

2022 ANNUAL REPORT
RESOLUTION ZB2023-08

of the

MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board’s actions from January 1, 2022, through December 31, 2022. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted nine (9) regular meetings.

The Zoning Board rendered decisions on the merits on ten (10) applications. Eight applications were for use and variance relief and two applications were appeals of decision of the Zoning Officer.

Many applications included more than one variance request as reflected below in Table 1. The Zoning Board approved eight (8) applications with variances, affirmed one (1) decision of the Zoning Officer and reversed one (1) decision of the Zoning Officer. Tables 1 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is set forth in this report.

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 IN EACH ZONING DISTRICTS *APPROVED-2022*

TYPE →	1 acre Non- Usable	Dist. b/w Principal and Accessory	Ext of time	Setback Front/ Side Rear Yard	Accessory Structure Exceeds 900 sq ft	Height of fence	Lot Cov.	Use Variance	Steep Slopes
ZONE ↓									
NC ZONE								1	
HC-1									
RUP									
R-80	1	1	1	2	1	1	1		1
R-130		1		1					
Totals	1	2	1	3	1	1	1	1	1

2022 SUMMARY

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

APPROVALS

Friends of Cyrus, II, Inc. Block 58, Lot 4.02

Applicant applied to the Zoning Board of Adjustment to convert the existing childcare center to an adult daycare center. The applicant received approval for the following relief:

1. Use (“D”) variance because adult daycare use is not permitted in the NC Zone.

Dale Clickner Block 47.02, Lot 2

The applicant has revised their plans and has applied to the Zoning Board of Adjustment to construct a detached 1,200 sq. ft. (30’ x 40’) detached garage in the northwest corner of the lot.

The applicant received approval for the following relief:

1. Variance from Section 4-9.11, which permits a maximum accessory structure of 900 sq. ft., where the applicant proposes 1,200 sq. ft.
2. Lot Coverage Variance, which permits a maximum coverage of 20%, where applicant proposed 23.8%.

Charles Noreika Block 50, Lots 1.01, 1.02, 1.03

The applicant applied to the Zoning Board of Adjustment for an extension of time and Phasing Plan.

1. Extension to March 26, 2023.
2. Phasing Plan.

Abe Francisco
Block 62.02, Lot 20

The applicant applied to the Zoning Board of Adjustment to install an inground pool. The applicant received approval for the following relief:

1. Variance from Ordinance 35-4-9.2, which requires a minimum distance of 15 ft. between accessory structure and principal building, where applicant is proposing 10 ft.

Ryan Jeffray
Block 60.02, Lot 21.22

The applicant applied to the Zoning Board of Adjustment to remove and replace the existing fence with a 6 ft. vinyl within the front setback adjacent to Millstone Road and install a gas generator in the front setback adjacent to Millstone Road. The applicant received approval for the following relief.

1. Fence Variance, 6 ft. fences are not permitted in front yard.
2. Generator Variance, generators are not permitted in the front yard.

Andrea Windel-Blair
Block 45, Lot 6

The applicant applied to the Zoning Board of Adjustment to install solar panels on the roof of the home and detached garage. The applicant received approval for the following relief.

1. Setback Variance, the R-130 Zone requires a 20 ft. setback for accessory structures.

Since the solar panels will be installed on the home and detached garage, which are only setback 14.3 and 6.8 ft., the solar panels require the same setback variance.

Basha Enterprises, LLC
Block 10, Lot 59

The applicant filed an appeal of the Zoning Officer's decision pursuant to N.J.S.A. 55D-70(a) and alternatively filed an application for a Use Variance to permit a Hand & Stone Massage and Facial Spa on the premises.

Michele Moscaritolo
Block 48, Lot 14.44

The applicant filed an appeal of the Zoning Officer's decision pursuant to N.J.S.A. 55D-70(a). The appeal is to overturn the Zoning Officer's decision that the proposed plans for the construction of a new home would constitute a secondary dwelling.

The Sycamores, LLC
Block 49.01, Lot 12

The applicant applied to the Zoning Board of Adjustment to construct new single-family home on the lot. The applicant received approval for the following relief.

1. The Ordinance Section 11-24.3 prohibits disturbance of any steep slopes. The applicant is proposing to disturb 560 sq. ft. of the steep slope area for construction of a driveway and access to Laurel Court.
2. The Ordinance Section 4-4.7 requires a minimum usable development area of one contiguous acre in a minimum of 200' diameter circle. The applicant is proposing 0.72 acre in a 165' diameter circle.
3. The Application Section V requires a submission of a Statement of Environmental Impact and Assessment prepared in accordance with Section 9-3 of the Ordinance. The applicant is requesting a waiver of this submission.

Eric Pesciotta
Block 27.01, Lot 9

The applicant applied to the Zoning Board of Adjustment to retain the existing pergola, block wall and grill that were constructed without permits. The applicant received approval for the following relief.

1. Minimum Distance Variance, ordinance requires accessory structures (pergola) to be a minimum of 15 ft. from the principal building, where the pergola is approximately 8 ft. from the principal structure.
2. Location of Accessory Building Variance, accessory structures are not permitted in the front yard, the pergola, grill and block wall are in the front yard.

RECOMMENDATIONS

The Zoning Board is not making any recommendations this year for any modifications or new Land Use Development Ordinances.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2022 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2022 Annual Report on the Township Web Site.

5-24-23

DATED



PATRICK MOSTYN, CHAIRMAN
Zoning Board of Adjustment
Township of Millstone

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 May 24, 2023.



DANIELLE B. SIMS, SECRETARY
Zoning Board of Adjustment
Township of Millstone

The vote on the Motion to approve the 2022 Annual Report:

Motion: Ms. Arpaia.
Second: Mr. Ferrara.
Roll Call:
Approve: Chairman Mostyn, Ms. Beckish, Mr. Ferrara, Mr. Lambros and Ms. Arpaia.
Oppose: Mr. Barthelmes.
Abstain: None.
Absent: Mr. Morelli and Mr. Sinha.