

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
NOVEMBER 13, 2008**

The Meeting is called to Order by Chairman Novellino at 7:30 p.m.

Reading of the Adequate Notice by Mr. Barthelmes.

Salute to the Flag.

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

**APPROVAL OF MINUTES:**

Mr. Frost made a Motion to approve the Minutes and Mr. Curcio offered a Second. Roll Call Vote: Frost, Curcio, Devine, Bailey, Morelli and Novellino voted yes to approve.

**RESOLUTIONS:**

**Z08-01 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 use variance approval to construct a 30,565, two-story building to operate a school for dogs. Bifurcated Application. Variances needed. Deemed Complete 4-3-08. Date of Action 8-1-08. Carried from 6-25-08. Approval denied.

Mr. Lambros made a Motion to memorialize the Resolution. Mr. Bailey offered a Second. Roll Call Vote: Lambros, Bailey, Devine and Novellino voted yes to memorialize.

**CARRIED APPLICATION:**

**Z08-04 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.

Paramount Homes came into the Municipal offices and paid their deficient escrow account. On October 31, 2008, Applicant's Attorney Desaro requested that the matter

be carried to the January 28, 2009 meeting since the Township had issued a summons against Paramount Homes and Jeffrey Fernbach personally.

Attorney Vella sent a further letter requiring Paramount to become current with their escrow before Thursday's meeting or the Board would have no choice but to dismiss the application. Attorney Vella explained that this is in keeping with the MLUL.

The Board discussed the course of action to take on this application.

Attorney Vella stated that the applicant is before the Board for a variance not having a lot fronting on the street. The contaminated soil is an issue for the Board. This is not a mandatory appearance for the applicant to appear before the Board, this is voluntary.

The Board decided to dismiss the application without prejudice and the applicant would have to reapply and provide both application and escrow fees.

Messrs. Morelli and Devine have signed the proper certification allowing them to vote on this application. Mr. Morelli made the Motion to Dismiss without prejudice and Mr. Devine offered a Second. Roll Call Vote: Morelli, Devine, Bailey, Lambros, Barthelmes and Novellino voted yes.

**Z08-06 FEDDERSON, RUSSELL**– 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.

Attorney Vella had reviewed the noticing packet and finds same to be in order.

Attorney Vella read the new exhibits into evidence as follows:

- A-8            Jurisdictional Packet
- A-9            Plot Plan, last revised 10/15/08
- A-10          Revised floor plan for garage

The Feddersons are still under oath.

Mr. Fedderson stated that the bonus room has been reduced and is now two feet shorter. The garage door is now a single door and windows have been added on the lower level of the garage for aesthetics per the Boards' comments.

Mr. Fedderson explained how they reduced the garage two still allow two cars to fit into the area. They tightened up the plan. He reduced the side yard setback from 9 ft. to 11ft., where 30 ft. is required for this zone.

Mr. Barthelmes asked if the neighbors were re-noticed for the continuation of this application. Mr. Fedderson replied that they were. There are no neighbors in the audience this evening.

Mr. Fedderson advised that he has lived in Millstone Township in this house for three years. He purchased the home in 2000. Mr. Fedderson explained that he did the renovations himself. The existing horseshoe-shaped driveway will remain.

Planner Cindy Coppola reported that what is being proposed basically will sit where the existing gravel driveway abuts the house. The big concern is more with the grading rather than what is associated with the garage that will disturb the existing trees in their current side yard. Re-grading may disturb the tree root system to the neighbors. By increasing the side yard an additional two feet she suggested evergreens be planted on the side yard to add a buffer.

Ms. Coppola asked if they could rework the grading to protect the root system of the plants. She asked that the Feddersons provide steps inside to keep the existing grade. Mr. Fedderson stated that only one tree would have to be cut back.

Mrs. Coppola worked with the Feddersons to address lowering the garage another foot to work with existing grade for less disturbance. They will try to minimize the impact to the neighbor's property. The applicant will work with Engineer Matt Shafai to have him look at the grading plan.

The Board may want to consider that the bonus room is used as part of the living space. It is difficult to enforce this unless it is deed restricted. A full bath, heat and hot water are proposed. A kitchen is not proposed. The Board mandated that the room cannot be rented out and a kitchen is not permitted in that area.

Mr. Fedderson would work with the Engineer to assure that there is no drainage issue.

Chairman Novellino opened the application to the public at 8:21 p.m. Seeing no public comment on the application, he closed that portion at 8:21 p.m.

Attorney Vella suggested that as a condition of approval, the Board require the application submit a grading plan to the engineer that is approved by the township engineer. The applicant cannot build until Engineer Shafai is satisfied with the grading. Mrs. Coppola stated that the grading plan shall minimize the disturbance to the tree roots and provide adequate drainage to this property and not increase any overflow to their property as well.

Attorney Vella explained the deed restriction and enforcement process as it relates to the use of the second floor above the garage. The real concern is that it is not to be used as a rental unit.

An evergreen row shall be planted along property line.

Attorney Vella reads through the conditions of approval to include but not limited to the following: the applicant shall provide plans for the planting of a row of evergreens along the new garage, a grading plan shall be submitting to Engineer Shafai for his review and approval, prior to issuance of a certificate of occupancy the applicant shall provide a deed restriction that the room cannot be rented out and used as part of the primary home and also require that the second floor area is prohibited from having a kitchen, subject to the review of the Board of Adjustment Attorney, etc.

Members Curcio, Devine and Morelli are eligible to vote and have completed the appropriate certification.

Mr. Barthelmes made the Motion to approve as conditioned. Mr. Morelli offered a Second. Roll Call Vote: Barthelmes, Morelli, Curcio, Devine, Bailey, Lambros and Novellino voted yes to the approval. The Resolution will be memorialized at the December 11<sup>th</sup> meeting.

Seeing no further business, Mr. Curcio made a Motion to adjourn and Mr. Morelli offered a Second and by unanimous vote the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Pamela D'Andrea