in respect to the request for relief such as this.

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 previously sworn in and is still under oath. He is concerned that the lot is undersized and should not be developed. He is concerned about the landslide that occurred in approximately 1984. The reason there is less than an acre of buildable area is because of the steep slopes. He is not confident in the development of this site. He stated that the township maintains easements and lots and feels like it would be a good property for the Township to own.

Michele Tarentino, Esq., Council (and daughter of) the homeowners of 7 Laurel Ct. appeared. She stated that the Pullen family owned the lot. The developer purchased the lot knowing that it was nonconforming and if the neighbors known, they would have purchased it for purposes of conservation.

With no further questions or comments from the public, Chairman Novellino closed the public session.

Ms. Beckish, also a member of the Environmental Commission, noted that she has an issue with erosion, but does not take any exception to the proposed directional drilling. Mr. Licata suggested that the applicant would work with the Board's Shade Tree consultant to choose the best options to prevent erosion.

Mr. Licata, Esq. provided a summary, stating that they have addressed the concerns previously made by the Board. The site is pre-existing non-conforming and the applicant is seeking the requested relief to build a single-family home.

Chairman Novellino explained that this type of relief is very standard Zoning Board business. The Board is to analyze if the applicant has met the burden of proofs. He takes no exception to the requested height variance for under 2'. The applicant has offered to do the directional drilling to minimize the disturbances of the steep slopes. He believes the applicant has done all they can to minimize the variances. The applicant has agreed to address runoff with additional plantings. He believes the applicant has done everything they can do to mitigate the variances. The conservations easements would be put into place. In general he takes no exception to the variances requested.

Mr. Lambros would like to see the height reduced to comply with the ordinance. Regarding the size of the house, he takes no exception to the size since it is consistent with the surrounding homes. He noted the other option to the directional drilling would be digging a trench.

Chairman Novellino would prefer the directional drilling over digging a trench in order to not disturb the tree roots. He polled the Board and they did not take exception to the proposed directional drilling within the steep slope area.

Ms. Beckish stated she is only concerned about the tree removal and the potential erosion. She also does not agree with granting the requested height variance.

Although the proposed additional height was for decorative purposes, the Board, in general, was not comfortable with granting the height variance as there was no special conditions for



granting the relief. The applicant withdrew the request for the height variance and will reduce the height of the house to comply with the ordinance.

Mr. Vella reviewed the conditions mentioned through the hearing. The applicant has agreed to add additional landscaping around driveway, including tree replacement which is subject to review and approval by the Board's Tree Expert for the replacement and location of trees. The applicant will provide a recharge system. The applicant will obtain a soil removal permit, if the quantity is over 400 c.y., the applicant would need to come back to the Board. The applicant will obtain all outside agency approvals and will install the required conservation easement markers. The cable and gas will be run alongside the proposed driveway. The area of disturbance will be changed to 580; whereas the plans say 560. Prior to trench drilling, the applicant will contact the Township Engineer to review the drilling. The applicant will make any necessary plan changes as indication on the professional review memos.

With no further questions or comments from the Board, Mr. Sinha made a motion to approve the application, granting the requested relief (not including the height variance relief, which was withdrawn by the applicant) with the conditions placed on record. This motion was seconded by Chairman Novellino. Application Z22-07 was approved with the following votes in favor: Chairman Novellino, Mr. Mostyn, Mr. Sinha and Ms. Beckish; and the following votes against: Mr. Lambros and Mr. Morelli. Approved 4 -2.

BOARD DISCUSSION:

This was Mr. Novellino's last Zoning Board meeting as he announced his resignation due to his family moving out of state. The Board thanked Chairman Novellino for his service to the Board and to the Township. He will be remembered by his impact on the Township and his leadership during his time on the Board. He will be greatly missed.

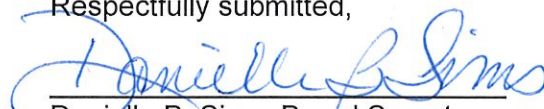
Mayor Ferro appeared and thanked Chairman Novellino for his service and thanked all the Board members for volunteering. He invited everyone to the Township Committee meeting on September 7th at 8:00 pm to recognize Chairman Novellino.

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. Ferrara. With all in favor, Chairman Novellino adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary