



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES November 29, 2023

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Wednesday, November 29, 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.

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.

Roll call for the below members was called:

Present: Chairman Mostyn, Ms. Beckish, Mr. Ferrara, Mr. Morelli and Ms. Arpaia (Alt. 1).

Absent: Mr. Barthelmes, Mr. Lambros, Mr. Sinha; one vacant seat (Alt. #2).

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

Ms. Arpaia was seated for Mr. Barthelmes.

MINUTES:

Minutes from October 25, 2023

Chairman Mostyn noted the Board received the minutes in advance of the meeting for their review. With no comments from the Board, Mr. Morelli made a motion to adopt the Minutes from October 25, 2023, which was seconded by Chairman Mostyn. The Minutes were adopted on a roll call vote: Chairman Mostyn, Ms. Beckish, Mr. Morelli and Ms. Arpaia. Motion approved, 4-0.

RESOLUTION(S):

Bradley Graves

Block 11 Lot 21.02 – 731 Perrineville Rd.

Bulk Variance Application # Z23-06

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Mr. Morelli made a motion to memorialize the resolution of approval, which was seconded by Ms. Beckish. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Chairman Mostyn, Ms. Beckish, Mr. Morelli and Ms. Arpaia. Motion approved, 4-0.

APPLICATION(S):

Coastal Quality Properties, LLC (DiPasquale Fence Co.)

Block 60.01 Lot 12 – 482 Monmouth Rd.

Use Variance, Preliminary and Final Major Site Plan Application # Z23-02

Request for a Use Variance to convert the existing residential site to be used for a fence company. The applicant is also seeking Preliminary and Final Major Site Plan approval to convert the existing residential dwelling into an office for the proposed fence company on a 1.605-acre lot in the HC Zone. The applicant also proposes to construct a 30' x 40' pole barn, parking spaces and outdoor storage yard within a fenced in area. The site already contains a



commercial gravel parking area (constructed without approvals), which the applicant would like to utilize as part of the fence company operations. The applicant is the contract purchaser for the site. Several submission waivers are requested. Applicant is the contract purchaser for the site.

The application was deemed incomplete, pending the Board's consideration of the submission waivers. The applicant will continue with the public hearing should the Board grant the waivers and deem the application complete.

Mr. Vella, Esq. reviewed the notice package in advance of the meeting and confirmed that it was in proper form, so the Board can take jurisdiction to hear the continued application. Attorney Vella advised the applicant that there were only five (5) Board members present and that since it was an application for a use variance, the applicant would need five (5) affirmative votes in order to be granted the relief they are requesting. The applicant was advised of options, on hearing the application.

Mr. Michael Paxton, 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
- Michael Chagrin – Applicant
- Matthew Wilder, PE, PP – Applicant's Engineer/Planner

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

APPLICANT'S EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Correspondence
- A-4 Statement of Operations for DiPasquale Fence, rcvd. 9/25/23
- A-5 Waiver Request Letter, prepared by Morgan Engineering & Surveying, one (1) sheet, dated 9/20/23
- A-6 Proposed Storage Building Details and spec sheet, prepared by Little Construction Co., three (3) sheets, dated 9/5/23
- A-7 Stormwater Management Report, prepared by Morgan Engineering & Surveying, dated 8/4/23
- A-8 Boundary & Topographic Survey, one (1) sheet, prepared by Morgan Engineering & Surveying, dated 3/7/23
- A-9 Preliminary & Final Major Site Plan and Use Variance Plan, six (6) sheets, prepared by Morgan Engineering & Surveying, dated 7/26/23
- A-10 Aerial Map Exhibit, prepared by Morgan Engineering, dated 11/29/23
- A-11 Site Comparison Exhibit, prepared by Morgan Engineering, dated 11/29/23

BOARD'S EXHIBITS

- ZB-1 Engineer's Review dated 10/13/23
- ZB-2 Planner's Review dated 11/9/23
- ZB-3 Shade Tree Commission's Review dated 10/18/23

Mr. Matthew Wilder was sworn in. He provided the Board his credentials as a licensed Engineer and Planner and was accepted as a professional Engineer and Planner. Mr. Wilder reviewed the site location on Monmouth Road (CR 537) and the surrounding area and approximately 1.6-acres. The site is located within the Highway Commercial (HC) zoning district. The property



currently consists of a one-story frame dwelling, a long gravel driveway along the right side of the site, leading to a gravel area in the rear. In reviewing the historic aerial imagery, the property was developed in 1931 and being partially used as a farm. In the 1950's, it appears the site was mostly clear cut. Around 1970, it appears there some non-residential storage began occurring on the site. By 2017, it shows that the expansion of the driveway and the parking area. The site appears to have been used as a contractor's yard; however, it was done without approvals and the site improvements were made without permits. They are seeking to legitimize the use of the site and remove the non-conforming residential use.

The current owner installed a new septic system without approvals. The applicant will replace this system and obtain the required permits.

Mr. Wilder stated that the existing plans reflect a 1,200 s.f. pole barn for storage and would exceed the height requirement. Since this size would require variance relief, the applicant has opted to change the pole barn to be 900 s.f. and 16' in height, to eliminate the need for a variance. The proposed storage pole barn is planned to store equipment for his fence business, including a fork-lift, a Bobcat machine, and cement for the fence installation. Two (2) work trucks and two flat-bed trailers are proposed to be kept on site.

The proposed outdoor storage area is mainly for vinyl fence to be stored for short periods on pallets while waiting for a job. The material is usually delivered about a week before a job and not kept on the site long term.

They will be amending the plan to reflect a 6' privacy fence in the rear of the site along the residential neighbor. They would like to keep the rest of the proposed fence as chain link fence (all in rear and side property lines).

Mr. Wilder explained that the site is not expected to have clients coming to the site, except an occasional visit to sign contracts in the office. They only expect 1-2 employees, plus the owner in the office building during the week. He would consider this a low traffic impact use.

Three dumpsters are proposed on the site. One is for regular lumber, one for pressure treated lumber and the last is for general trash. The general trash dumpster would be picked up weekly and would have three sides of board-on-board fencing.

Mr. Michael Chagrin was sworn in as the applicant. They will have samples of fence inside the office building. Engineer Shafai inquired if the applicant is proposing any outdoor display of sample fences which is typically observed at fence companies. Mr. Chagrin stated that most clients have "hand samples" and does not anticipate needing an outdoor display. If needed, Mr. Chagrin agreed to have any outdoor display contained in the rear fenced in area of the site, no displays in the front yard area.

The outdoor storage fencing material will be on pallets and will be shrink-wrapped and within the fenced in area.

There is one monument sign proposed on the easterly side of the site (plans, in error, reflect two signs), 6' in height with a 2' stone base and 5' wide, externally illuminated, ground mounted up-lights, and will be lit one hour before the operation and one hour after the business closes. Since they are removing the second sign request, the applicant is not seeking variance relief for the signage.

The proposed hours of operation are Monday through Saturday from 7:30 am to 5:00 pm. There is a handicap parking space proposed near the office building. If they install an outdoor display area, they will also construct a handicap parking space for access to the outdoor display.



They have not engaged an architect at this time; however, the intent is to have the proposed pole barn and the converted office to match one another. The proposed pole barn will be approximately 300' from the roadway. The existing home will be renovated for offices and a break room. There will be no living space in the office once it is converted from the dwelling unit, there will not be any labor housing on site.

As this application has not yet been deemed complete, Mr. Wilder addressed the incomplete items. The added exhibits A-10 and A-11 have addressed some of the incomplete items.

The two requested street trees will be provided and screening will be provided to the three proposed parking spaces from the roadway. The applicant agrees to provide a landscaping plan.

The proposed use is really not operation during dark, so the applicant is not providing lighting other than a motion security light on the pole barn and on the converted office building. The proposed lighting will be shown on the plan.

The area to the rear of the site where the gravel is to be removed will be re-vegetated.

The lighting will require a variance for not meeting the minimum footcandles; however, Planner Mertz supports that the proposed operation does not operate during dark hours and it is appropriate to request a variance for not meeting the minimum lighting requirements for this use. She said the variance is technical in nature.

Mr. Wilder explained that the site is a low intensity use with a low trip count. Since the site is predominantly developed, he believes the proposed stormwater improvements will enhance the site. Engineer Shafai stated he does not take exception to waiving the Environmental Impact Statement and the Traffic Impact Statement.

The Board granted the requested submission waivers and deemed the application complete.

Attorney Vella inquired why the proposed outdoor storage area is shown on the right side of the property when it abuts, although vacant, a residential property instead of on the left side of the site, which is adjacent to the lumber yard. The Board thought it would be a better design and lessen any impact on the adjoining residential site to the east. The applicant agreed it may be a better design and would relocate the parking and storage areas to the other side of the site.

Mr. Wilder stated that the required soil testing will be provided. An O&M Manual will be submitted for review and would be filed with the County Clerk's office, as required. The applicant agrees to comply with all the conditions in the Board Engineer's review memo.

Mr. Chagrin stated there are 1-2 tractor trailer deliveries per week. The applicant would install a "no idling" sign on the site.

Mr. Wilder reviewed the requested waiver for the buffering are to the residential property to the east. This will be minimized by relocating the proposed exterior storage area to the left of the site, adjacent the lumber yard. He reviewed the existing lot variances.

The house was in existence before the current zoning went into place. The proposed use would remove the non-conforming residential use in the HC (Highway Commercial) zone. Mr. Wilder reviewed the proofs and believes the relief requested has been mitigated.

The application requires four variances; Bulk relief for chain link fence whereas chain link is not permitted; Bulk relief for providing outdoor storage whereas it is prohibited; Bulk relief for the required trees in the parking area; and Use variance for the proposed fence company which is not permitted in the HC zone. Mr. Wilder explained why this use is appropriate for the site. All the operations will be at the rear of the site, not visible from the road. The applicant is providing stormwater measures.



Planner Mertz stated the proposed use is a commercial use in a commercial zone and seems to be appropriate for the zone and appears to be low site impact.

The applicant will make application to Monmouth County and will need to meet any of their conditions.

Chairman Mostyn opened the matter to the public. With no members from the public present, Chairman Mostyn closed the matter to the public.

Attorney Vella read the conditions and items the applicant agreed to during the course of the hearing.

The Board deliberated the application and the conditions. The Board noted the proposed use will be low impact to the site and surrounding area.

With no further discussion from the Board, Mr. Ferrara made a motion to grant the required use and bulk variance relief and the requested design waivers, subject to the conditions and testimony placed on record. This motion was seconded by Ms. Arpaia. Application Z23-02 was approved with the following votes in favor: Chairman Mostyn, Ms. Beckish, Mr. Ferrara, Mr. Morelli and Ms. Arpaia. Approved 5-0.

BOARD DISCUSSION:

Attorney Vella reviewed the upcoming agenda.

Secretary Sims stated she reviewed the normal meeting dates for 2024 and realized that the November 2024 meeting falls on Thanksgiving Eve and the December 2024 meeting falls on Christmas Day. She asked for some alternate meeting dates. The Board suggested Thursday, November 14, 2024 and Thursday December 12, 2024 as the alternate meeting dates. A draft copy of the 2024 meeting schedule will be sent out for the Board's review.

There were no other business matters up for discussion.

ADJOURNMENT:

With no further business, Chairman Mostyn adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary