

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 27, 2008**

Meeting called to Order by Chairman Novellino at 7:34 p.m.

Reading of the Adequate Notice by Mr. Barthelmes.

Salute to the Flag.

Roll Call: Present: Novellino, Bailey, Conoscenti, Curcio, Lambros, Barthelmes, Morelli and Iradi. Absent: Devine.

APPROVAL OF MINUTES: January 23, 2008. Mr. Iradi made a Motion to approve and Mr. Curcio offered a Second. Roll Call Vote: Iradi, Curcio, Morelli, Barthelmes, Bailey, Lambros and Novellino.

NEW APPLICATIONS:

Z07-11 PRESTON, SCOTT – Block 57, Lot 3. Located at 97 Trenton-Lakewood Road, property consists of 17,353 s.f. in the RU-P Zone. Applicant seeks to modify the existing dwelling to include additional living area. Undersized lot. Variances needed. Deemed Complete 1-21-08. Date of Action: 5-20-08.

Substitute Board Attorney this evening is Matt Cohen

Mr. Cohen advises the Board that he has reviewed the jurisdictional packet and finds same in order to accept jurisdiction over the application.

Attorney Cohen reads the following exhibits into evidence:

- A-1 Jurisdictional Packet
 - A-2 Web Notice Posted 02-05-08
 - A-3 Application dated 12/19/07
 - A-4 Letter to neighboring property to purchase/sell dated 02/07/08
 - A-5 Variance Sketch prepared by Crest dated 11/6/07
 - A-6 Survey of the Property prepared by Crest dated 8/14/07
 - A-7 Colored rendering of variance plan enlarged
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Attorney Peter Klouser represented the applicant. The applicant, Scott Preston, wishes to remove several out buildings and add an addition to the existing home. Mr. Preston was born and raised in Millstone and wishes to continue to live here. Mr. Klouser gave a brief overview of the application.

Sworn in is Peter Strong, P.E. He is testifying this evening as both a professional engineer and planner. Mr. Strong having testified before the Board in the past as both a planner and engineer, the Board accepts his credentials. Marked into evidence:

A-8 Architectural sketch of elevations and floor plans consisting of 4 sheets

Mr. Strong explained the location of the property and gave a brief description of the project. The Lot is 132' x 132', consisting of 17,000 s.f. The home is 775 s.f. and the property contains three (3) outbuildings. There are four (4) structures total in RU-P zone which requires a ten (10) acre minimum. Mr. Strong advised that the property does not contain wetlands or sensitive slopes or flood plains. The current dwelling is 50.4 ft from the Right-of-Way on Trenton-Lakewood Road. The applicant cannot meet the Ordinance requirement of the 200 foot circle due to the size of the property. Mr. Strong advised that the applicant would remove the three outbuildings. The footprint of the home would be expanded to 1560 s.f. to include 870 s.f. of living space on the ground floor. The upstairs consists of 3 bedrooms and 2 baths. The total living space would be 1900 s.f. total space including the garage.

Mr. Strong explained the variances needed. The side yard setback would be 81ft. where 100 ft. is required; the rear set back is 43.8 ft. where 75 ft. is required. Variances for the front yard setback and minimum lot size are needed as well. The driveway would be straightened out and reconfigured. It will be a more direct driveway with a turn around. Currently 12.5% of the site contains buildings that would be removed. The applicant has a Monmouth County Board of Health permit to reconstruct the septic system and modernize the system.

Mr. Strong explained that the lot to the east is almost the same size as applicant's lot with a similar sized dwelling to the one applicant proposes. Mr. Strong explained the surrounding properties in the neighborhood.

Mr. Strong feels that the ingress and egress to the property has a good sight distance and sees no problems and no impact to the road. Water runoff of the property has been reduced due to the decrease in lot coverage with the new plan.

Mr. Strong advised that he had reviewed Mr. Coppola's report and applicant can comply

with the comments in the report. The granting of the variances, combined with the removal of the outbuildings fits in the neighborhood.

Mr. Bailey advised that he had visited the property and commented that the septic system was replaced. It is being constructed now. Mr. Morelli visited the property and asked for clarification as to what was being removed. Mr. Barthelmes asked for clarification as to the approximate size of the surrounding homes and this proposed square footage of this home.

Planner Rich Coppola had reviewed the sketch of the floor plan and he felt that the appearance of the structure fits in. Mr. Coppola stated that the existing structures are to be removed and this plays into the proposal that is before the Board. This is a postage stamp lot less than .4 acres and this area has a few lots that are less than the ten acres. The size is in keeping in with what is in the area. The coverage had decreased in both building and lot coverage. Mr. Coppola offered that if the approval is granted there would not be impairment to the Township zone plan. The new structure would be more attractive than what is there presently.

Engineer Matt Shafai asked if the turn-around area could be wider. Mr. Strong and Mr. Safari discussed the turn-around and Mr. Strong agreed to increase it to 18 feet.

Mr. Preston is sworn in. He advised that he purchased the home in October 2007. He did not know when the outbuildings were built and does not know if they were permitted. Mr. Preston took the proposed architectural drawings off of the computer but he will present those to an architect for him to design the home. Mr. Coppola stated that as a condition of approval that the architectural should be submitted to the Board professionals for them to review. This would assure that the home is in keeping with what has been represented and is being presented to the Board.

At 8:13 p.m., Chairman Novellino opened the application to the public. Seeing no public comment on the application, he closed the public portion at 8:13 p.m.

Mr. Klouser summarized the applicant before the Board. The Board discussed the application. Mr. Novellino did a site visit. The old looking buildings would be removed and the modernization of the home would be a positive aspect of this application. What is getting taken away is worth the few variances needed. Both Messrs. Barthelmes and Conoscenti visited the property and agreed that the proposal would be an improvement.

The conditions of approval would be to increase the driveway turn-around to 18 feet, the applicant would submit his architectural drawings to the Board professionals for their review and approval prior to requesting a permit for construction. The applicant would return to Board if the architectural plans deviate from the one the applicant provided to the Board.

Mr. Iradi made the Motion to approve as conditioned and Mr. Morelli offered a Second. Roll Call Vote: Iradi, Morelli, Barthelmes, Curcio, Lambros, Bailey and Novellino voted yes to approve.

Z07-12 ALLEN HOUSE – Block 35, Lot 13.03. Located at 477 Stage Coach Road in the NC Zone. Property consists of 4.34 acres. Applicant proposes 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. The two buildings consist of a combined total of 12 residential units. Proposed Lot 13.15 consists of a 2-story, four residential apartment units and the residents' Community Center noted as Building No. 1. Proposed Lot 13.16 consists of eight (8) residential apartments noted as Building No. 2. Building No. 2 has elevator access to the second floor. The applicant seeks Minor Subdivision approval to create two lots for the above purpose. Applicant seeks Preliminary and Final Site Plan approval. Variances needed.

The acting Board Attorney, Marc Cohen, advised that he has reviewed the jurisdictional packet and finds same to be in order. He made an announcement to the public that the Township does not have to be before the Board this evening but holds itself to a higher standard and is here to present the application.

Attorney Cohen marks the following exhibits into evidence:

- A-1 Jurisdictional Packet
 - A-2 Web Notice posted
 - A-3 Application dated 2/15/2008
 - A-4 Minor Subdivision Plan prepared by Leon S. Avakian, Inc. dated 2-13-08
 - A-5 Preliminary and Final Site Plan prepared by Leon S. Avakian, Inc. dated 2-13-08
 - A-6 Architecturals prepared by Maxine Gustus - Giordano, Asia 1/30/2008
 - A-7 Engineers Report dated 2/19/2008
 - A-8 EIS prepared by Flannery, Webb & Hansen, P.A. dated 4/20/00, last revised 7/6/00 (submitted under prior subdivision application)
 - A-9 Series of 7 colored photos of existing property
 - A-10 Colored rendering of proposed structures
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A-11 Page 3 of site plan (colored rendering)

A-12 Samples of architect materials

Attorney Simon Kaufman representing the Township in this application. Mr. Kaufman agreed that the Township does not have to be before the Board to present the application but the applicant does hold itself to a higher standard. The Township is here so that the public can hear what the Township anticipates and what the project is about. Attorney Simon Kaufman explained the application. Marked into evidence is Exhibit A-9, pictures of the existing buildings. Mr. Kaufman explained the photographs. He stated that those buildings would be raised.

Marked into evidence is Exhibit (A-10) color rendering of the proposed structures. Mr. Kaufman explained the proposal that is before the Board.

Richard T. Coppola is sworn in. He is a licensed planner in the State of New Jersey and an AICP and licensed since 1971. Mr. Coppola explained the history of the project.

Mr. Coppola offered some background information concerning the New COAH Rules. He advised that COAH had issued a correction as to the calculation of the numbers. Their intent is to adopt the rules in their current form. Chances are certain that every municipality in the State will have to submit plans accordingly to the State rules by the end of this year. The numerical obligation has increased from 69 units to over 200 units (these are minimums). He explained that the numbers won't change very much and may go up.

Mr. Coppola stated that it behooves the Township to plan on how they can provide these numbers of units. The Town's plan is to try to disburse the units throughout the town on a small scale, compatible developments throughout the town and try to get a diversity of housing types since we do not have sewer or water. Low income conjures up the wrong idea. The lid for a low income household would be \$39,000.00. He explained that there are many households that fall within the ranges he described.

What is proposed is a specific approach for some housing for age restricted adults. He explained that the property will contain two buildings; one has four units and a community center for the residents of the proposed development. He went over the diversity of the buildings and work toward a street-scape of the roadway. The project is located in the NC zone. He went over the surrounding properties and are a mix of residential and non-residential properties. The Township is trying to maximize the properties that the Town can obtain. The Towns can do it on a small scale. Mr. Coppola explained how it works. He stated that this is an efficient way for the Township to address its obligations without water and sewer, avoid builders remedy lawsuits and

get the kind of development that is compatible with the Township. The proposed occupants will already be residents of the Town, which is generally what occurs. They live in larger homes and fixed incomes set in and they still wish to live in the Township. This project provides for that scenario.

Mr. Coppola advised that affordable housing is a constitutional requirement. The purpose of the Municipal Land Use Law (MLUL) would be satisfied to provide senior housing. This project has no negative impact on the Township zoning plan. This proposal provides workforce housing and provides for the residents' needs.

Mr. Coppola explained the sensitive development in terms of scale. The Township will make sure that there is adequate landscape. The purpose tonight is for the Township to move ahead and continue its effort to have these small scale units so that the Township can meet its affordable housing obligation. This plan is for 55 and older. Mr. Coppola explained how the rental units and credits work. It is a balancing act. He explained how property is selected. The Township has placed together a workforce group to look for properties.

Mr. Coppola explained why the Allen House is a good location. They tried to use the present house but the condition of the home would not allow for the home to be used. He explained why this property is good for the age restricted residents.

It was discussed that the Township is limited due to septic and sewer.

He explained that the COAH number for Millstone went from 69 to 204. Mr. Coppola feels the rules are impracticable and the numbers are so great it is difficult to meet them but we must. The rules have eliminated any working relationship with the developers. Towns must be prudent in coming up with a plan. The rules tax the taxpayers. The Township is acting in a responsible and prudent manner in doing what it can.

Mr. Coppola suggested that the more comments that are provided on the record to COAH, the better this will assist the League of Municipalities in their efforts to litigate the point.

Mr. Lambros offers that it bodes well that the Township comes to the Board for applications such as this.

The Board discussed the one to four ratio. Senior citizens can have a one-bedroom. In providing non-age restricted housing, the Township is subject to a different mix. The Allen House project is in alignment with our master plan. No Millstone dollars are used in this plan. Monmouth County Housing Alliance receives grants to build the home.

Engineer Matt Shafai is sworn in presents his credentials and is accepted as a

professional engineer. Mr. Shafai explains the project. Mr. Shafai explained that Lot 13.16 is comprised of 3.13 acres with half of those acres located outside of the conservation easement. The Conservation Easement was put together when the subdivision was perfected in a prior application. Variances would be required and Mr. Shafai explained the variances.

Mr. Shafai explained the parking requirement and stated that we can bank spaces if needed. The Parking circulation is ingress and egress. Engineer Shafai explained that one septic for each property is needed and that the wells are located in the back. The MCBOH has given preliminary approval until the subdivision is built. Shade tree location and foundation plantings were discussed. Mr. Shafai explained the proposed lighting needed. Outside approvals of the project would include approval from The Monmouth County Board of Health, Freehold Soil Conservation and the Monmouth County Planning Board. Mr. Shafai advised that they met with Historic Commission and the architectural aspect will be addressed. There is a list of items that can be saved from the existing buildings. The septic system is in between the two lots and not any adjoining lots.

Architect Maxine Gustus-Giordano is sworn in and presented her credentials; she has been a licensed architect since 1991. She is accepted as an expert. She explained that the starting point was the original Allen House. She tried to try to take some of the elements in the existing house and utilize them on the site. The site is restricted due to the conservation easement. Mold devastation made it impossible to use the existing house. Ms. Gustus-Giordano explained the project. The proposed homes look like townhouses. She will use the barn's hand-hewn beams in the Community Center. In the project, she tried to provide sunlight and air and use warm colors and textures to make it look like the homes look like an upscale townhomes. She explained how she mixed the textures and colors. The project is economical and still looks nice.

The Architect worked with the Historic Commission. The project is designed to keep the historic elements of the Allen House. The Units have views to the conservation easements, woods and the pond. The community center is a gathering center for the residents. Laundry units are located in the community center. It gives it more of a townhouse feel rather than an apartment complex. Walkways will be located along the front and around the building. There is a gazebo in between the buildings. Lanterns are located on the building so that it does not look like a spot light.

The applicant will try to save one or two trees on the main road but because of the septic you must remove the trees. Mr. Novellino took a look at the property with the Shade Tree Commission Chairman to review the property.

The application is open to the public at 9:30 p.m.

Chris Kowalik is sworn in. He is not in favor of the application. He represents the interest of several people. Chairman Novellino explained why the Board cannot accept a petition because the applicant cannot cross examine.

Mr. Shafai explained the water is going into the pond. We are proposing water quality and dry wells, catch basin and will meet the stormwater regulations.

Mr. Kowalik is concerned about the lighting. Mr. Novellino explained that the property is located within the NC Zone and a commercial facility is permitted in that zone.

Mark Goldberg was sworn in. He has an issue with the location of the proposal. He has concerns as to the amount of development on the smaller piece. He has concerns about people using the driveway for a turn around. He voiced his concerns about the variances.

First parking space is 50 feet away from the road with 18 spaces. There is room to add more parking if needed per Matt.

Mr. Goldberg is concerned that the 12-unit project is not in the best location. Mr. Coppola stated the problem is that the Town has to have a viable plan in place by the end of the year and it is difficult for the Boards who have to hear the applications and the Governing Body has to make the decision. This project is for 12 bedrooms for the entire development. The most activity occurs the first day that the units are being occupied. Mr. Coppola offered that this use is a benign use.

Mr. Novellino advised that the Board listens to the public. He does not feel that what is proposed will help rather than hurt.

Mr. Lambros stated that our hand is being forced by the State. We have to deal with the Township's problem and fight it at the same time. The developer's remedy is to use any land available. He stated that the alternative is frightening.

The Board offered their appreciation for the public's comments.

Mr. Kowalik asked about a prior proposal to subdivide the property.

Mr. Roger Strickland was sworn in. He explained the prior proposal. He has a concern about the water usage. He does not feel the ground will support the 12 units. Engineer Shafai advised that they did test borings with the MCBOH present. It is an average septic.

Both Planner Coppola and Engineer Shafai explained that prior septic systems in the

Township failed and the Township changed the reviewing authority. The Monmouth County Board of Health now reviews the septic and well for the Township.

Joann Kelty, Township Historian stated that it would have been nice to preserve the old house. She feels that the architectural incorporate the look of the area. The barn beams and the slate are to be incorporated into the project and Ms. Kelty is pleased with that.

Diane Bongo, Chairman of the Historic Commission. She feels the proposed units are aesthetically pleasing. The Historic Commission would like to keep the Allen House name on the project. Engineer Shafai stated that the Township is preparing the plaque. The architect is to work with the Historic Commission and provide color samples.

The application is closed to the public at 9:59 p.m.

Chairman Novellino remarked that the municipality is in dire straits with COAH. The Board has listened to the public concerns. He stated that the current approach of the Township Administration is to be proactive. He feels the location is a good one.

The Board discussed the application, the limitations to the Township to meet the COAH obligation without having water and sewer.

Mr. Lambros stressed that his decision is based on the benefit of the entire community.

The conditions of approval are as follows, including but not limited to: Conserve as many of the items from the existing structures, to coordinate with Historic Commission and incorporate those into the new structure, Lighting shall be minimal and those lights go off at a prescribed time, soft lights behind the building to light walkway (off by 10:00 p.m.), the name "Allen House" shall be kept, the Historic Commission shall receive sample colors.

Arch to provide samples of colors to the Historic Commission.

Mr. Lambros made a Motion to approve and Mr. Curcio offered a Second. Roll Call Vote: Lambros, Curcio, Barthelmes, Morelli, Bailey and Novellino voted yes. Mr. Iradi voted no.

Seeing no other business, at 10:25 p.m., Mr. Curcio made a Motion to adjourn, Mr. Morelli offered a second and by unanimous vote, the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea

