



## MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES October 26, 2022

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Mr. Mostyn on Wednesday, October 26, 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.

Board Secretary Sims 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.

Ms. Arpaia was sworn in prior to the meeting as Alternate II member of the Zoning Board of Adjustment, for the unexpired term of Ms. Beckish, who moved up to Alternate I.

Roll call for the below members was called:

Present: Mr. Lambros, Mr. Mostyn, Mr. Sinha and Ms. Arpaia (Alt. II).

Absent: Mr. Barthelmes, Mr. Ferrara, Mr. Morelli and Ms. Beckish (Alt. I) – 1 vacant seat.

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

Ms. Arpaia was seated for Mr. Morelli.

### **APPOINTMENT OF A NEW CHAIRPERSON:**

Mr. Mostyn noted that the Board acknowledged Chairman Novellino's resignation from the Board (on 8/24/22) as he moved out of State. He sought a motion for a nomination of a new Chairperson.

Mr. Lambros made a motion to appoint Mr. Mostyn as Chairperson for the remainder of 2022, noting he has all the necessary qualities of a chairperson. The motion was seconded by Mr. Sinha. The motion passed with the following roll call vote in favor: Mr. Lambros, Mr. Mostyn, Mr. Sinha and Ms. Arpaia. The Board congratulated Chairman Mostyn.

### **MINUTES:**

Mr. Vella, Esq. noted the minutes were circulated for review prior to the last meeting, which was cancelled.

#### **Minutes from August 24, 2022**

With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from August 24, 2022, which was seconded by Chairman Mostyn. The Minutes were adopted on a roll call vote: Mr. Lambros, Chairman Mostyn and Mr. Sinha.

#### **Minutes from December 9, 2021**

Ms. Sims noted that only Mr. Lambros and Chairman Mostyn were eligible to vote on this set of minutes. With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from December 9, 2021, which was seconded by Chairman Mostyn. The Minutes were adopted on a roll call vote: Mr. Lambros and Chairman. Mostyn.



**RESOLUTION(S):**

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

Mr. Vella, Esq. noted that the drafted resolution was also circulated for review prior to the meeting canceled last month. With no comments from the Board, Mr. Sinha made a motion to adopt the Resolution for Application Z22-07, which was seconded by Chairman Mostyn. The resolution was memorialized with the following roll call vote in favor: Chairman Mostyn and Mr. Sinha.

**NEW APPLICATION(S):**

**Gary Teyhen  
Block 35, Lot 37.01 – 52 Chambers Road  
Variance Application # Z22-06**

Proposal to construct a 1 1/2-story, single-family home on a 3.34-acre lot in the RU-P Zoning District. Variance relief is required for: Lot frontage of 0 feet; whereas 250' minimum is required, Lot width of 240 feet; whereas 250 feet minimum is required, Development of a lot that does not contain minimum of 1-acre contiguous usable area, Disturbance of slopes greater than 15%, Development of a lot without frontage upon a public street.

Mr. Vella, Esq. noted that he reviewed the proof of notice prior to the meeting, which was found to be sufficient, so the Board has jurisdiction to hear the application.

Mr. Matthew Kranz, Esq. appeared on behalf of the applicant.

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

Matt Shafai, PE, PP – Board Engineer  
M. McKinley Mertz, PP, AICP – Board Planner  
James Gary Teyhen – Applicant  
Michael Avila PE, PP – Applicant's Engineer/Planner

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: Correspondence, List of Variances requested and witnesses
- Exhibit A-4: Cut/Fill Report, unknown source, dated 3/23/22
- Exhibit A-5: List of Outside Agency Permits and Approvals (with avail. copies)
- Exhibit A-6: Statement of Environmental Impact and Assessment, prepared by E&LP, dated 4/11/22
- Exhibit A-7: Bulk Variance Application Plan, prepared by Avila Engineering, one (1) sheet, revised 7/7/22
- Exhibit A-8: Aerial Display of site, prepared by Avila Engineering from Google Earth on 3/14/22, photo dated 2/2019
- Exhibit A-9: Architectural Elevations and Floor Plans, prepared by Schmitt Anderson Architects, two (2) sheets, dated 3/30/22
- Exhibit A-10: Boundary Survey, prepared by Maser Consulting, one (1) sheet, dated 1/14/21
- Exhibit A-11: Soil and Sediment Control Plan - Teyhen Residence Plan, prepared by Avila Engineering, one (1) sheet, revised 3/14/22
- Exhibit A-12: Existing Conditions Plan, prepared by REL Survey, LLC, one (1) sheet, dated 3/15/21



- Exhibit ZB-1: Engineer's Review, dated 8/8/22
- Exhibit ZB-2: Planner's Report, dated 8/7/22
- Exhibit ZB-3: Environmental Commission's Review, dated 8/15/22

Mr. Kranz, Esq. stated that the that the parcel was created by way of subdivision approval in 1986.

Mr. James Gary Teyhen, applicant, was sworn in. He stated he acquired the property just over a year and a half ago. He is a carpenter that does mostly custom builds, with a mill workshop in Columbus, NJ, focusing primarily on interior design elements. He plans to build the house himself as his retirement house. He designed the house to be ADA compliant, completely barrier free, as his wife has MS. The property's topography and surrounding area is what drew him to want to build on this lot. The hills and varied elevations on the property are what drew him to this property.

Mr. Teyhen stated that he will be living in the house with his wife and intends to live there forever. He has friends in the area. He picked this location out of about 1,000 properties he looked at. Mr. Teyhen stated that there are four bedrooms proposed. The design of the site was done with safety in mind as to not have a steep drop off. The four-car garage will also be used for utility/storage since the lot does not lend itself to being able to construct a shed.

Ms. Mertz confirmed that the applicant does not need any relief for lot coverage, only for building within the steep slopes. The area inside the home is larger in certain areas to comply with ADA, such as hallways and larger bathrooms and such. Mr. Shafai stated that the Board is concerned with the size of areas of disturbance, specifically the steep slopes and that there are a large number of trees to be removed. He noted there are a lot of steep slopes being disturbed. Mr. Teyhen stated he is not looking to grow grass and would like to save trees. He offered to split and replant some of the trees to keep as much as possible. He offered to work with the Board's consultants regarding the trees and plantings.

Mr. Vella confirmed that the plans reflect two bedrooms on the first floor and two on the second floor. One of the four bedrooms is currently indicated as a "Rec Room" on the plan and will be revised.

Mr. Michael Avila was sworn in and provided his credentials as an Engineer. The Board accepted him as a professional licensed Engineer. Mr. Avila reviewed the property, the topography and the layout of the site. He explained that the driveway is very long due to the steep topography. The proposal has flatter drive areas to avoid fall-off areas. The site does not include at least one-acre of contiguous lot area, requiring variance relief. There is 1.35-acres of disturbance due to the location of the proposed home and in order to balance elevation over the distance. The design was done to "trade elevation for distance."

Mr. Vella reviewed the previous subdivision created by the Millstone Township Planning Board in the 1980's. He stated that three of the five requested variances were previously granted by way of the Planning Board subdivision approval (although there was also a change in zone from a R-130 zoning district at the time of approvals to the current RU-P zoning district). Mr. Vella asked for the applicant to explain the amount of area for the steep slope disturbance.

Mr. Shafai stated that there is a large amount of steep slope disturbance and the house is proposed behind a flat area with a circular driveway, instead of putting the house in the existing "flat" area. This flat area is also the highest part of the property, but the proposal, Mr. Shafai stated, the applicant is proposing to cut 67' into the steep slopes. Ms. Mertz stated that the



architectural plan states the proposed home is 4,800 s.f. ("total enclosed"), but the engineer's plan describes is as a 5,043 s.f. dwelling. This number should be consistent.

Ms. Mertz asked why there was so much clearing at the west side of the property. The retaining wall stops, but the trees get pulled way back at that crook in the driveway. Mr. Avila stated that they can extend the retaining wall and tuck in some of the grading and reduce some of the clearing in this area. The septic area is in a flat area of the site. In general, the "loop" in the driveway is the only flat area of the property, otherwise, the proposed development is in steep slope areas. There is an area of about 20,000 s.f. within the flat area. Mr. Lambros suggested that a 5,000 s.f. house can fit within the 20,000 s.f. where they would not need to disturb steep slopes as much. Chairman Mostyn asked if the applicant took any consideration to pushing the house forward a little bit and removing some of the loop driveway.

The applicant asked for a brief recess to discuss some options.

The Board went back into session.

Mr. Kranz, Esq. stated that the applicant is willing to look at some options and have the applicant's and the Board's engineer work through some of the comments from the Board.

Mr. Vella stated that the applicant should be prepared to describe the amount of steep slopes that are proposed to be disturbed. He said that the Board understands that there will be some steep slope disturbance. Mr. Vella asked that applicant to show the locations of the steep slopes on the plan. The Board will need to know to what extent the disturbance would be and the limit of the areas of the disturbance. The applicant should be able to explain how they plan to minimize the amount of disturbance. Mr. Shafai suggested that if the applicant plans to construct a pool or anything else in the future, they should call it out on the plan. The applicant will meet with the Board Engineer and revising the plans and submitting them for review no less than ten days prior to the next scheduled hearing date.

The Applicant requested to take an opportunity to review and possibly revise the plans and coming back with the Board with any revisions. The Applicant asked that the application be carried without further notice to the next available meeting. It was announced that this application would be carried to the December 6, 2022 Zoning Board meeting to be held at 7:30 pm at 215 Millstone Road, Millstone Township, NJ 08535, without any further notice.


#### **BOARD DISCUSSION:**

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