

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 23, 2013**

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

Reading of Adequate Notice by Mr. Barthelmes.

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

Mr. Novellino explained that Board Member Frank Curcio had resigned due to moving to another area. Mr. Novellino wished to recognize Mr. Curcio's contribution to the Township as a member of the Board. Mr. Curcio was actively involved in other community projects and he will be missed.

Mr. Novellino reported that Mr. Frost shall serve as a Regular Board Member. Mr. Frost will be absent from the Board temporarily due to illness. Mr. Mostyn has been moved up to the Alternate I position and new Board member, Al Ferro, will serve as the Alternate II member.

Members were sworn in by Attorney Greg Vella.

Mr. Novellino announced that Messrs. Bailey and Lambros had perfect attendance for 2012 and were issued a certificate of appreciation. Vice-Chairman Barthelmes provided a perfect attendance certificate to Chairman Novellino.

Election of Officers began with a nomination for Chairman. Mr. Lambros made a Motion to nominate Michael Novellino to serve as Chairman. Mr. Lambros stated that Mr. Novellino demonstrated a fair and impartial way of leading the Board through all applications. Mr. Morelli offered a Second. Roll Call Vote: Lambros, Morelli, Bailey, Barthelmes, Mostyn and Ferro voted yes to the election of Mr. Novellino to serve as Chairman.

Congratulations to Mr. Novellino. Mr. Novellino thanked the Board.

Chairman Novellino made a Motion to nominate Steve Barthelmes to serve as Vice-Chairman. Mr. Lambros offered a second. Roll Call Vote: Novellino, Lambros, Morelli, Bailey, Mostyn and Ferro voted yes to the election of Mr. Barthelmes to serve as Vice-Chairman.

Congratulations to Mr. Barthelmes.

The Motion to appoint Pamela D'Andrea as the Board Secretary was made by Chairman Novellino with a second offered by Mr. Mostyn offered a Second. Roll Call vote was taken: Novellino, Mostyn, Lambros, Morelli, Bailey, Barthelmes and Ferro voted yes to appoint Ms. D'Andrea.

Ms. D'Andrea thanked the Board.

Chairman Novellino explained the Township's open and fair bidding process for the appointment of Board professionals. He explained that this year, no bids were received outside of those submitted by the present Board Professionals Chairman Novellino advised that this year since there were no additional bids received, he took on the task of reviewing the bids instead of forming a subcommittee.

The Motion to appoint Gregory W. Vella, Esq. of the firm of Collins, Vella & Casello, L.L.C. as Board Attorney was made by Chairman Novellino with a second offered by Mr. Bailey. Roll Call Vote: Novellino, Bailey, Barthelmes, Lambros, Morelli, Mostyn and Ferro voted yes to appoint Gregory W. Vella, Esq.

Attorney Vella thanked the Board. He has served the Board for the past nine years.

The Motion to appoint Leon S. Avakian, Inc. as the Board Engineering firm with Matt Shafai, P.E. as the principal Engineer was made by Chairman Novellino with a Second offered by Mr. Morelli. Roll Call Vote: Novellino, Morelli, Barthelmes, Mostyn, Conoscenti, Lambros, Bailey and Ferro voted yes to appoint Mr. Shafai.

Mr. Shafai thanked the Board.

Chairman Novellino stated that Mr. Coppola has done an outstanding job for the Board in the past and given his qualifications, the Board felt he was an excellent choice.

The Motion to appoint the firm of Coppola and Coppola with Richard Coppola as principal Board Planner was made by Chairman Novellino and a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Morelli, Bailey, Lambros, Mostyn and Ferro voted yes to appoint Richard Coppola, P.P.

Mrs. Coppola, the Planner for the evening, thanked the Board.

The Motion to appoint Angela Buonantuono as the Board Court Reporter was made by Chairman Novellino and a Second offered by Vice-Chairman Barthelmes. Roll Call

Vote: Novellino, Barthelmes, Morelli, Bailey Lambros, Mostyn and Ferro voted yes to appoint Ms. Buonantuono.

The Motion to designate The Asbury Park Press and The Messenger Press as the official Board newspapers was made by Chairman Novellino with a second offered by Mr. Mostyn offered a Second. Roll Call vote was taken: Novellino, Mostyn, Lambros, Morelli, Bailey, Barthelmes and Ferro voted yes to designate the official newspapers.

The Motion to adopt a regular monthly meeting schedule for 2013 and the first meeting date of 2014 with the meetings to begin at 7:30 p.m. in the Municipal Building located at 215 Millstone Road, Millstone Township, New Jersey, was made by Chairman Novellino and a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Morelli, Bailey, Lambros, Mostyn and Ferro voted yes to as follows:

To be held on the following dates in 2013 and the first meeting date in 2014 at 7:30 p.m. in the Municipal Building located at 215 Millstone Road, Millstone Township, New Jersey.

January 23, 2013	July 24, 2013
February 27, 2013	August 28, 2013
March 14, 2013 (Thursday)	September 25, 2013
April 24, 2013	October 23, 2013
May 22, 2013	November 21, 2013 (Thursday)
June 26, 2013	December 12, 2013 (Thursday)
	January 29, 2014

Chairman Novellino read the dates into the record

Approval of Minutes: August 22, 2013

The eligible members having reviewed the minutes, Chairman Novellino made a Motion to approve and Mr. Lambros offered a Second. Roll Call Vote: Novellino, Lambros, Morelli, Bailey, Barthelmes and Mostyn voted yes to approve.

EXTENSION OF TIME

Z13-01 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 received approval to renovate one of the pre-existing, non-conforming homes on the property memorialized on 3-28-12. Applicant is seeking an extension of time. No noticing required. No zone change.

Jeff Hawk and Danielle Hawk were sworn in by Attorney Greg Vella.

Mr. Hawk advised the Board that the project has taken longer than anticipated and he was seeking an extension of time. Attorney Vella advised that the Board could grant a sixth month extension of time which would take the applicant to September 29, 2013.

Chairman Novellino made a Motion to grant the six month extension of time and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Novellino, Barthelmes, Morelli, Lambros, Bailey, Mostyn and Ferro voted yes to the extension.

CARRIED 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. Pre-existing one-story office building with basement consists of 2,382 first floor and basement for a total building square footage of 4,764 s.f. Applicant seeks to move the existing driveway. Use variance needed for pre-existing office building in a residential zone. “C” Variance needed for deficient lot size for zone. Applicant proposes to disturb approximately 10,900 s.f. of steep slope area – “C” Variance needed. Carried from 8-22-12. Waivers requested. Application Deemed Complete 10-10-12. Date of Action: 2-6-13. Noticing is required for application.

Attorney Frank Accisano is representing the applicant.

Attorney Vella entered additional exhibits into the record on behalf of the applicant as follows:

- A-15 Jurisdictional Packet
- A-16 Web Notice
- A-17 Minor Site Plans with Use Variance prepared by Concept Engineering dated 5-1-12, Last Rev. 11-6-2012
- A-18 Packet of photos of existing building; 2 aerials and colored site plan
- A-19 Mounted color rendering of site plan
- BOA-3 Engineers Report Dated 11-12-12
- BOA-4 Planner’s Report Dated 11-15-12
- BOA -5 Shade Tree Commission Report dated 11-19-12
- BOA-6 Environmental Commission Report dated 10-18-12

BOA-7 Monmouth County Planning Board dated 11-26-2012

BOA-8 Picture of frontage of property

At the last hearing, August 22, 2012, the applicant made modifications to the plans and additional exhibits were entered into evidence:

A-18 Color site plan (4 sheets)

A-19 Mounted colored rendering of the site plan

Attorney Frank Accisano offered the Board a brief refresher of the project. The applicant wished to relocate the driveway to service the pre-existing building. They wish to knock down the slope down to 12% and make it safer and more convenient for people to get into the property. He offered that this would be a vast improvement.

Still under oath, Engineer John Ploskonka stated that the existing office building has been there for thirty years and used as a commercial building and not residential.

Mr. Ploskonka provided information as to the surrounding neighboring properties. He explained that when Great Adventure came in, it changed the scope of the neighborhood.

Mr. Ploskonka reported to the Board that Mr. William Boss, who owns a neighboring property, told the applicant that he has had water on his property in the past and he is concerned that he will have more water due to the anticipated activity. Mr. Boss advised Mr. Ploskonka of the problematic driveway. The applicant's traffic engineer felt it was prudent to move the driveway back to the east.

Mr. Ploskonka stated that lighting is to be installed in the parking areas. The applicant would install low bollard lighting so as not to impact the neighbor. They will install a pipe to tie into County drainage system on Route 537 to help with any water that may come onto Mr. Boss' property. The applicant addressed the neighbor's comments and concerns.

The Applicant appeared before the Shade Tree and the Environmental Commissions. There reports are marked into evidence for the Board.

Chairman Novellino raised the question as to the location of the leach field is. Mr. Ploskonka advised that they have to find its location. If it is in the parking lot area, they would have to rebuild the field.

The applicant had a concern with the suggested contribution of \$1,200.00 into a fund to replace trees in the Township to mitigate their removing so many large trees on the property.

The applicant read through the comments made by Mr. Shafai in his report and advised that they can comply with his comments.

Planner Cindy Coppola asked the applicant what the purpose of the existing light at the driveway entrance is and further commented that the applicant is in a residential zone and felt that there was no need for a light at that location which would impact the residential neighbor. Mr. Ploskonka advised they would relocate that shoe box light.

One of the Planner's concerns is that the Board is dealing with a non-residential use in a residential zone. This non-conforming use will be visible from the highway including the light, the parking lot and the building. Planner Coppola advised that there is an existing safety issue and there are more improvements being proposed. But, the applicant proposes extensive clearing of 68 trees on front of the property with only 10 trees to be re-planted. This is a significant disturbance and a negative impact. to the Township..

The parking is to be increased to conform to the Township Ordinance.

The Planners' report suggests that there is an alternate plan which enables keeping the existing trees in the front of the site and Planner Coppola explained that suggestion. She offered that the property is presently screened from the rest of the residential zone. By removing the trees, you are exposing the business use and impacting the residents. Planner Coppola presented a photo of the front of the property reflecting the existing screened property.

Entered into evidence:
BOA-8 picture in front of property.

The applicant advised that it has been operating commercially for 30 years. It does not interfere with the residential area presently because it is well screened. The question is do other alternatives to the plan exist that could minimize the impact to the streetscape and the zoning plan. There was discussion as to what the project would look like if the current plan was approved. It may look like a house now, but because of the elimination of buffering when the trees are removed, the public will see a big parking lot. The applicant discussed that they do not want to keep the building covered up and will make improvements that will make this plan better. The applicant clarified that the basement is for office space.

Messrs. Bailey and Novellino advised that they had visited the property.

Planner Cindy Coppola's other concern is that the steep slopes are to be disturbed . The area is presently stabilized by trees that are proposed to be removed. She suggested moving the parking lot to rear and keep the existing streetscape except for the area to allow for the new driveway entrance.

The board agreed with Ms. Coppola's concerns and suggested to the applicant that the "hammerhead" shaped parking lot be eliminated and that additional spaces required be located to the rear of the property per Ms. Coppola's suggestion.

The applicant requested a few moments to discuss the comments and the Board recessed at 8:38 p.m., returning at 8:43 p.m.

Mr. Accisano advised that the applicant will eliminate the hammer head parking and provide access to the basement from a location at the rear of the building. They will place 8 parking spaces to the back of the existing lot

Engineer Shafai advised that no variances are needed for the retaining wall. With the new plan, there will be much less disturbance to steep slopes. The new plan would also eliminate the clearing of many trees. . The new plan also eliminates the need for bollard lighting as well.

Although the new plan decreases the disturbance of the steep slope area, they still require a steep slope variance. The impact on steep slopes is being minimized by this new plan.

Additional landscape plantings were discussed. Revised landscape plans should be provided to the professionals' for their approval.

Mr. Mostyn commented on the positive aspect of the elimination of the hammer head parking.

Planner Coppola commented on signage. The applicant is moving the existing freestanding sign. They advised that the sign will not change, it will just be relocated. The location was discussed.

Allison Coffin, P.P. is sworn in and has been before the Board and is accepted as an expert witness.

Planner Coffin advised the Board that she had visited the site and discussed the variances that the applicant is seeking. Planner Coffin explained that the lot is an undersized lot and nonconforming with the number of parking spaces.

Ms. Coffin advised that the applicant is trying to reconfigure the driveway from a 20% grade to a 12% grade. She explained that the property is located in the R-130 Zone. A D-Variance is needed since the use is a non-conforming use in that Zone. Ms. Coffin stated that the lot area existing is not being altered. She offered the special reasons and stated that this application will have no detriment to the zone or the area. Ms. Coffin stated that the site has supported the office use in excess of thirty years which reflects that the site is suited for the use.

Ms. Coffin explained how this plan brings the site more into conformity with the ordinance. She offered a compelling special reason to approve the applicant is that there is no significant impact of the revised plan as discussed tonight. The improvements are not visible from the street. There will be no additional noise generated.

The office use will remain on the site and provide safer access. She explained that the C2 variance allows the driveway grade to go from 20% to 12% and that advances the land use law promoting public safety. She explained to the Board that the granting of the variances will not cause an impact on the zone plan.

The Board discussed the application.

Mr. Accisano confirmed that since the lot is undersized, the proper letters were sent to the adjoining property owners in accordance with the statute.

At 9:00 p.m. the application was opened to the public.

Attorney Vella swore in Mr. William Boss 854 Monmouth Road, Millstone Township.

Mr. Boss is a neighboring property. He advised that he is not interested in selling any of his property to the applicant. He believed he knew where the septic was located on the applicant's property.

The Board advised that the septic is governed by the MCBOH

Seeing no other public comment on the application, the public portion closed at 9:02 p.m.

Chairman Novellino welcomed the applicant's efforts to improve the site and to work with Board and professionals to come up with a better plan. This new plan eliminates a considerable safety hazard. He agreed with the Board Planner's testimony that the Board can grant the variance with minimal or no impacts to the zoning plan. Public safety alone is a good positive reason to approve the application.

Mr. Lambros concurred and expressed his appreciation for the applicant's desire to work with the Board and Board Planner.

Mr. Mostyn concurred and agrees with the elimination of the extensive tree clearing and suggested the new plan may result in a project cost reduction adding that it makes more sense to push the additional parking within the rear area of the property within the rear yard setbacks.

The Board appreciated the changes that were agreed to.

Attorney Vella read the conditions of approval should the Board vote positively for the application before them including but not limited to: applicant to modify the plans to eliminate the hammerhead and driving area and access to the basement and relocate the 8 parking spaces to the back of the existing parking lot subject to the approval of the Board Engineer and Planner, move trees to the front area where the driveway and Rt. 537 from prior areas where they were going to plant trees subject to the approval of the professionals, the approval is subject to the Board Engineer's report of 11/12/12 minus any comments addressing the hammerhead parking area are now moot, subject to the Environmental Commission's report regarding the location of the leach fields, Shade Tree Commission's comments concerning the monetary request for contribution to the tree fund now moot since most trees are staying, the trees must be protected during construction, compliance with Board Planner's report except for the comments concerning the hammerhead parking area are now moot, no conservation easement required to the remaining steep slope areas, the parking lot located in the back with the basement access in the back, etc.

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

The Resolution will be prepared for memorialization at the next meeting.

NEW BUSINESS:

Annual Report: All Board members have had the opportunity to review the Annual Report prepared by Attorney Vella. No recommendations were made to the Township Committee this year. Mr. Morelli made a Motion to approve the Annual Report and Mr. Barthelmes offered a Second. Roll Call Vote: Morelli, Barthelmes, Lambros, Bailey, Mostyn and Novellino voted yes to the approval.

Seeing no further business, Chairman Novellino asked for a Motion to Adjourn. Mr. Morelli made the Motion and Mr. Bailey offered a Second and by unanimous vote, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Pamela D'Andrea