

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 28, 2015**

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.

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

APPROVAL OF MINUTES: September 30, 2015

The Board having reviewed the meeting minutes and prescribed changes incorporated and provided, Mr. Lambros made a Motion to approve the meeting minutes and Mr. Frost offered a Second. Roll Call Vote: Lambros, Frost, Barthelmes, Bailey, Ferro and Novellino voted yes to approve.

RESOLUTION:

Z15-08 KENNGOTT, KATE - Block 23, Lot 20.07. Property located at 82 Baird Road consisting of 3.013 acres in the R-130 zoning district. Applicant sought and received variance approval to construct a second story to the existing single-family dwelling where the existing rear corner of home is 37'8" from the side yard and 40 feet is required.

The Board having read and considered the Resolution, and requested changes having been made, Mr. Barthelmes made a Motion to memorialize the Resolution and Mr. Bailey offered a Second. Roll Call Vote: Barthelmes, Bailey, Frost, Lambros and Novellino voted yes to memorialize.

CARRIED APPLICATION:

Z15-05 VINCIGUERRA, NICHOLAS - Block 50, Lot 22. Property located at 2 Applegate Road consisting of 1.08 acres in the R-80 Zoning District. Applicant is located on a corner lot and proposes to install a 6-foot vinyl fencing along Millstone Road portion of his property. Variance is needed for installation of a fence in a front yard setback. Deemed complete 7-6-15. Application heard in part on 7-22-15; carried without further need of noticing to 8-26-15; applicant could not attend 8-26-15 meeting; application to be heard on 9-30-15 applicant required to re-notice. Date of Action: 11-3-15.

Applicants have re-noticed notice in order to hear this matter

Attorney Vella read the following exhibits into evidence:

- A-6 Jurisdictional Packet
- A-7 Web Notice
- A-9 Monmouth County Aerial of property

Attorney Vella swore in Nicholas and Meghan Vinciguerra. The Vinciguerras brought in two samples of fencing in for the Board to see.

Mr. Vinciguerra explains Exhibit A-8, Revised Fence Plan with 2 pictures of proposed fence.

The Vinciguerras have a gray house so they did not find a gray fence an appealing choice. They choose an almond color fence with white trim to accent white trim on house. The Vinciguerras want a 6-foot fence. They would plant 5-foot high Leland Cypress and space appropriately so not to crowd each other.

Mr. Barthelmes offered that he had planted Leland Cypress and expressed that they grow rapidly.

The Board discussed the site triangle easement making sure no plantings placed there per the Board Engineer Matt Shafai.

Engineer Shafai had printed out a GIS map of the property that reflects potential wetlands existing between the applicant's home and that of the neighbor. He advised that a fence set in concrete at the base of the wetlands is not permitted. The applicant advised that no concrete would be used.

Attorney Vella entered into evidence, Exhibit A-9, Monmouth County Aerial.

Spacing of the trees discussed was discussed.

At 8:00 p.m., Chairman Novellino opened the application to the public.

Sworn in: Donna Erndl, 410 Millstone Road.

Ms. Erndl stated that the blind spot at the corner is a concern. She offered that a white fence is not a problem for her. Her entire side of her property looks down at the property and sees the fence. She attested to the noise problems on Millstone Road.

The Board advised that when an applicant comes to the Board requesting a variance, the Board has the right to look at the overall impact of the application.

The fence ordinance came into effect after the fact. The Board's objective is to try to make fences less conspicuous.

Seeing no further public comment, Chairman Novellino closed the public portion of the application at 8:11 p.m.

The board discussed the application. Chairman Novellino feels the almond color is less conspicuous. He does not see an issue with the 6-foot fence as an issue especially with trees planted to buffer. He does not approve of the white lattice on the top. Chairman Novellino commented that a closer spacing of the trees would be more desirable.

Mr. Mostyn offered that planting the trees 10-feet on center should be the minimum planting space in order for the trees to survive. Mr. Frost agreed.

Mr. Lambros felt the solid almond color was a better choice. Mr. Conoscenti stated that having the fence buffered by the trees that would be okay.

The Board discussed enforcement of the variance.

The applicant is proposing placement of the fence 5-feet behind the property line and the trees will be on the property line, planted 10-feet on center. There will be no white lattice, but there will be white framework and white posts as shown in A-8.

Should the Board vote favorably on this application, Attorney Vella read the conditions of approval including but not limited to: the fence shall be almond with white trim, and no lattice, as in Exhibit A-8, Leland Cypress shall be planted 10-feet on center and 5-feet from the fence and no fence would be constructed in the site triangle easement, the final survey of the property will reflect the location of the fence and confirming the variance depth and location of the trees with no grading. If there is going to be grading, then the applicant's survey must show where the wetlands are located.

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

NEW APPLICATION:

Z15-07 MESHKI, DESIREE AND MICHAEL - Block 14, Lot 15. Located at 840 Perrineville Road consisting of 0.526 acres in the R-130 Zoning District. Applicant seeks to install an in-ground swimming pool in the backyard where 15 feet are required for side yard setback and 3 feet can be provided; and the rear yard setback where 20 is required and 5 feet can be provided. Deemed Complete 9-14-15. Date of Action 1-12- Attorney Vella advised that he has read the noticing packet and finds same in order for the Board to have jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

- A-1 Jurisdictional packet
- A-2 Application dated 8-13-15
- A-3 Web Notice
- A-4 Applicant's Offer to Abutting Property Owners
- A-5 Aerial of Property
- A-6 Survey of Property prepared by Harris Surveying dated 8-13-15

Attorney Vella swore in the applicant Desiree Meshki

Ms. Meshki explained that a variance is required in order for her to build an in ground swimming pool. She explained that her residence is setback 150 feet from Perrineville Road. She explained that she has a huge front yard but has no back yard. The zone requires a side yard setback of 15 feet and she can only provide 3 feet and a rear yard setback requirement of 20 feet and she can only provide 5 feet.

Ms. Meshki is an undersized lot in the R-130 Zoning district but per Ordinance, due to the size of the property, her setbacks would be those of the R-80 zoning district.

She explained that she has an existing fence that is located on the property line. She offered that she would install a fence on the other side with a locked gate. The pool would be surrounded by pavers to the property line.

Ms. Meshki explained the surrounding properties. The neighbor's property to the north consists of 9 acres. Behind her property, there are woods and her neighbor's property wraps around hers. The south side has a steep slope.

She discussed that due to property constraints, the only area to place the pool is where she is proposing.

Planner Heyer explained that she has an undersized lot for the zone, her home is pushed back and there is an interesting topography on the lot.

Ms. Meshki advised that the septic tank is directly in front of the home.

Mr. Ferro asked about the existing fence on the Ashcroft property. Ms. Meshki advised that the fence is 6-feet high and goes from 6-feet to 4-feet where the pool ends.

Attorney Vella advised that the building department dictates the fencing requirements regarding the fence around the pool area.

At 8:48 p.m., Chairman Novellino opened the application to the public. Seeing no public comment, he closed that portion at 8:48 p.m.

The Board discussed the application. Chairman Novellino felt that this is the only spot where the pool could be located. He offered that Mr. Heyer's assessment makes sense that it is an unusually shaped lot and the location of the home causes a hardship for the applicant. He felt there was justification in granting the variance. The Board concurred with the assessment

There is a tree line of screening from the neighbor as well. Two variances are needed for rear yard setback and side yard setback. The Board saw no impact on the zone plan and saw nothing negative in granting the two variances.

Mr. Frost made a Motion to approve the application and Mr. Barthelmes offered a Second. Roll Call Vote: Frost, Barthelmes, Lambros, Bailey, Conoscenti, Mostyn and Novellino votes yes to approve the application.

At 8:55 p.m., the Board took a 5-minute break returning at 9:00 p.m.

NEW APPLICATION:

Z15-06 SZUCS, CHRISTOPHER - Block 9, Lot 9.15. Property located at 1061 Windsor Road consisting of 12.88 acres in the RU-P Zoning district. Applicant seeks variance approval for constructed accessory structure for height where 16 feet is maximum allowable height, 21.6 feet is requested; for minimum separation of accessory structure where 10 feet is required, 4 feet is proposed. Variance needed for Ord. Section 4-9.11 detached garage in the side yard or rear yard visible from the public street shall be architecturally consistent to the principal residence. Application deemed complete on 8-25-15. Date of Action:12-23-15. Noticing required.

Attorney Vella advised that he has read the noticing packet and finds same in order to have jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

A-1	Jurisdictional packet
-----	-----------------------

A-2	Application dated 7-13-15
A-3	Web Notice
A-4	Aerial of Property
A-5	Statement of Environmental Impact prepared by Ronald J. Sadowski dated 7-6-15
A-6	Survey of Property prepared by Daniel Hundley, P.L.S. Dated 6-11-15
A-7	Variance Plan prepared by Ronald J. Sadowski, P.E. dated 9-4-15
A-8	Floor Plan and Elevations prepared by Kurt J. Ludwig, AIA dated 4-20-15
A-9	2 Photos of Property
A-10	Monmouth County Planning Board letter of exemption dated 7-20-15
BOA-1	Engineer Report dated 8-25-2015
BOA-2	Planner Report dated 9-23-15

Peter Lanfrit is counsel representing Mr. Szucs.

He advised that the applicant is seeking bulk variance approval for a structure that was constructed without obtaining the appropriate permits. Variances are required for the height of structure, architectural features of the structure, and the closeness to the other accessory structure.

Attorney Vella swore in the applicant, Christopher Szucs.

Mr. Szucs advised that he purchased the property in 2007 at which time the home and pole barn were on the property. He stated that the prior owner had a landscaping business there and the trailer to the rear of pole barn was used to store landscaping equipment.

The applicant advised that he had the wetlands delineated. The trailer was located in the wetland buffer area and he moved that out of that area. The two trailers are roll-off trailers. Mr. Szucs advised that he had painted the trailers.

Mr. Szucs advised that he has an 18 ft. x 40 ft. motor home and stores it in the new pole barn. He advised that the Kistler Pole Barn Company built the pole barn.

Mr. Szucs stated that the Township Construction Official, Mickey Martin, advised him that permits were required to construct the pole barn. Mr. Szucs was also advised that the building does not meet the height requirement. He stated that Kistler did not advise him of this. Mr. Szucs stated that he did not know there was an ordinance for separation between buildings.

Mr. Szucs stated that he went thru zoning review and that is why he is before the Board this evening.

He reported that he has electric in the building but no water or gas. The building does not have footings.

The other building was built prior to his purchasing the home in 2007.

Planner Heyer explained that the combined area of all of the accessories buildings must meet the ordinance.

Two storage containers are located within side yard setback. The Board wanted to know what the containers are used for.

Mr. Szucs advised that the larger pole barn has a small office in the back. He has a business. He stores a car and gator in that building, along with his snowplow. Mr. Szucs is a commercial contractor. He has his business gear stored in the roll-off trailers. The new barn is used to store the 36-ft. motor home. The pole barn is 40-feet in width. There are two buildings around the pool. One is used for changing clothes for swimming.

Storage containers are permitted. Planner Heyer advised that they are considered a shed without a foundation.

Engineer Shafai asked if Mr. Szucs had any employees working on the property and he stated that he did not.

Board Attorney Vella swore in Mr. Ronald J. Sadowsky, applicant's engineer who presented his credentials. He is a licensed professional engineer graduating from the New Jersey Institute of Technology in 1988. He received his P.E. and has been practicing as such since 1994. The Board accepts him as an expert

Mr. Sadowsky provided a brief history of the application. He stated that the Township Subcode Official drove past the applicant's house and asked if he had a permit for the structure. Per the Subcode Official's request, the applicant applied for the necessary

permits and was denied by the Zoning Officer, who advised him that he must apply to the Board of Adjustment for variance approval.

Entered into Evidence, Exhibit A-11, Color rendering of the Proposed Site Plan

Mr. Sadowsky advised that the separation between the original garage and garage housing motor home is 4-feet. There is a steep slope in between the second garage and the storage containers. He discussed the lot buildable area is 1.67 acres. The front of the property is landscaped

Variations were discussed. There is a variance needed for the building height, a variance is needed for separation and a variance is needed for the architectural standard due to the proximity to the street.

The storage containers are 36 to 38 feet by 10 to 12 feet. They are shipping containers. The applicant was advised that if they are removed they become a non-issue.

The variance for separation is calculated by the distance from wall to wall, not the overhang and the wall to wall separation is four feet.

Code Enforcement will establish whether the trailers are permitted or not permitted.

There was discussion regarding the home occupation. There is a home occupation must take place in the home only not in an outbuilding.

Calculation of the floor areas and the accessory buildings is needed. Mr. Sadowsky will calculate and provide to the Board Engineer.

The applicant advised that the storage containers are integral to his business. Lighting was discussed and the exterior lighting on the property is on the front and in the back.

The Board had requested to see color photos of the accessory buildings. The further requested updated color photos from the road and close up as well.

Chairman Novellino opened up the application to the public at 9:44 p.m. and seeing no public comment, closed that portion at that time.

Attorney Vella made an announcement that the application will be carried to the January 27, 2015 meeting beginning at 7:30 p.m. in this courtroom and no further noticing will be required at this time. The applicant provided an extension of time through to January 31, 2016.

Seeing no further business, Chairman Novellino asked for a Motion to Adjourn. Mr. Mostyn made the Motion and Chairman Novellino offered a Second and by unanimous vote the meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Pamela D'Andrea