

2023 ANNUAL REPORT

of the

MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board’s actions from January 1, 2023, through December 31, 2023. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted six (6) regular meetings.

The Zoning Board rendered decisions on the merits on seven (7) applications. There was also a grant of extension of approvals and a withdrawal.

Many applications included more than one variance request as reflected below in Table 1. The Zoning Board approved seven (7) applications with variances, granted an Extension of Approvals and accepted a withdrawal of an application. 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-2021*

TYPE →	Lot Width	Dist. b/w Principal and Accessory	Ext of time	Setback Front/ Side Rear Yard	Accessory Structure Exceeds 900 sq ft	Height of fence or location of fence	Lot Cov.	Use Variance	Steep Slopes
ZONE ↓									
NC	1			6		3	1	2	
HC									
RUP	1			1					1
R-80		1		2					
Totals	2	1		9		3	1	2	1

2023 SUMMARY

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

APPROVALS

**APPLICANT: ERIC PESCIOTTA
 BLOCK 27.01, LOT 9
 APPLICATION #: Z 22-11**

Applicant received approval from the Zoning Board of Adjustment to retain the existing pergola, block wall and grill that were constructed without permits, which requires the following relief:

1. Minimum Distance Variance, ordinance requires accessory structures (pergola) to be a minimum of 15 feet from the principal building, where the pergola is approximately 8 feet 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.

**APPLICANT: GARY TEYHEN
 BLOCK 35, LOT 37.01
 APPLICATION: Z 22-06**

Applicant received approval from the Zoning Board of Adjustment to construct new single-family home on the lot, which requires the following relief:

1. Lot Frontage Variance, which requires a minimum lot coverage of 250 feet, where 0 feet is proposed. Existing Condition.
2. Lot Width Variance, which requires a minimum lot coverage of 250 feet, where 240 feet is proposed. Existing Condition.
3. The Ordinance Section 11-24.3 prohibits disturbance of any steep slopes. The Applicant is proposing to construct the home, driveway, pool and septic field in the steep slope area.

4. The Ordinance Section 4-4.7 requires a minimum usable development area of one contiguous acre, where the lot has approximately .5 acres of usable area. Existing Condition.
5. Variance to permit a driveway connected to an easement, rather than a public street.

**APPLICANT: SIX FLAGS GREAT ADVENTURE
BLOCK 55, LOT 16.01
APPLICATION #: Z23-01**

Applicant received approval to replace the existing sign on the premises with new sign that also has within it a digital sign. As a result of the application, the applicant requires the following relief:

1. “D” Variance, from Ordinance Section 15-2.3 which does not permit digital signs.
2. “D” Variance, ground mounted sign is not a permitted primary use in the zone.
3. Front yard setback, which requires 100 feet, where 4.4 feet is proposed.
4. Side yard setback, which requires 15-foot setback, where 4.4 feet is proposed.
5. Sign Height Variance, which permits a maximum height of 22 feet for ground mounted sign, where 29.5 feet is proposed.

**APPLICANT: DISH WIRELESS, LLC
BLOCK 17, LOT 4
APPLICATION #: Z23-03**

Applicant received approval to install 3 antennas, equipment on a new platform and expansion of existing fence on the existing cell tower and site, which requires the following relief:

1. Variance from rear accessory setback, where 75 feet is required, 55 feet is proposed.

2. Variance from fence material, which requires board on board fence, where chain link is proposed.
3. Lot coverage variance, where a maximum of 50% is permitted, 66.7% is existing, and 66.8% is proposed.
4. Variance from side yard setback, where 40 feet is required and 32 feet is proposed.

APPLICANT: ZACK & RENATA MALINOWSKI
BLOCK 31, LOT 28
APPLICATION #: Z22-12

Applicants received approval from the Zoning Board of Adjustment and has amended the application to demolish the non-conforming existing building at 108 Agress Road (Southern building), construct a conforming 900 sq. ft. garage in its place and build an new 6' deep front porch, a new 14' x 16' rear deck and a second story addition at 106 Agress Road, which requires the following relief:

1. Minimum rear yard setback, which requires a setback of 50 ft., where 42.17 ft. is proposed.
2. Minimum front yard setback, which requires a setback of 50 ft., where 41.5 ft. is proposed.

APPLICANT: BRADLEY GRAVES
BLOCK 11, LOT 21.02
APPLICATION #: Z23-06

Applicants received approval from the Zoning Board of Adjustment to construct a 30-foot wide by 8 foot deep covered front porch, which requires the following relief:

1. Minimum front yard setback, which requires a setback of 75 ft., where 54 ft. is proposed.

**APPLICANT: COASTAL QUALITY PROPERTIES, LLC
BLOCK 60.01, LOT 12
APPLICATION #: Z23-02**

, the applicant has applied to the Zoning Board of Adjustment for a Use Variance and Preliminary and Final Site Plan Approval to convert the existing residential home to a contractor's office and use the rear of the property for product storage, construct a barn and an outdoor display showroom in a rear fenced in area. As a result of the application, the applicant requires the following relief:

1. Use ("D") variance because contractor offices are not permitted uses in the "HC" zoning district.
2. Minimum Lot Width/Frontage (35-5-11) The applicant proposes a lot width of 150.4 feet, where a minimum of 250 feet is required. (existing condition)
3. Minimum Front Yard Setback (35-5-11) The applicant proposes a front yard setback of 71 feet, where a minimum of 100 feet is required. (existing condition)
4. Minimum Side Yard Setback (One)(35-5-11) The applicant proposes a side yard setback (one) of 24 feet for the office building (previous residence), where a minimum of 40 feet is required. (existing non-conforming condition)
5. Minimum Side Yard Setback (combined)(35-5-11) The applicant proposes a side yard setback (combined) of 82.3 feet for the office building (previous residence), where a minimum of 100 feet is required. (existing non-conforming condition)
6. Permitted Fence Materials (35-4-9.12) The applicant proposes two (2) chain-link fence in the rear yard, where chain-link fences are prohibited. We note that one (1) of these fences is existing non-conforming condition.

7. Required Screening of Outdoor Storage (35-4-6) The applicant proposes outdoor storage but does not propose an adequate screen to shield views of this area from abutting properties (particularly the residential properties to the north and east), where such screening by way of landscaping or a fence is required.
8. Parking Area Trees (35-7) The applicant proposes no trees in the parking areas, where a minimum of one (1) tree is required across the parking areas, just 3 parking spaces.

RECOMMENDATIONS

The Zoning Board is making the following recommendations this year for any modifications or new Land Use Development Ordinances:

1. Define "Tavern" vs. "Restaurant"
2. Define Trailer Storage/Parking vs. Trailer Staging Area

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2023 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2023 Annual Report on the Township Web Site.

2/28/2024
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 February 28, 2024.



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

The vote on the Motion to approve the 2023 Annual Report:

Motion: Mr. Morelli.
Second: Mr. Barthelmes.

Roll Call:

Approve: Chairman Mostyn, Mr. Barthelmes, Ms. Beckish, Mr. Lambros, Mr. Morelli and Ms. Arpaia (seated for Mr. Ferrara).
Oppose: None.
Abstain: None.
Absent: Mr. Ferrara and Mr. Sinha.