

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 29, 2010**

The Meeting was called to Order by Chairman Novellino at 7:35 p.m.

Reading of Adequate Notice by Mr. Frost.

Salute to the Flag and observance of a moment of silence for the troops.

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

Approval of Minutes: September 29, 2010 minutes were approved.

EXTENSION OF TIME:

Z10-05 CHARLES NOREIKA - Block 50, Lots 1.01, 1.02, 1.03 & 2. Located on Paint Island Spring Road and Millstone Road. 30.1 acres located in the R-80 Zone. Applicant Received approval for Preliminary Major Subdivision to develop an (11) lot subdivision consisting of (1) existing residential building lot, (8) new single-family residential lots, (1) lot dedicated for drainage and (1) existing non-conforming commercial lot. Applicant seeks a one-year extension of time. No noticing required.

Mr. Bailey steps down from the application due to a conflict since he lives on a neighboring property that is within 200 feet of the applicant's property. Mr. Noreika explained to the Board that the developer is no longer interested. Until the financial situation changes, he would like to hold off on pursuing perfection of his Preliminary approval. In July 2011, he can return to the Board if he requires another extension of time. Mr. Vella advised that by applying for the extension, the applicant protects himself from a potential change in zoning.

He is protecting himself against the change in zoning.

Mr. Curcio made the Motion to grant a one-year extension of time which time runs beginning July 2010 and ends on July 24, 2011 and Mr. Conoscenti offered a Second. Roll Call vote: Curcio, Conoscenti, Lambros, Morelli, Frost and Novellino voted yes to granting the one-year extension of time.

SITE PLAN WAIVER REQUEST:

Z09-01 SHELLY'S SCHOOL FOR DOGS – Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant received Final site plan approval to construct a 25,471, one-story building to operate a facility to include boarding for dogs and cats, pet training school, pet grooming school and pet grooming. Applicant seeks to downsize the building square footage and seeks a waiver from Site Plan approval. No variances requested. No noticing required.

Richard Coppola, Board Planner, provided background information to the Board. He advised that the applicant discussed potential downsizing changes to the approved plan. The applicant is adhering to the approved site plan lighting, landscaping and parking plan. They are reducing the size of the building and the number of animals that could be in the building. Mr. Coppola advised that the new plan meets the ordinance but is different from the application that they approved. The applicants are back to the Board asking for a waiver of site plan approval in an effort to streamline the process. Mr. Coppola advised that the Board can look at the application and make any required changes in the Resolution.

Chairman Novellino stated that if the Board does not say yes to the waiver, then the applicant would have to come back to the Board with a formal update to the site plan and the Board would have essentially the same hearing. Chairman Novellino offers that this saves the applicant the time to formalize the plans, and saves him money. He is changing the shape of the building and architecture. The changes exceed what the Board Engineer and planner deem appropriate to approve administratively. This site plan waiver hearing provides a mechanism for the board to review the changes to the plans and determine if a formal hearing is required.

Chairman Novellino stated that the Board should be presented the difference in what they originally approved and what is being proposed. Anything not specifically identified as being different in the new plan is to remain the same. He advised that if the board is satisfied that the changes are not substantive enough to require a new formal site plan review then the waiver could be granted. The Board was comfortable with proceeding given those caveats.

Board Attorney Greg Vella advised that the applicant is not requesting any new variances or waivers it is not a noticed meeting. He stated that if the applicant was requesting or creating a variance, they would have to notice for this meeting. All prior conditions are still applicable in preliminary and final site plan approval.

Mr. Vella read the evidence into record as follows:

- A-1 Site Plan prepared by Crest engineering dated 11/17/10
- A-2 Floor Plan prepared by Roy L. Quackenbush, AIA consisting of two pages) undated
- A-3 Correspondence with Lewis Goodfriend dated November 19, 2010
- A-4 Color Architectural Rendering of the building prepared by Roy Quackenbush, AIA

Attorney Kenneth Pape representing the applicant. He advised that the applicant wishes to reduce the size of the building and

Mr. Peter Strong, P.E. has appeared before the Board in the past and the Board is familiar with his credentials and he is accepted as an expert witness.

There are no changes to any element of the plans, driveways, signage and grading, other than the façade treatment of the building and its footprint. Mr. Strong advised other than the area around the building, there are no changes to the Board approved plan. There is a slight grading change to match the new building footprint.

Referring to Exhibit A-1, Mr. Strong went over the plan.

The front of building extension has been removed (it was the proposed cattery). Referring to the "Lobster Arms" area of the prior plan, where every suite had an outdoor run. The arms were removed once the applicant agreed not to have the outdoor runs. The suite numbers were reduced from 150 to 83 suites.

Mr. Liebowitz was sworn in. Mr. Pape advised that the site plan was signed and they have been on the site implementing the improvements such as the parking lot the driveway and installing lighting fixtures. The goal is to have all site work finished before first main frost.

Mr. Liebowitz explained the project was revisited. He explained the added expense of the project and decided to square off the building and put up a building that met everyone's criteria. Mr. Goodfriend had suggested the concrete building. Mr. Liebowitz met with the builder who could build the building. Mr. Liebowitz showed the color board to the board of the colors that he chose. He explained that the concrete walls on the outside are 8 ½ inches thick. Inside walls are solid 6 inch walls. Outside are 3 ½ inch concrete, 2 inches insulating material and then 3 inches of concrete.

Sworn in was Lawrence Wilderotter, a concrete shell contractor. He explained the sandwich wall advising it was low bearing. Inside wall is 6 inches of solid concrete. Mr. Wilderotter worked with Mr. Goodfriend, applicant's noise expert. The project is slightly modified but fully complying.

The back doors are emergency doors. An emergency shelter provision is still in place. All around the building colors and treatments are the same. There are no exposed cinder blocks.

Exhibit A-5, Architect Roy Quackenbush's architectural complies with that of Mr. Bacon except for the façade treatment. The building is now boxier.

Marked into evidence, Exhibit A-4 8 12 x 11 art color rendering of the building prepared by Roy Quackenbush.

Mr. Coppola added that the Board did not ask for the additional architectural elements, it was offered by the applicant and they have reduced it themselves.

Board engineer Matt Shafai stated that if the applicant is changing the number of dog suites to 83, then they would have to come back to the Board if they wish to exceed that number. He further stated that if they come back to include cats, that would be an expansion of a non-conforming use. The architectural plans should be changed to reflect not to exceed 83 dog suites.

The architectural plans are to be revised to be consistent with Mr. Goodfriend's report

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

NEW BUSINESS: Annual Report was discussed. There were questions as to how do you determine the true size of a sign. The Board asked Mr. Coppola if the sign ordinance could be revisited to address a sign face versus supporting structure.

Mr. Coppola offered that the Town may want to have some architectural controls for the supporting structure.

Mr. Vella asked the Board to go into Executive session to discuss pending litigation. M. Curcio made a Motion and Mr. Morelli offered a Second and by unanimous roll call vote the board went into executive session at 8:42 p.m.

At 8:52 p.m. the Board returned to regular meeting.

Seeing no further business, Mr. Curcio made a Motion to adjourn and Mr. Frost offered a Second and by unanimous vote, the meeting adjourned at 8:53 p.m.

Respectfully Submitted,

Pamela D'Andrea