

2009 ANNUAL REPORT

of the

MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board's actions from January 1, 2009 through December 31, 2009. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted eleven (11) regular meetings.

The Zoning Board rendered decisions on the merits on eleven (11) applications. This is an increase in 5 applications from 2008. The Zoning Board did approve one withdrawal without prejudice. There were also two (2) applications that began in 2009 and are being continued into 2010.

Many applications included more than one variance request as reflected below in Tables 1 and 2. The Zoning Board approved nine (9) applications (81%), and denied two (2) applications (19%). Tables 1 and 2 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is also attached.

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-2009

TYPE →	Lot area/ shape /depth	Use Variance	Lot Coverage	Building Coverage	Setbacks Principal Structure	Extension of Time	Totals
ZONE ↓							
NC	3	1			3		7
R-80	4	1	1		1		7
BP	2	1				1	4
RU-P							0
HC	3	1			2		6
HC-1	0	2	0				2
Totals	12	6	1	0	6	1	26

TABLE 2: VARIANCES & APPLICATIONS DENIED-2009

TYPE →	Lot area/ shape/depth	Use Variance	Major Site Plan	Setback Principal Structure	Setback Accessory Structure	Soil Removal	Extension of Time	Totals
ZONE ↓								
R-UP						1		1
HC-1		1						1
Totals	0	1	0	0	0	1	0	2

2009 SUMMARY

BULK VARIANCES

Bulk Variances were the most frequently requested relief from the Zoning Board in 2009. Applicants requested nineteen (19) Bulk variances which can be broken down into the following categories:

1. Lot Area:

- Frontage: Five (5) Variances Requested; Five (5) Variances Approved; Zero (0) Variances Denied.
- Width: Two (2) Variances Requested; Two (2) Variances Approved; Zero (0) Variances Denied.
- Area: Three (3) Variance Requested; Three (3) Variance Approved; Zero (0) Variances Denied.
- Circle: One (1) Variance Requested; One (1) Variance Approved; Zero (0) Variances Denied.
- Depth: One (1) Variance Requested; One (1) Variance Approved; Zero (0) Variances Denied.

2. Coverage:

- Lot: One (1) Variance Requested; One (1) Variance Approved; Zero (0) Variances Denied.

3. Setbacks:

- Front Yard: Two (2) Variances Requested; Two (2) Variances Approved; Zero (0) Variances Denied.
- Side Yard: Three (3) Variance Requested; Three (3) Variance Approved; Zero (0) Variances Denied.
- Rear Yard: One (1) Variance Requested; One (1) Variance Approved; Zero (0) Variances Denied.

DENIAL OF BULK VARIANCES

The Zoning Board denied the Use Variance application of 36 Flags Game and Golf Adventure, Inc., which also included numerous Bulk variance requests. Since the Zoning Board did not grant the Use Variance, the Board did not make any finds as to the Bulk Variance requests. The Variance requests are not considered approved or denied by the Zoning Board.

“D” VARIANCES

Applicants requested seven (7) D Variances from the Zoning Board in 2009. Six of the Use Variances were granted and one was denied. The Zoning Board granted Use variances for Age Restricted Housing in the NC Zone (Allen House/Millstone Township), Animal Boarding facility in the BP Zone (Shelly's), Single family home in the HC Zone (Western Monmouth Habitat for Humanity), at two Use Variances for Outdoor Display in the HC-1 Zone (Seasonal World) and a Use variance for office building in the R-80 Zone (Existing Condition) (Falk Building). The Zoning Board also denied a miniature golf course in the HC-1 Zone (36 Flags Game).

The Zoning Board considers each variance request carefully by meticulously analyzing the context-sensitive fashion of each request while remaining cognizant of the overall neighborhood impact. The Zoning Board also weighs the impact any variance may have on the Master Plan when reviewing the merits of any variance request to ensure the development will not have a substantial negative impact on its purpose or intent.

SOIL REMOVAL APPLICATIONS

The Zoning Board also heard one application for a Soil Removal Permit (Paramount Marinas, LLC). The application was denied and a Resolution requiring the property owner to remove the non-permitted contaminated soil from the property was memorialized.

VARIANCE REQUESTS BY ZONING DISTRICT

R-80 Zone (Fedderson Application)

Three (3) Bulk variances were approved in the R-80 Zone. Three variances (3) were for minimum lot area; lot frontage and for a side yard setback.

R-80 Zone (Falk Building Application)

One (1) Use Variance and three (3) Bulk variances were approved in the R-80 Zone. Three Bulk variances (3) were for minimum lot area; lot frontage and lot coverage. The Use Variance was for existing professional building in R-80 Zone (Existing Condition).

NC Zone (Allen House Application)

One Use Variance and Six (6) Bulk Variances were approved in the NC- Zone. Six variances (6) were for lot frontage, lot width, front, (2) side, and diameter circle. The Use Variance was for Age Restricted Housing.

BP Zone (Shelly's School Applications)

One Use Variance and two (2) Bulk Variances were approved in the BP Zone. Two variances (2) were for lot frontage and width. The Use Variance was for an Animal Boarding Facility.

HC Zone (Western Monmouth Habitat for Humanity Application)

One Use Variance and Five (5) Bulk Variances were approved in the HC- Zone. Five variances (5) were for lot frontage, area, lot depth, front and rear setbacks. The Use Variance was for a single family home.

HC-1 Zone (Seasonal World Application)

Use Variances were approved for the Outdoor Display of above ground pools and temporary holiday displays.

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Application	Applicant	Zone	Variance	Date Res. Memorialized
Z08-06	Russell Fedderson Block 49, Lot 11. Located in the R-80 zone at 378 Stagecoach Road consisting of 38,738 s.f. Applicant seeks to construct a 2-story attached garage to his existing 2-story single-family dwelling. Undersized lot. Bulk variances needed. Carried from 8-27-08. Applicant re-noticed for the application. Approval granted.	R-80	Bulk	1-28-09

Application	Applicant	Zone	Variance	Date Res. Memorialized
Z07-04	<p>CKV Realty, LLC Block 57, Lot 16. 53.39 acres located in the BP Zone Located at 33 Burnt Tavern Road. Transferred from the Planning Board. Application is for a construction of a garden center and nursery related facility including construction of a 15,000 s.f. building. Applicant received waivers from checklist items for the use variance portion of the application. Use Variance Approved and Resolution Memorialized 11-28-07. Applicant granted an Extension of Time within which to apply for the Site Plan portion of the bifurcated application.</p>	BP	Ext Time	1-28-09
Z08-04	<p>Paramount Marinas Block 54, Lot 1. 14.4 acres located in the RU-P Zone Located near Yellow Meeting House Road. The applicant seeks to construct a single-family dwelling house on the premises. Applicant had received his most recent approval in March 2007. Bulk Variance needed. Deemed complete 6-05-08. Jurisdiction accepted 7-23-08 carried to 8-27-08, heard in part carried to 11-13-08 without any further noticing. Applicant granted an extension of time through November 30, 2008. Testimony revealed that in the interim, applicant dumped 50,000 cubic yards of contaminated soil from Upper Freehold onto site. Matter was dismissed without prejudice on 11-13-08.</p>	RU-P	Bulk var	1-28-09
Z08-17	<p>36 Flags Game and Golf Adventure, Inc. Block 56, Lot 13.01. 4.163 acres located in the HC-1 Zone. Site is the westerly portion of property developed as Dunkin' Donuts. Applicant seeks to add a miniature golf course and related club house "pro-shop". Preliminary and Final Major Site Plan, Use and Bulk Variance. Approval Denied 1-28-09.</p>	HC-1	Use and Bulk var Prelim & Final Site Plan	3-25-09

Application	Applicant	Zone	Variance	Date Res. Memorialized
Z09-02	<p>Western Monmouth Habitat for Humanity Block 63, Lot 11 – Located at on Monmouth Road (Rt. 537) consisting of .89 acres in the HC zone. Applicant seeks Use Variance and Bulk variances to construct a 1,620 s.f. single-family, one-story, three bedroom residential dwelling on vacant land. Deemed Complete 3-31-09. Date of Action: 7-29-09. Approval granted 4-29-09</p>	HC	Use and Bulk	5-27-09
Z07-12	<p>Allen House/MillstoneTownship Block 35, Lot 13.03. Located at 477 Stage Coach Road in the NC Zone. Property consists of 4.34 acres. On March 31, 2008, the applicant received Preliminary and Final Site Plan approval, Minor subdivision approval and use and Bulk variance approval to remove the existing residential building, out buildings and barns and construct two (2) multi-family COAH dwellings for purposes of providing rental housing for the age-restricted. A combined total of 12 residential units were approved but the applicant has downsized that to 10 residential units and, therefore, a Minor subdivision of the property was not needed. The applicant seeks an extension of time in order to perfect the Plan. No noticing is required on the extension of time.</p>	NC	Use and Bulk	6-24-09
Z09-01	<p>Shelly Leibowitz (Shelly's School for Dogs) Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant seeks site plan approval to construct a 25,471, one-story building to operate a facility to include boarding for dogs and cats, pet training school, pet grooming school and pet grooming. Bifurcated Application. Use variance granted 4-29-09. Heard in part. Carried to 7-29-09 without any further noticing needed.</p>	BP	Use Var	6-24-09

Application	Applicant	Zone	Variance	Date Res. Memorialized
Z09-01	<p>Shelly Leibowitz (Shelly's School for Dogs) Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant seeks preliminary site plan approval to construct a 25,471, one-story building to operate a facility to include boarding for dogs and cats, pet training school, pet grooming school and pet grooming. Preliminary approval granted.</p>	BP	Prelim Site Plan	8-26-09
Z09-03	<p>Paramount Marinas, LLC Block 54, Lot 1. 14.4 acres located in the RU-P Zone located near Yellow Meeting House Road. Applicant submitted an application for Soil Removal Permit pursuant to Chapter 23 Revised General Ordinances to remove approximately 55,000 to 58,000 cubic yards of uncontaminated soil and import approximately 55,000 to 58,000 contaminated soil from Upper Freehold. The Application was denied.</p>	RU-P	Soil Removal	8-26-09
Z09-03	<p>Paramount Marinas, LLC Block 54, Lot 1. 14.4 acres located in the RU-P Zone located near Yellow Meeting House Road. The applicant seeks to construct a single-family dwelling house on the premises. Bulk Variance needed. Deemed Complete: 4-23-09. Date of Action: 8-21-09. Jurisdiction accepted on 5-27-09. Carried to 6-24-09; 7-29-09; 8-26-09 without any further notice. Extension of time granted to 8-31-09. Application withdrawn without prejudice.</p>	RU-P	Dismiss w/out prej.	9-23-09
Z09-04	<p>Seasonal World -Block 57.01, Lot 21.01. 2.91 Acres located in the HC-1 Zone known as 532 Monmouth Road. Applicant seeks use variance relief to allow the display of three above-ground pools. Use variance and amended major site plan approval sought. Application deemed complete 8-11-09. Board granted use variance, amended major site plan and relief from zoning board condition.</p>	HC-1	Use Var, Amd Site Plan	11-30-09

Application	Applicant	Zone	Variance	Date Res. Memorialized
Z09-06	<p>Seasonal World – Block 57.01, Lot 21.01. 2.91 Acres located in the HC-1 Zone known as 532 Monmouth Road. Applicant seeks approval to allow an outdoor display area for seasonal decorations and merchandise. Applicant seeks approval of a designated area for temporary storage trailers brought to the site to store the above items. Applicant seeks approval to have a temporary sign for seasonal/holiday advertising in addition to the presently approved signage. Use variance and Amended Major Site Plan approval granted.</p>	HC-1	Use, Amd site Plan	11-30-09
Z08-05	<p>FALK BUILDING, LLC. Block 60.02, Lot 1. Property located at 15 Carrs Tavern Road consisting of 3.666 acres located in the R-80 rural residential zone. Applicant seeks minor subdivision to create two lots; one for existing professional building and one for single family dwelling. Use variance needed for existing non-conforming use for proposed Lot 1.02. Bulk variances required. Approval granted.</p>	R-80 (formerly NC Zone)	Use, Minor Sub, Bulk var	11-30-09


BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2009 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2009 Annual Report on the Township Web Site.

5-February-2010
DATED


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 27, 2010.


Pamela D'Andrea, Secretary
Board of Adjustment Township of Millstone

The vote on the Motion to approve the 2009 Annual Report:

Motion:	S. Barthelmes
Second:	F. Curcio
Roll Call:	Barthelmes, Curcio, Devine, Lambros, Bailey, Morelli and Novellino
Approve:	7
Oppose:	0
Abstain:	None
Absent:	None