

# 2019 ANNUAL REPORT

of the

## MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board’s actions from January 1, 2019 through December 31, 2019. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted eight (8) regular meetings.

The Zoning Board rendered decisions on the merits on nine (9) applications. This was an increase of 3 applications from 2018.

Many applications included more than one variance request as reflected below in Table 1. The Zoning Board approved seven (7) applications. Tables 1 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is also attached. The Board denied two (2) applications, (Solar Me) and (Sundial Solar Innovations).

The Zoning Board reviews applications with an eye toward reducing the intensity and quantity of variances by working with applicants to develop improved designs. Through this process, the number of variances that are initially requested is often reduced.

**TABLE 1: VARIANCES & APPLICATIONS APPROVED-2019**

<b>TYPE</b> →	1 acre Non- Usabl e	Use	Lot Area/Width/ Frontage	Setback Front/Sid e Rear Yard	Signa ge not permi tted	# of Signs	Lot Coverage	Steep Slopes
<b>ZONE</b> ↓								
PCD								
HC		1						
R-130								<b>1</b>
HC-1					1			
BP								
R-80	2	1	2	2			<b>1</b>	<b>1</b>
<b>Totals</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>

## **2019 SUMMARY**

The following is a summary of variances approved by the Board on each application.

### **APPROVALS**

#### **McDONALD'S CORPORATION**

1. Signage Variance under Ordinance Section 15-2.3, which does not permit digital signs. The applicator proposes 4 digital signs.

#### **MAZZETELLI**

1. Variance from minimum lot area requirement, which requires a minimum lot area of 130,680 square feet (3 acres), where the lot is only 115,469 square feet (2.658 acres).

2. Variance from Section 4-4.7, which requires the lot area to have an appropriately situated and shaped continuous non-environmentally encumbered area of 1 acre which can be inscribed within by a 250-diameter circle or by a rectangle at least 150' in width and length.

#### **NOREIKA, CHARLES**

1. Use ("D") variance, because the 3,600 square foot commercial building, the 1,900 commercial addition and the second-floor apartment are not permitted in the R-80 Zone.
2. Lot Coverage Variance for proposed lot 1.05 (Commercial Lot) where a maximum of 20% is permitted and 26.3% is proposed.
3. Front Yard Variance for proposed lot 1.04 (lot with single family home that will remain), where 50 feet is required, and 45.6 feet is proposed. (Existing Condition)
4. Side Yard Variance for shed on proposed lot 1.04 (lot with single family home that will remain), where 15 feet is required, and 8.2 feet is proposed. (Existing Condition)

#### **SIX, GAIL & CLINTON**

1. Variance from Useable Development Area requirement, which requires a minimum of 1 acre of useable development, where only .99 acres exist, but will be further reduced due to Right of Way dedication to the County to .94 acres.

2. Variance from minimum lot area requirement, which requires a minimum lot area of 2 acres, where the lot is only .99 acres. (Applicant has agreed to provide a minimum 25' Right of Way Woodville Road, this will reduce lot area, the applicant will revise plans and the addition reduction in lot area variance to .94 acres, is granted by the Board.)
3. Variance from Width requirement, which requires a minimum of 200 feet, where only 118.77 feet exists. (Applicant has agreed to provide a minimum 25' Right of Way Woodville Road, this will reduce lot area, the applicant will revise plans and the addition reduction in lot width variance to 111.3 feet, is granted by the Board.)
4. Variance from Frontage requirement, which requires a minimum of 200 feet, where only 88.5 feet will exist after ROW dedication.

**KALEZIC, ADRIAN**

1. Variance from Section 11-24.3 which prohibits development, including principal and accessory structures and other site disturbance, in steep slopes.

**TESLA, INC.**

1. Use (“D-1”) variance, because expansion of use that was approved by D-1 Variance. (Application for charging stations for Tesla at Wawa)

**MCCAFFERTY, JAMES**

1. Variance from Section 11-24.3 which prohibits development, including principal and accessory structures and other site disturbance, in steep slopes.
2. Waiver from submitting an Environmental Impact and Assessment in accordance with Section 9-3.

**RECOMMENDATIONS**

The Zoning Board recommend that the Township Committee consider adding Electric Vehicle Charging Stations as a permitted use in appropriate zones within the Township. This year – Tesla – a leading electric car manufacturer – applied for a use variance to locate 8 “Supercharger” stations at the Wawa location on Route 537. At the hearing of this application, the Board determined that “electric vehicle charging stations” are not permitted in any zone in the Township. The Board approved the Tesla application and noted that this use aligns with the Township’s master plan goals as it promotes a clean environment. The Board feels that electric cars will become more prevalent in the future, due to the environmental benefits of zero tailpipe pollution emissions. Thus, the Board recommends that the Township Committee consider inclusion of “electric vehicle charging stations” as a permitted use as part of future Master Plan and/or zoning ordinance updates.

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2017 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2019 Annual Report on the Township Web Site.

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DATED

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MICHAEL NOVELLINO, CHAIRMAN  
Millstone Township Board of Adjustment

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the Board of Adjustment Annual Report adopted by the Zoning Board of the Township of Millstone at a meeting held on January 22, 2020.

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PAMELA D'ANDREA, Secretary  
Board of Adjustment Township of Millstone

The vote on the Motion to approve the 2019 Annual Report:

Motion:	S. Lambros
Second:	S. Morelli
Roll Call:	Lambros, Morelli, Mostyn, Ferrara, Barthelmes and Novellino
Approve:	6
Oppose:	0
Abstain:	0
Absent:	3