



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES January 25, 2023

The Millstone Township Zoning Board of Adjustment Reorganization and regular meeting was called to order by Mr. Mostyn on Wednesday, January 25, 2023 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.

Mr. 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.

The following Board members were sworn in for their appointed term:

- Andrew Ferrara Ending December 31, 2026 (4-years)
- Eric Sinha Ending December 31, 2026 (4-years)
- Mary Beckish Ending December 31, 2023 (4-years, unexpired term*)
- Lisa Arpaia (Alternate I) Ending December 31, 2023 (2-years, unexpired term*)

Roll call for the below members was called:

Present: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia (Alt. I).

Absent: Mr. Lambros and vacant seat (Alt. II).

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

Ms. Arpaia was seated for Mr. Lambros.

Mr. Mostyn thanked all of the Board members for giving back to the community and congratulated the Board members

ELECTION OF OFFICERS:

Chairperson: Nominations for Chairperson were open. There was a motion made by Mr. Barthelmes to nominate Patrick Mostyn as Chairperson, which was seconded by Mr. Ferrara. With no alternative nominations made, Mr. Mostyn was named Chairman of the Board on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

Vice- Chairperson: Nominations for Vice-Chairperson were open. There was a motion made by Chairman Mostyn to nominate Steve Barthelmes as Vice-Chairperson, which was seconded by Mr. Morelli. With no alternative nominations made, Mr. Barthelmes was named Vice-Chairman of the Board on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

APPOINTMENTS AND RESOLUTIONS OF REORGANIZATION:

The Board reviewed the proposals received in advance of the reorganization meeting. It was noted that there were no competing bids received for the professional services of Board Attorney, Board Engineer, Board Planner and Board Court Reporter.



The Board made the following appointments and adopted the corresponding resolutions:

ZB2023-01 Board Attorney, Professional Legal Services

Mr. Ferrara made a motion to appoint Greg Vella, Attorney-at-Law of the firm Collins, Vella & Casello, LLC and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

ZB2023-02 Board Engineer, Professional Engineering Services

Mr. Ferrara made a motion to appoint Matt Shafai, PE of Leon S. Avakian, Inc. and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

ZB2023-03 Board Planner, Professional Planning Services

Mr. Ferrara made a motion to appoint McKinley Mertz, PP, AICP, LEED Green Associate of Heyer, Gruel & Associates and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

ZB2023-04 Professional Court Reporting Services, Court Stenographer to the Board

Mr. Ferrara made a motion to appoint Angela C. Buonantuono, CCR, RPR, CLR of AB Court Reporting, LLC and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

ZB2023-05 Board Secretary

Mr. Ferrara made a motion to appoint Danielle B. Sims as Board Secretary and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

ZB2023-06 Designation of Official Newspapers

Mr. Ferrara made a motion to designate the Asbury Park Press and The Times of Trenton as the official newspapers of the Board and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

ZB2023-07 Adopting 2023 Meeting Schedule & Setting 2024 Reorganization/First Meeting

Mr. Ferrara made a motion to adopt the meeting schedule provided and setting the 2024 Reorganization and first meeting for 2024 and adopt the corresponding resolution. The motion was seconded by Chairman Mostyn, with all in favor on a roll call vote in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

Those appointed thanked the Board members.

The Board completed their reorganization part of their meeting and moved onto their regular meeting business.

PUBLIC COMMENT:

None.



MINUTES:

Minutes from December 6, 2022

Chairman Mostyn 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 December 6, 2022, which was seconded by Mr. Sinha. The Minutes were adopted on a roll call vote: Mr. Barthelmes, Mr. Ferrara, Mr. Morelli, and Mr. Sinha.

RESOLUTION(S):

**Eric Pesciotta
Block 27.01, Lot 9 – 15 Chadwick Rd.
Variance Application Approval # Z22-11**

With no comments from the Board, Mr. Barthelmes made a motion to adopt the Resolution of Approval for Z22-11, which was seconded by Mr. Ferrara, with all in favor on a roll call vote in favor: Mr. Barthelmes, Mr. Ferrara, Mr. Morelli, and Mr. Sinha.

APPLICATION(S) BEFORE THE BOARD:

**REQUEST TO WITHDRAW WITHOUT PREJUDICE
700 Highway 33, LLC (Xtreme Machines)
Block 18, Lot 2.01 (Millstone Twp.) – 700 Route 33 (Block 8, Lots 2.12 & 2.13 - Monroe Twp.)
Variance Application # Z22-10**

Proposal to amend the use variance approval previously granted under Z01-11 (Michael Resciniti) to allow the construction of a 7,000 s.f. one-story warehouse/storage building (70' x 100') 16' in height, to permit outside display/storage of tenant goods (prohibited by previous condition), to amend the existing building signage variance restriction to permit the current signage, to extend six existing parking spaces for vehicles with trailers and to obtain approvals for lot coverage caused by additional paved parking areas constructed at the rear portion of the site (situated in both Millstone Township and Monroe) for storage of vehicles and equipment. This application is as a result of a Notice of Violation.

Attorney Vella noted that earlier this day, the Applicant's Attorney, Sal Alfieri, emailed him stating that they are withdrawing the application. He noted that they indicated they would be going to Monroe to address the issues there first. He asked for a motion to accept the withdraw without prejudice and without making any findings of facts. This motion was made by Mr. Ferrara; which was seconded by Mr. Sinha, with all in favor of accepting the request to withdraw without prejudice on a roll call vote: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia.

**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. The Board took jurisdiction and begin the hearing on October 26, 2022 and carried without further notice to December 6, 2022, then to January 25, 2023 to revise and resubmit. The Board continues to have jurisdiction.



Mr. Matthew Krantz, Esq. appeared on behalf of the applicant. Since the Board did not have a quorum of members who attended the previous hearing (and those attending did not review the records from the previous hearing), and since there was a substantial change in the plans since the initial hearing, the applicant opted to start the application hearing process over from the beginning, in order to proceed with the Board and in order to be able to go to a vote.

The following witnesses were sworn in and under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
Gary Teyhen – Applicant
Michael Avila, PE, PP – Applicant’s Engineer/Planner
Robert Benedetto, PE – Applicant’s Engineer
Frederick Schmitt, AIA – Applicant’s Architect

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 A-13: Request to Carry to 1/25/23 and Extension of Time to Act thru 2/28/23
- Exhibit A-14: Transmittals prepared by E&LP and Avila Engineering dated 1/12/23 transmitting revised/supplemental plans
- Exhibit A-15: Bulk Variance Application Plan, prepared by Avila Engineering, two (2) sheets, revised 1/10/23
- Exhibit A-16: Drainage Plan, prepared by E&LP, one (1) sheet, dated 1/10/23
- Exhibit A-17: Drainage Area Maps, prepared by E&LP, one (1) sheet, dated 1/10/23
- Exhibit A-18: Architectural Elevations and Floor Plans, prepared by Schmitt Anderson Architects, two (2) sheets, revised 1/24/23
- Exhibit ZB-1: Completeness Determination dated 7/29/22
- Exhibit ZB-2: Engineer’s Review, dated 8/8/22
- Exhibit ZB 2b: Engineer’s Review, dated 1/16/23
- Exhibit ZB-3: Planner’s Report, dated 8/7/22
- Exhibit ZB-3b: Planner’s Review, dated 1/18/23
- Exhibit ZB-4: Environmental Commission’s Review, dated 8/15/22



Fred Schmitt was sworn in as the applicant's architect. He provided his credentials and the Board accepted him as a licensed professional architect.

Additional exhibit A-18 Updated Architectural Plan, prepared by Schmitt Anderson Architects, revised 1/24/23.

Mr. Schmitt explained that he has worked with the applicant, a millworker, many times over the years. The applicant is very meticulous and would like to build a home for their personal use, keeping in mind the medical needs of Ms. Teyhen, who has MS. The house/floor plans were designed to allow for accessibility throughout, including an elevator for accessible access to the basement level and outdoor space. The main level is proposed to be 3,624 s.f., the second floor would contain 1,185 s.f. and the basement containing an office, a gym and other living areas totaling 2,558 s.f.

Michael Avila was sworn in and his credentials were accepted by the Board as a licensed professional Engineer. He reviewed the existing steep slopes and the proposed disturbance areas of the steep slopes. The only way to access the site would be to disturb steep slopes due to the existing site conditions. The applicant had originally proposed a plan that had 18,163 s.f. (.42-acres) of steep slopes disturbance. Currently, the proposal will only have 11,906 s.f. (.27-acre), by keeping the slopes tighter and relocating the house forward about 25 feet. They performed test pits and worked with the County Health Inspector to redesign the plan. They tried to reduce and mitigate the disturbance of the steep slopes.

There is about one acre of area at the rear of the property that will not be disturbed, or 280 feet from disturbance and from the pool to the next property, it would be approximately 305 feet. The vegetation and the undisturbed area allow for natural absorption. The topography allows for the rear walk-out basement area.

The site has pre-existing non-conforming variances due to existing site conditions, including lack of frontage on a roadway.

The house would be accessed through an access easement that is accessed from Chambers Road. This access easement is also used by the other houses on the easement. The access easement is paved and is maintained by the three property owners. Mr. Krantz stated that there is an agreement in place for the maintenance of this access driveway, which is owned by the properties on the opposite side of the access driveway.

Mr. Robert Benedetto was sworn in and the Board accepted him as a professional in stormwater and environmental design. He reviewed the stormwater design and the recharge management and other mitigation features proposed. There will be a maintenance manual required for the proposed recharge systems. A rain garden would have required roughly the same amount of steep slope disturbance.

Board Engineer Shafai did not disagree with any of the testimony regarding stormwater, but would need to review the revised report and the Operations and Maintenance Manual they would have to provide. He confirmed the applicant is also going to need approval from the Zoning Board for the removal of approximately 5,000 c.y. of soil from the site. Although the applicant has not yet filed the application for Soil Removal, Mr. Shafai stated that the applicant is seeking the Board's approval for the removal of approximately 5,000 c.y. of soil and the applicant would file the necessary application and fees.



Board Planner Mertz noted that this is primarily an application regarding engineering. The applicant requires various variance relief including for not providing frontage, for lack of access to a roadway, disturbance of approximately 11,906 s.f. of steep slopes, and for not providing 1-acre of contiguous buildable area due to the existing site topography.

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

Attorney Vella reviewed the conditions discussed by the Board and confirmed the applicant would comply with all of the comments in the Board's professional's review memos. Conditions included the applicant comply with the Environmental Commission's comment regarding the runoff, the applicant will provide a report for stormwater and drainage, the applicant will provide a copy of the Operations and Maintenance Manual for review, the applicant will file the required soil removal/fill permit for review by the Board Engineer, the applicant will obtain all outside agency approvals, the applicant will file for tree removal permits, the applicant will file the required conservation easement and install the easement markers, the applicant will provide an updated boundary and topography survey, provide copies of the Monmouth County Board of Health approval, the applicant agreed to install drywells per the Engineer's comments, the applicant will update the plans with all conditions and address any comments discussed or in the Board's professional's comments.

The Board discussed the application and took no exception to the variances requested based on the existing property restraints. The Board thanked the applicant for revising the project to address some of the concerns discussed at the prior hearing.

With no further questions or comments from the Board, Mr. Morelli made a motion to approve the application, granting the requested relief with no conditions, as the applicant has already applied for the required construction permits. This motion was seconded by Chairman Mostyn. Application Z22-06 was approved with the following votes in favor: Chairman Mostyn, Vice-Chairman Barthelmes, Ms. Beckish, Mr. Ferrara, Mr. Morelli, Mr. Sinha and Ms. Arpaia. Approved 7-0.

BOARD DISCUSSION:

There were no matters up for Board discussion.

ADJOURNMENT:

With no further business, Ms. Arpaia made a motion to close the meeting. With all in favor, Chairman Mostyn adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary