

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
AUGUST 25, 2010**

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

Reading of Adequate Notice by Mr. Barthelmes

Salute to the Flag.

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

**Approval of Minutes:** August 25, 2010. The members have reviewed the Meeting Minutes. Mr. Bailey made a Motion to approve and Mr. Novellino offered a Second. Roll Call Vote: Bailey Novellino and Frost voted yes to approve.

**NEW APPLICATION:**

**Z10-03 RGM REAL ESTATE, LLC.** – Block 20, Lot 3.14. Located at 530 State Route 33 West consisting of 6.42 acres in the Highway (HC) Zone. Applicant seeks variance relief to construct a freestanding sign for his restaurant where 96 s.f. are permitted, the proposed sign measures 274 s.f. Noticing required.

Mr. Vella read the jurisdictional packet and found same to be in order and accepted jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated July 13, 2010
- A-3 Survey of Property prepared by Charles Surmonte, P.E., P.L.S. dated 5-19-09
- A-4 Aerial (undated)
- A-5 Variance Drawing for re-facing existing sign prepared by Joseph Primiano, Architect
- A-6 Photos of Proposed signs (8 photos)
- BOA-1 Memo from Patrick Hynes, Code Enforcement/Zoning Officer dated 6-9-10
- BOA-2 Stop Work Order dated 4-15-10 issued by the Township Code Enforcement/Zoning Officer

Francis Batcha, Esq. appeared on behalf of the applicant.

Attorney Vella swore in Mr. Joseph Primiano, AIA who presented his credentials and had testified before this Board in past and was accepted as an expert. He was hired to renovate the existing building. He explained that the existing building is a one-story, wood frame building. The intent was to remodel the customer parking area along with the front of the building, enhance the restaurant and property and modernize the place.

Mr. Primiano advised the project was completed two weeks ago. The only outstanding issue is the sign which shall compliment the colors and materials of the building renovation. The existing sign that was there, the proposal is to keep the existing building the footings are currently there. Mr. Primiano explained that a renovation began on the sign and during the renovation; the zoning officer stopped the work due to a violation concerning the size of the sign. The existing sign is still in there, there is a stucco finish on it. The sign is incomplete and the applicant wishes to finish the sign. He explained the dimensions of the unfinished sign. He explained that the existing sign was wrapped in a stucco finish. This is a highway that people are traversing at 55 mph. The size of the sign is important for patrons to see as they go by. It is important to have the sign and landscaping match. Mr. Barthelmes asked if the applicant came before any Board for the renovation. The applicant answered that he had not. The applicant's offered that the sign was the same sign just refaced.

Mr. Coppola advised that Mr. Hynes had consulted with the professionals and they felt that there was an upgrade of the building but did not require a Board review. In its current state, Mr. Coppola feels the sign is very large. He went in the field to look at the site and he advised that he had reviewed the plans. Mr. Coppola felt that the applicant has the right to use the existing sign. The testimony is that the applicant is modifying the existing sign. Mr. Coppola advised that the sign does not meet the ordinance via size. The sign in its current state is unattractive even if it is exactly the same size as what was there. It has not been colorized and the proposed stone work and letter had not been added.

Mr. Coppola stated that other things are occurring on the property. There are a few trees behind the sign so that the sign cannot be moved back. There is a windmill there that he offered was an eyesore and in his opinion, adds to the clutter of the appearance and stands out more due to the state of the sign. The windmill is growing into the branches of the trees. Mr. Coppola stated that the windmill should be moved or removed. The sign cannot be trimmed down. It won't work.

The applicant's proposal has a lighter appearance. The border is in keeping with the color of the building. Mr. Coppola does not think it is a clear issue. The existing sign is under the stucco sign. He feels the Board has two choices, take this sign down and rebuild or work with the existing sign. He feels the building is attractive but the windmill detracts. Mr. Barthelmes asked if the square footage of the sign is the same as it was before the stucco reface. Mr. Coppola advised that the zoning officer takes a look at something that is evolving and felt the Zoning Board should have a view of it and have their say. If an officer is not 100% comfortable with it then the Board could review and make determination as to color, landscaping and lighting.

Mr. Primiano advised that existing non-conforming signs can stay the same per ordinance.

Attorney Vella stated that the applicant was issued a notice of violation, filed June 9, 2010. Appeal time has run. He advised that an applicant can't ask for an interpretation after the time has run to appeal.

Mr. Batcha explained the work that was done to bring the site up to date.

Mr. Vella explained that the Board could consider the size of the sign that was there and the benefits of the new sign that is there presently.

Referring to Exhibit A-6, Mr. Primiano explained the following pictures:

Picture 1 sign with LED Board shadow box lighting .

Picture 2 sign option with slap board.

Picture 3 what the existing sign use to look like.

Picture 5 what the current building looks like.

Picture 6 close up of building with the same material to be used on sign .

Picture 7 current view from corner.

Picture 8 current view facing east.

Picture 9 current view close-up.

Attorney Vella swore in owner, Dan Renzi. Mr. Renzi advised that the lights are on a timer.

Mr. Coppola addressed the lighting. He inquired the purpose of the incandescent lights. If the sign has shadow box lighting he feels incandescent lighting and halogens may be too much.

Mr. Primiano explained his intent is to make the entire project flow. With an LED sign, the second sign would be removed.

Engineer Shafai reported that the Board should establish the setback for this sign. The survey should reflect the actual setback of the sign.

Mr. Barthelmes asked if the applicant had to construct the sign from scratch would he need a variance.

Attorney Vella advised it would be a C-1 Variance. If you look at old sign, there is space between the sign and the pole. There is no longer that space. Thus, the Board should look at it as expansion of a pre-existing non-conforming sign. The applicant is suggesting that they redesigned the sign to include the aesthetic addition, landscaping and lighting. Mr. Vella considered the current sign to be bigger. If the Board says that the new sign is not acceptable, the applicant has the right to go back to the old sign and we would lose the conditions associated with the new sign.

Chairman Novellino opened the application to the public at 8:30 p.m. Seeing no public comment, the application was closed to the public at 8:30 p.m.

The Board discussed the application. Mr. Barthelmes commented that the new sign would be better aesthetically than what it looked like before and he understood why the applicant would want a large sign to attract attention from a business standpoint. He offered that the applicant should remove the windmill because it is too busy there.

Both Messrs Frost and Bailey feel that the renovations are better for the town; the new sign is too large and wish to see him tone it down.

Mr. Coppola discussed trimming down the sign with the architect.

Chairman Novellino discussed cutting down the size of the sign, such as putting air and space in between the top of the frame and the display area to help the sign become less obtrusive. The Board discussed how to minimize the size of the sign with the applicant and came to an agreement to cut down the size of the display area. In addition the applicant agreed to repaint the Windmill to dress up it's appearance.

Attorney Vella read the proposed conditions of approval including but not limited to: confirm with Zoning Board Planner that the lettering will be backlit, LED no blinding lights or movement constant image nothing to distract the driver, remove second freestanding sign, on survey place the set back of sign, earth tones and materials to match the building, all ground lighting to be removed, concerning landscaping, applicant to meet Mr. Dobromilsky our landscape architect in terms of what they intend to do around the sign, etc.

Mr. Frost made a Motion to approve as conditioned and Mr. Bailey offered a Second. Roll call Vote: Frost, Bailey, Barthelmes and Novellino voted yes.

### **NEW BUSINESS:**

Mr. Coppola discussed the status of COAH. He offered a brief history. He advised that that there are signs it is getting better. He offered that something may come out in October of 2010. He explained that this is an ongoing process and we are moving forward under the existing rules for COAH certification. There is a pending deadline of October 19, 2010. If Millstone achieves certification, we could apply for modified approval under new authority and new rules. The Town has been able in the past to protect the the community from builders remedy lawsuits. He explained that Bill S1 in it's current form is geared to help developers, not the township. The Town is protecting itself as best as it can.

Also under New Business, Mr. Frost expressed that perhaps, after the Salute to the Flag, a moment of silence for our men and women serving our Country would be appropriate. The Board will adopt this beginning at their next meeting.

At 9:26 p.m., by Motion of Mr. Barthelmes and with a Second offered by Mr. Novellino and by unanimous vote, went into executive session to discuss pending litigation.

At 9:45 the Board returned to its regular meeting and seeing no further business to discuss, Chairman Novellino asked for a Motion to adjourn. Mr. Barthelmes made that Motion and Mr. Frost offered a Second and by unanimous vote, the meeting adjourned at 9:47 p.m.

Respectfully Submitted,

Pamela D'Andrea