

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
MAY 26, 2010**

Meeting called to Order by Mr. Novellino at 7:30 p.m.

Reading of Adequate Notice by Mr. Conoscenti.

Salute to the Flag.

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

**Approval of Minutes:** April 28, 2010. The members have reviewed the April Meeting Minutes. Mr. Curcio made a Motion to approve and Mr. Bailey offered a Second. Roll Call Vote: Curcio, Bailey, Conoscenti, Frost and Novellino voted yes to approve.

**RESOLUTIONS:**

**Z07-06 - 353 SWEETMANS LANE, LLC** – Block 39.01, Lots 2.01 & 7. 1.88 acres located in the NC Zone at 353 Sweetman's Lane. Applicant seeks preliminary site plan approval to construct a one-story, 4,000 s.f. retail building with an existing 6,750 s.f. multi-use building. "D" variance is required for Block 39.01, Lot 7 (for proposed stormwater management) which is located in the RU-P Zone. Bulk variances needed. Deemed Complete 6-16-09. Heard in part on 10-28-09; 1-27-10; 2-24-10; 3-24-10. Approval Denied.

**Z07-07 - 232 MILLSTONE ROAD, LLC** – Block 39.01, Lots 2.02 & 7– 4.33 Acres located in the NC Zone located on Sweetman's Lane. Applicant seeks preliminary site plan approval to construct a 7,700 s.f. retail building, 1,000 s.f. office space on the second-floor with adjoining 4,000 s.f. bank. "D" variance needed for Lot 7 (proposed stormwater management area) which is located in the RU-P Zone. "D" variance needed for Tower peak and cupola peak. Deemed Complete 6-16-09. Heard in part on 10-28-09; 1-27-10; 2-24-10; 3-24-10. Approval Denied.

Both Resolutions were tabled to next month.

**Z09-05 – MASSENZIO, Gary and Jodi** – Block 46, Lot 15.01 – 35 Back Bone Hill Road – 3.63 acres located in the R-130 Rural Residential Zone. Applicant seeks approval to construct a 865 s.f. addition to the first floor and porch of the existing home. Bulk

variance relief for front yard setback is sought where 75 ft. is required and 52.34 ft. is provided and side yard setback where 40 feet is required and 28.60 is provided. Deemed Complete 4-13-10. Date of Action 8-11-10. Noticing Required.

Mr. Curcio asked for clarification as to the front porch variance. Mrs. Coppola clarified it was due to the two front bay windows added to the space.

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

**CARRIED APPLICATION:**

**Z10-01 SEASONAL WORLD** – Block 57.01, Lot 21.01. 2.91 Acres located in the HC-1 Zone know as 532 Monmouth Road. Applicant seeks amended major site plan approval and use variance to add a canopy around the perimeter of the existing building (increasing the building by 2,280 s.f.) and add three additional parking spaces; modify prior approval conditions to allow the approved two (2) storage trailers to stay on site for a longer period of time. Deemed Complete 3-4-10. Date of Action: 7-1-10. Carried from 4-28-10.

No further noticing required additional evidence read into the record as follows:

- A-13 Revised Use Variance & Minor Site Plan prepared by Crest Engineering dated 2-1-10; last revised 5/7/10.
- A-14 Proposed Canopy Enclosure Plan prepared by Salvatore W. Santoro dated 1/23/10; last revised 5/11/10.
- A-15 Revised architectural rendering of entrance.
- A-16 Roof material handout.
- A-17 Mounted colored rendering of the revised plan.
- BOA-3 Township Planner's Report dated 5/17/10.

Attorney Chris Stevenson representing the applicant.

The applicant returns to the Board to continue their application. Architectural testimony provided by Salvatore Santoro licensed architect in the State of New Jersey, presents his credentials and is accepted as an expert.

Mr. Santoro explains that they cutback the large portico in the front and on the right side so they could have more of a pedestrian parkway around the building. He explained how they conform to the architectural standards ordinance.

Marked into evidence is Exhibit A-15 revised architectural rendering of the entrance.

Mr. Santoro created a main entrance to the building. He would use split face block material for the bulk head. They have an aluminum material for the store front. Mr. Santoro explained the proposed lighting around the building. They are not on the exterior of the building but rather on the interior. The only exterior lighting is on the building. The roof material is painted metal. Entered into evidence is Exhibit A-16 hand-out of roof material.

Mr. Schavione, is still under oath. He advised that the location of the HVAC is on the roof now and will stay there.

The applicant would be using materials in sync with LEED standards – recycling is implemented on site. Mr. Santoro advised that the applicant is trying to cut the carbon footprint down by utilizing recycled materials. Glass can be recycled. The applicant will be using standard one inch store front glass. The proposed enclosed space would not be heated or cooled. The area is ventilated through the operation of the doors. The enclosed canopy area applicant will also have a vented soffit.

Mr. Barry Frost asked about space and condensation. He has concerns about the stability and safety of the enclosure. Mr. Santoro explained that when the door opens you walk onto the existing concrete. There is no threshold. This is not a greenhouse or sunroom. He is building an actual structural building. He is using a solid bulkhead all the way around made of split face block. He designed his building to withstanding 110 mph wind pressure. Mr. Santoro stated that this structure is built to withstand hurricane winds and not conducive to problems. Ventilation is necessary and Mr. Santoro would set up a system to take care of condensation.

The existing building is frame and block. Mr. Santoro explained that the blocks weigh 85 lbs each and are 8 inches thick put in place with mortar in between the blocks.

Mrs. Coppola asked about the roof seam. Mr. Santoro reported that they are going vertical with the roof system.

Mrs. Coppola advised that the applicant went through the architectural standards and the Board must decide if the colors are satisfactory and if the entrance is satisfactory. Regarding the temporary signs, Mrs. Coppola has unresolved questions. She also asked for clarification on the articulation of the doorways.

Mr. Shafai asked if the front door is flush with the wall. Mr. Santoro advised it is flush with the wall. The doors open to satisfy all fire code safety.

Mr. Peter Strong is still under oath.

Entered into evidence is Exhibit A-17 mounted color rendering of revised site plan.

Mr. Strong explained the addition across the front of the building. They have shortened the addition in the front by two feet (8 feet, not 10 feet) and left more room for a 4 foot sidewalk along the front.

Mr. Strong explained how they reworked the plan by reconfiguring and re-striping, they could yield 54 spaces. He explained how they could achieve the 76 total spaces including- spaces that are proposed to be bankedbanking. There is sufficient room over the neck of the driveway to come up with 76 spaces.

The additional C2 variance is created by the additional parking. Mr. Strong advised that 20 feet is needed and 18 feet can be provided. He explained what created the 2 foot variance needed. The plans can be revised to eliminate the C-2 two foot variance.

This building was originally a Wawa. The NJDOT came along 10 or more years ago and acquired property to make a double lane off ramp off of Route 195. This cut off Wawa's access to Rt. 537. That is why Wawa moved. The NJDOT right of way shortened the property setback. The NJDOT constructed a chain link fence. The building is 80 feet from the curve line.

Parking reconfiguration was discussed.

The island which is proposed to be next to the trailer parking area and the material it is proposed to be constructed with was discussed. There is striping presently where the trailers are located.

Mrs. Coppola explained the benefit and safety factors of one-way circulation around the parking lot. Mr. Coppola asked of Mr. Strong the amount of parking they need on the site at this time and perhaps bank four parking spaces. Mr. Rae, the traffic engineer who testified last month, felt that 57 spaces would suffice on the site. If they constructed the four spaces, they could designate those as employee spaces since they are away from the building.

Mr. Shafai asked if roof drains are underground. Mr. Strong stated the new system will remain underground.

The application was open to the public for any questions of the architect at 8:45 p.m.

Seeing no public comment, the ~~entire~~ public portion related to as to the architect's testimony was closed at 8:45 p.m.

Mr. Strong is also testifying as the applicant's planner. He advised this application involves the expansion of a non-conforming use. Mr. Strong advised that the use already exists but special reasons exist for the expansion of this use. He offered a brief background of the application and of the approvals that have been granted.

The applicant proposes an enclosed canopy structure to enhance the building and bring it more in conformance with the new architectural ordinance as described by Mr. Santoro the architect.

Attorney Vella advised that if the enclosed canopy is approved, then the prior approval to place displays on the sidewalk, is to be waived. There will be no outdoor displays on the sidewalk.

Mr. Strong advised that the construction of the enclosure would be more desirable visually and would be a cleaner look. There are no other changes to the business operation. Mr. Strong explained the positive and negative criteria in granting the Use variance.

He explained the C-2 variance needed is for the road widening and the 195 off ramp construction has shortened the property. He feels that the modest decrease would have no impact on the neighbors.

Mr. Strong advised that this business is similar to uses in the zone and he read from the ordinance. Mrs. Coppola stated that highway commercial means more of a regional use as opposed to a neighborhood commercial use where people are generally travelling to get to them so you will find a wider list of uses. A highway commercial zone would be the more appropriate type of zone that you would find this type of use in.

Mrs. Coppola had concerns in the beginning. She feels that they have certainly made enhancements. Initially, the planners were concerned with the adequate parking and pedestrian safety. Most of those changes have been made and they feel there would not be any detriment to the public since they have made those changes. The planners do not feel it would be a substantial detriment to zone plan a typical commercial use but while not specifically listed in the ordinance, the ordinance does not necessarily cover every retail use. That is why he is here for a use variance.

The existing building is 6.9%; the proposed building would be at 9.15% where 15% is allowed. Lot coverage is currently 37%; they would go to 43% including banked

parking. The zone allows 50%. The lot area minimum is 3 acres and the applicant can provide 2.919 acres.

The applicant is requesting a change in the dates that the trailers are allowed to be on the premises. They would need the 3<sup>rd</sup> and 4<sup>th</sup> weeks in January to help him facilitate the applicant's business operations. The applicant would like to add the first two weeks of December due to the Black Friday rush. This would help him replenish his stock. This was discovered after 2009 Black Friday rush. Instead of daily deliveries, the applicant could use this stationary dead area.

Board discussed that it is not for purposes of seasonal change but rather, replenishing store stock.

Applicant proposing a one-way circulation and this would be dead space that does not impede anything. The new enclosed space should help him.

At 9:20 p.m., the applicant was open to the public. Seeing no public comment on the application, the application was closed to the public at 9:21 p.m.

Attorney Stevenson summarized the matter before the Board. He offered that the proposed improvements enhance the site aesthetically, providing a cleaner looking site and adds positives to the building. The overall benefit is the improvement of the site and no detriment to the ordinance or zone plan.

Attorney Vella clarified that the applicant and property owner are requesting for the potential banking and construction of future parking spaces on the premises.

The Board discussed the use variance for the expansion of the non-conforming use.

Attorney Vella notes a potential to remove condition 10 of previous approval. Attorney Vella read that condition. The applicant has ability to negotiate that he would get rid of a prior approved condition for the granting of this approval.

Board discussed the application.

Regarding a concern for safety of the 195 off ramp, it was clarified that the NJDOT has jurisdiction over the 195 off ramp and any installation of guide rails. The applicant does not have that authority in this instance to install guide rails.

Attorney Vella read conditions of approval should the Board vote in favor of this application, including but not limited to: The building blocks in front of building would be in earth tones consistent with Exhibit A-15, parking shall be banked after applicant submits site plan approval for lighting, drainage and all site plan aspects, the applicant

shall remove condition #10 from the prior approval (App#Z09-06, the plan shall be revised to eliminate variance on corner of the lot, the applicant must return to the appropriate Board for site plan approval, the lot must return to one-way traffic pattern and add appropriate signage to be approved by the Board engineer, four parking spaces in the back are to be constructed and designated for mandatory employee parking, removal of the outdoor displays that were part of a prior approval, change the January dates for the trailers to be located on the premises from the first two week in January to the last two weeks in January, add signage for trailer parking subject to approval of Board engineer, the applicant shall remove condition #11 from the prior approval (App#Z09-06) no outdoor displays other than the pools, the plans are to be revised to provide for 57 constructed parking spaces, lighting shall be at the entry doors and interior, etc.

The applicant removed the request for the two trailers to be on the premises for additional time in December.

The Secretary advised the Board that members Morelli and Lambros have watched the [video taped](#) recording of the prior meeting and have the certification to that affect and are eligible to vote on this application.

The Board wished to vote on the request to have the trailers on the premises the last two weeks in January instead of the first two weeks.

A Motion was made to approve the change was made by Mr. Curcio with a Second offered by Mr. Conoscenti. Roll Call Vote: Curcio, Conoscenti, Bailey, Morelli, Bailey, Lambros and Frost voted yes to the approval.

On the Motion to approve the use variance, Mr. Morelli made a Motion to approve and Mr. Bailey offered a Second. Roll Call Vote: Morelli, Bailey and Frost votes yes to the approval. Lambros, Conoscenti, Curcio and Novellino voted no.

The Motion to approve did not carry.

Mr. Curcio made a Motion to deny the use variance application and Mr. Lambros offered a Second. Roll call vote: Curcio, Lambros, Conoscenti and Novellino voted yes to the Denial. Morelli, Bailey and Frost voted no to the denial.

The Motion to deny is carried.

**NEW BUSINESS:** The Township committee has adopted a new ordinance, ORD. 10-12 that addressed Threatened and Endangered Species and Conservation Easements, among other environmental concerns. Messrs. Shafai and Frost update the Board.

Mr. Frost explained to the Board how this ordinance came about. He explained that it was a cooperative effort of the EC and Lisa Spaziano of the Township's engineering Firm of Leon S. Avakian. He offered that there is no other Ordinance of its kind in the State.

Mr. Shafai explained that the ordinance encompasses eight or nine ordinances into one package. The study that the ordinance requires to be performed for applications for development that come before the Boards must be performed by a qualified person. Mr. Shafai explains who is qualified to perform such a study.

This is part of the application process.

The Board discussed the merits of such an ordinance.

At 10:38 Mr. Curcio made a Motion to adjourn, Mr. Lambros offered a second and the meeting was adjourned by unanimous vote.

Respectfully submitted,

Pamela D'Andrea