

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
FEBRUARY 22, 2012**

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

Reading of Adequate Notice by Vice Chairman Barthelmes.

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

Members sworn in by Attorney Greg Vella: Barry Frost.

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

**Approval of Minutes:** January 25, 2012

The members having received and reviewed the draft minutes and recommended changes having been made, Mr. Curcio made a Motion to approve and Mr. Barthelmes offered a Second. Roll Call Vote: Curcio, Barthelmes, Lambros, Morelli, Bailey, Conoscenti and Novellino voted yes to approve the Minutes.

**RESOLUTION:**

**Z11-04 ROUTE 537 HOLDING COMPANY, LLC.** – Block 56, Lots 13.01 and a portion of Lot 14. Located on Route 537 in the HC-1 Zoning district; Lot 13.01 consisting of 4.163 acres and the application concerns a 2-acre portion of Lot 14. Applicant seeks minor subdivision approval to convey 2 acres from Lot 14 to Lot 13.01 increasing the Lot 13.01 lot size to 6.163 acres. Applicant sought use variance, bulk variance, preliminary and final site plan approval to develop a miniature golf facility. Deemed Complete 8-18-11. Date of Action: 12-16-11; extension of time granted by applicant through 1-31-12. Heard in part on 9-28-11; carried to 10-26-11; carried to 12-15-11; carried to 1-25-12, noticing required. Use variance approval denied. Minor Subdivision approval granted.

As to the Use Variance denial, Mr. Lambros Made a Motion to memorialize the Resolution and Mr. Curcio offered a Second. Roll Call Vote: Lambros, Curcio, Bailey and Conoscenti voted yes.

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

**NEW APPLICATION:**

**Z12-01 HAWK, DANIELLE** – Block 31, Lot 28. Located at 106 Agress Road and 108 Agress Road consisting of 2.3509 acres in the R-80 (Rural Residential) Zone. Two residences exist on the property. Applicant seeks a use variance to increase the footprint of 108 Agress Road by 500 s.f. Deemed Complete: 2-1-12. Date of Action: 6-1-12. Noticing required.

Attorney Vella advised that he had reviewed the noticing packet and finds same in order and accepts jurisdiction over the application.

Attorney Vella read the following Exhibits into evidence:

- A-1            Jurisdictional Packet
- A-2            Web Notice
- A-3            Application dated
- A-4            Aerial of Property
- A-5            Survey of Property prepared by DPK Consulting dated 12/9/99
- A-6            Computer generated plan of proposal for new addition (15 pgs)  
dated 11/2011

Attorney Vella swore in the applicant Danielle Hawk and her husband, Jeff Hawk.

Mr. Hawk advised that the applicants would like to remove a 20 foot x 20 foot existing portion of the existing home known as 108 Agress Road and construct a 30 foot x 30 foot addition.

The applicant has two pre-existing homes on the lot. There is one septic and one cesspool located on the property.

Attorney Vella marked into evidence Exhibit A-7, Mounted Board with pictures of the subject property.

Mr. Hawk explained the exhibit photos and what he is proposing to do by this partial demolition of the existing residence. They will improve the appearance of the building and they will landscape the area to make the home more uniform with the other residence on the property.

Mr. Bailey stated that he visited the property.

The Board discussed why the applicant is before the Board. There are no set back encroachments in this application. It was discussed that the applicant is well under lot coverage requirements for the zone with the improvements.

Board Planner Coppola explained that the applicant is seeking to have a four bedroom home. The building would be contingent upon the applicant constructing a septic to support the four bedroom house. Mr. Coppola clarified that the Resolution runs with the property as long as the zone does not change.

Mr. Coppola advised the Board that the application is an expansion of a pre-existing, non-conforming use. This is a D2 variance based on the testimony that there are two existing houses. The applicant is not asking to construct a second home, he is asking for an expansion of an existing home. If the Board approves the application, they should document the uniqueness of the property. Mr. Coppola stated that secondly, the question of whether or not the property meets the *Medici* criteria. The property is unique. There are two dwellings on it. One is 600 plus square feet which is very small for a family of five. Mr. Coppola offered potential reasons for justification in approving this application. He also stated that the lot is larger than what is required in the zone.

Under the purpose of zoning, there is special reason is that the applicant is improving the appearance of the property. This will be a living unit. The second house was recently upgraded. There is a very small, affordable rental unit for possibly an elderly person or a young son or daughter of a person who resides in the town. Mr. Coppola felt that this is a positive aspect stating it is an affordable home for such a circumstance.

Planner Coppola reported that this application is different from an application that would be before the Board to construct a large second building. Attorney Vella advised that this application is coming to the Board with pre-existing, non-conforming uses. He explained that the test is whether this use pre-exists zoning which this one does. He explained that this use existed prior to the adoption of single-family zoning in the zone. He explained the burden of proof. Mr. Vella discussed the checks and balances for the Board. The Board is only dealing with 20 foot x 20 foot demolition with a 30 foot x 30 foot construction. The Board must decide if the property can handle this expansion of the existing use.

Mr. Coppola felt that the D2 variance parallels the D1. The applicant had to show the uniqueness of the property. The expansion can be accommodated on the property since it is an oversized lot for zone which he stated is an important fact. He asked the Board to look at what is being proposed. It is different relative to other lots in the R-80 zoning district. This home is still very modest and easy to be accommodated on the lot. He addressed any adverse affect this approval may have on the zone plan and the public and he stated that he sees no negative impact. The use already exists so this is not a use variance but rather the

expansion of a pre-existing non-conforming use. He stated he believes there are special reasons for the expansion.

Attorney Vella concurred with Planner Coppola.

The Board offered some comments. Mr. Lambros stated that both homes are existing and there is already an entitlement to occupy both buildings. If there is an opportunity to improve the building, the living conditions and the surrounding environment it is a positive benefit for the public good if the lot can handle the expansion.

All construction will take place to the left and rear of the building.

Mr. Novellino opened the application to the public at 8:10 p.m.

Sworn in Mr. Stanislaw Strzelecki, 100 Agress Road in Millstone. He stated that he lives next to the Hawk property and stated that the family needs the room. He feels this project will improve the property and the surrounding area and would be a good fit.

Seeing no further public comment, Chairman Novellino closed the public comment portion at 8:15 p.m.

The Board members discussed the application. Chairman Novellino stated that based on what he is seeing, this expansion would not be a huge impact on the zone plan. The lot coverages are well within the standards of the R-80 zone and the application is to just allow more room for one of the structures and for a family to use. He stated that he saw no negatives to it. The zone allows for 900 s.f. of an accessory structure which is larger than the home where they presently reside. Chairman Novellino felt the improvement to the home would improve the neighborhood..

For Stage 2 of the project, a condition of approval would be obtaining the Monmouth County Board of Health approval.

Mr. Frost stated that Mr. Coppola clarified the Board's possible concerns with approval of this application. After careful consideration of all of the important points, The Board does make the decisions that are beneficial to the community.

Mr. Curcio felt that this was enhancing the property and he had no concerns.

The board discussed requirements for rental properties. Attorney Vella explained that any property owner can rent their house tomorrow and that they simply need a certificate of occupancy, which protects the town, and he explained the procedure.

Should the Board vote positively on the application Attorney Vella read the Conditions of Approval including but not limited to: subject to the Monmouth County Board of Health

approval and further expansion of the building must be approved by the Board of Adjustment as a pre-existing, non-conforming structure.

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

**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. On March 31, 2008, the applicant received Preliminary and Final Site Plan approval, Minor subdivision approval and use and bulk variance approval 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. A combined total of 12 residential units were approved but the applicant has downsized that to 10 residential units and, therefore, a Minor subdivision of the property was not needed. The applicant seeks an extension of time in order to perfect the Plan. An extension of time was granted in June 2009. Applicant seeks to downsize the project and seeks administrative guidance. No noticing required.

Board Engineer Matt Shafai explained that the Board approved a 12 unit senior living area. The application was reduced to 10 units with a Community Room across the way. He explained that Since the Affordable Housing Alliance (AHA), the Township's affordable housing administrators, have been looking for funding and grants for this project. They have found the funding but a requirement for the HUD funding requires that the 10 units be downsized to 540 s.f. per unit.

The Board professionals felt that it was important for the Board to take a look at the new architectural of the downsized project. He explained that each unit is smaller but parking need dropped to 17 parking spaces and 2 handicapped parking spaces. The septic will not change. The stormwater management will change.

The front of the Community room will look like the old Allen House. There will be a patio area in the back.

Mr. Coppola explained that everyone involved wishes funding could have been obtained as to what was intended. The larger units would have been great for the people living there. This is what can be funded. It is an administrative change and no noticing is required.

Mr. McCorry, Director of Capital Projects and Construction for the AHA was present and advised that this is a go for them since their funding has been approved by HUD. He advised that it is their plan to complete the construction documents for this one story project by the end of March 2012. By mid-spring, Mr. McCorry anticipates that they would be ready to apply for building permits. This is a HUD financed and it can only move as fast as they can close with a HUD 202 application for senior housing. He believes start to finish would encompass

one year. Mr. McCorry stated that the AHA now operates statewide but most houses are in Monmouth County.

Mr. Frost asked if there is any problem not completing the project. Mr. McCorry advised that once ground is broken it will be completed.

This amendment was brought to Messrs. Coppola and Shafai's attention and they felt that the Board should have opportunity to see and comment on the change. For the record, Attorney Vella asked the Board to make a motion to approve the changes presented as administrative changes.

Mr. Lambros thanked the professionals for the opportunity to weigh in on this courtesy hearing. He stated that as a resident, he appreciates the opportunity to be able to make a comment on the project.

Chairman Novellino opened the matter to the public for their comments and concerns if any.

Pat Butch, 40 Prodelin Way. Ms. Butch advised the Board that she had been speaking with the historic Preservation Commission and they want to coordinate the timing of the ground breaking so that they may retrieve items that has been placed on a list to save by the Historic group initially. There may be some additions and they would work with the Board Secretary to make sure those additional items are placed on the list and in the proper hands to assure that they are saved.

Mr. Lambros made a Motion to approve the amendment and Mr. Curcio offered a second and by unanimous vote, the board approved the administrative changes.

Seeing no further business, at 8:30 p.m. the meeting was adjourned by Motion of Mr. Conoscenti and a Second offered by Mr. Morelli and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea