

**BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 22, 2012**

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

Vice-Chairman Barthelmes Read the Adequate Notice.

Salute to the Flag.

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

APPROVAL OF MEETING MINUTES: May 23, 2012.

Mr. Lambros made a Motion to Approve the Minutes and Mr. Bailey offered a Second. Roll Call Vote: Lambros, Bailey, Conoscenti, Mostyn and Novellino voted yes to approve.

NEW APPLICATION:

Z12-04 – 352 MONMOUTH ROAD LLC – Block 62, Lot 20.05 located at 352 Monmouth Road consisting of 97,750 sf (2.24 acres) in the R-130 Rural Residential Zoning District. Applicant has an existing 2,583 s.f., one-story, office building. Applicant further seeks waivers including relief from disturbance of steep slopes (10,900 s.f.) to construct a driveway. If waivers granted, application will be deemed complete to proceed with the rest of the application. Applicant requests the granting of a Use variance for construction of an office building which is not a permitted use in a residential zone. Variances needed for the lot size where minimum of 130,000 s.f. required, applicant can provide 97,750 s.f. Noticing is required for application.

Attorney Frank Accisano is representing the applicant. Mr. Accisano explained to the Board that the they are before the Board this evening to request waivers of completeness checklist items. Board Attorney Vella reported that the applicant is seeking waivers from the checklist in accordance with the Engineer's report. The hearing of the application requires the submission of those items in order for the Board to fully hear the application. Attorney Vella and Chairman Novellino offered that this Board considers design waivers at the same hearing but presently, they are just hearing waivers from checklist completeness items. .

Attorney Vella clarified that since the application is not yet deemed complete, the time to hear this application does not begin to run. He explained why the Board can accept jurisdiction over the application this evening and after reviewing the noticing packet and finding same to be in order, the Board accepted jurisdiction.

Attorney Vella entered the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice
- A-3 Application dated 5/18/12
- A-4 Aerial Map prepared by Concept engineering dated 6/04/2012
- A-5 Minor Site Plan w/ Use Variance prepared by Concept Engineering Consultants dated 5/1/12, last revised 7/3/12
- A-6 Survey of property (unsealed) prepared by Summit Land Surveying dated May 2, 2000
- A-7 Stormwater Management Report prepared by concept Engineering Consultants dated 7/2012
- A-8 Limited Statement of Environment Impact prepared by Concept Engineering dated August 2012
- A-9 Barred Owl information (3 pgs)
- A-10 Letter to Purchase Property to Property Owner Block 62, Lot 22
- A-11 Letter to Purchase Property to Property Owner Block 62, Lot 20.03
- A-12 Mounted Colored Site Plan
- A-13 Aerial Map of Site Plan
- A-14 DEP Aerial Map
- BOA-1 Engineer's Report dated 7/18/2012
- BOA-2 Planner's Report dated 8/16/2012

John Ploskonka, PE., P.P, is a sworn in and will be testifying as a professional engineer and planner.

He provided a narrative of the project. Marking into evidence Exhibit A-12, mounted colored site plan, he explained the proposed project. The building has been vacant for four years. The current driveway is steep. They propose to move the driveway to remedy that condition.

Entered into evidence Exhibit A-13 Aerial Map subject property with a closer view.

A-14 NJDEP Aerial Map reflecting Wetlands on adjoining properties.

Mr. Ploskonka advised that they would like to work with the neighbor, Mr. Boss.

The lighting was discussed. The applicant will direct spot lights facing downward keeping in mind that residential neighbor next door. The applicant will light the parking lot but in a manner that would not disturb the neighboring property. The applicant would plant an evergreen screen for additional buffer. They will prepare a lighting plan after conferring with Board Planner Richard Coppola and the neighbor.

There was discussion concerning the installation of bollards adjacent to the new parking spaces to the west which would help protect the patrons parking and walking to the building entrance.

The applicant will provide a landscaping plan rather than ask for that waiver from the checklist.

Mr. Accisano asked the Board to accept a limited Environmental Impact Statement. He advised that the NJDEP had provided a heritage letter regarding the barred owl on the site. The applicant stated that JCP&L has a swamp to the east of the property and outside the scope of their property they feel they are high and dry and not the habitat of the barred owl.

Board Engineer Shafai advised that he applicant is asking for a waiver from preparing that barred owl study. The Millstone Township Environmental Commission could accept the limited environmental impact statement provided or they can advise the Board that they require additional information or investigation, then the Board would reconsider the waiver request.

The Board advised the applicant that they would grant a waiver so that they could continue with the hearing next month but if the Environmental Commission requests that the study be done then the applicant would have to do that accordingly. The Board reserved the right to table their decision pending the outcome of the EC's review of the Limited EIS and the barred owl report.

The remainder of the completeness checklist was discussed. The applicant will provide the 200 foot radius map, as well as the engineer's requests in paragraph 3, items c, d and e.

Tree preservation plan. The applicant must provide to the Board and The Shade Tree Commission, a plan with the number of trees, heights, caliper, species of trees and area of disturbance regarding the tree removal.

The applicant will be provide the Engineer, all information so the waivers are no longer requested.

Engineer Shafai reported that the applicant did not provide where the data that they supplied came from. The applicant will provide that data.

Attorney Vella advised the Board would accept the limited EIS conditioned upon and subject to the review and recommendation of the Environmental Commission. If the EC requests the provision of more information, then the applicant would be required to comply.

Chairman Novellino opened the meeting to the public. Mr. William Boss 354 Monmouth Road, asked if the applicant had applied to the Monmouth County Planning Board for them to review

the site plan for the driveway relocation? He offered that the County installed a catch basin to divert water from his home. Mr. Boss's concern is how the proposed relocation of the applicant's driveway may impact him.

Mr. Boss also voiced his concerns that the applicant has not taken care of the property during the time that it has not been occupied. Chairman Novellino advised that he did a site visit and advised the applicant that the property must be kept up.

The Board considered a Motion to deny the waivers, apart from the acceptance of the provision of the limited EIS subject to the Environmental Commission's review and recommendation to the Board.

Attorney Vella made an announcement that the matter would be carried without any further noticing to the October 24, 2012 Meeting beginning at 7:30 p.m. at the Municipal Meeting Room.

Chairman Novellino made a Motion to enter into Executive Session to discuss pending litigation and Mr. Lambros offered a Second and by unanimous vote the Board exited the Regular Meeting and entered into Executive Session.

The Board returned to the regular meeting at 8:30 p.m. Seeing no further business, Mr. Conoscenti made a Motion to Adjourn, Mr. Mostyn offered a Second and by unanimous vote, the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea