MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 24, 2016

Meeting called to Order by Chairman Novellino at 7:31 p.m.

Reading of Adequate Notice by Vice-Chairman Barthelmes.

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

Attorney Greg Vella swore in Board Member Patrick Mostyn for his new term as a board member.

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

APPROVAL OF MINUTES: January 27, 2016 tabled to March 23, 2016.

RESOLUTION:
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 sought and received 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 garages in the side yard or rear yard visible from the public street shall be architecturally consistent to the principal residence.

The Board members read the Resolution and found same in order. Vice-Chairman Barthelmes made a Motion to memorialize and Mr. Ferro offered a Second. Roll Call Vote as follows: Barthelmes, Ferro, Morelli, Bailey and Novellino voted yes to memorialize the Resolution.

NEW APPLICATIONS:
Z16-01 PACE, VINCENZO, ANNA & EDUARDO - Block 54.03, Lot 3. Located at 43 Yellow Meeting House Road consisting of 1.16 acres in the R-80 Zoning District. Applicants seek to construct a 2,462 square foot addition to rear of the existing home with wheel accessibility. Variance needed for front yard setback where minimum setback is 50 ft. and applicant can only provide 31ft. Deemed Complete:1-11-16 Date of Action: 5-6-16. Noticing required.

Attorney Vella has reviewed the jurisdictional packet and finding same in order, accepts jurisdiction over the application.

Attorney Vella marked and read the following exhibits into the record:

A-1	Jurisdictional packet
A-2	Application dated 1-6-16
A-3	Web Notice posted 2-3-16
A-4	Aerial
A-5	Survey of property prepared by Leo A. Kalieta & Co. dated 3-27-12; last rev. 12-29-15
A-6	Architecturals consisting of 12 pages prepared by Smith Architecture dated 7-6-15
BOA-1	Planner's Report dated 2-10-16

Mr. Christopher Lynch from Alternatives to Barriers was sworn in. He explained that he provides accommodations to alternative access to homes. Mr. Lynch explained that he been hired by Travelers Insurance to provide this accommodation as a result of a 1990 automobile accident that Mr. Eduardo Pace suffering an injury which resulted in RSD, Reflex Sympathetic Dystrophy, which affects the nervous system and causes enormous pain. Mr. Lynch advised that Mr. Pace's left arm is heavily affected as a result.

Mr. Lynch advised the Board that they had applied for building permits, which brought them to the Board. Mr. Lynch's firm designs an environment that accommodates Mr. Pace's needs.

The project requires a setback variance for the existing residence which is to be expanded to provide alternative access.

There will not be any additional exterior lighting, only what is required by Code. The addition will match the existing structure completely. A second full bath and laundry room will be added. A small laundry room will be relocated to rear of house.

Mr. Lynch advised that there is no potential septic problem because you the number of residents and bedrooms has not changed.

Engineer Matt Shafai advised that Monmouth County Planning Board is not involved because the number of bedrooms has not changed.

Mr. Lynch advised that there are no ADA requirements for a residential home. He advised that Mr. Pace was not in attendance this evening due to a stomach virus and could not make it.

Chairman Novellino opened up the application to the public at 7:50 p.m. Seeing no public comment, he closed the application to the public at 7:50 p.m.

Chairman Novellino advised that he drove by the house and stated that it was very close to the road.

The home is a legal pre-existing home. The backyard is situated close to Highway 195. The Board and its professionals felt that it would not be practical to move the house to the back of the property to reduce or eliminate the setback variance. The Board was in favor of approving the variance as it would improve the appearance by making the home more conforming to the type of house that is found in Millstone..

A Condition of approval will be that the addition will match the existing home.

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

CARRIED APPLICATION:
Z15-10 LENZO, JAMES AND JOHN - -Block 17, Lot 8.04, 8.05 located in the HC Zone and part of Lot 10 located in the PCD Zone. Located at State Highway 33 consisting of 12.28+/- acres. Proposed use of property is for the sales and servicing of recreational vehicles. Applicant seeks a D-1 variance to permit outdoor display of recreational vehicles. Application deemed complete on 11-19-15. Date of Action 3-18-16. Application heard in part 1-27-16. No further noticing required.

Attorney Kenneth Pape on behalf of applicants John and James Lenzo.

This is a continuation of the application presented in part to the Board of Adjustment at their February 24, 2016 meeting. Mr. Pape provided a brief synopsis of the project.

The Board had a question as to what the applicants do with sanitary waste. Mr. Pape advised that if someone neglected to pump out the waste prior to arriving for service, =it would be pumped into a registered tank and removed by a licensed hauler. The applicants advised that this is not a normal practice but they have this system in place.

The facility garage has a floor drain, which goes to a holding tank. This is inspected annually and the permit is renewed annually. The applicants must file a manifesto of all

hazardous materials on site. The applicant advised that they have never had any of those types of materials on site.

Attorney Vella swore in Jay Troutman, traffic engineer and principal at McDonough and Rae. Mr. Troutman provided his credentials. He is a licensed engineer in New Jersey specializing in traffic.

The Board accepts Mr. Troutman as an expert..

Mr. Troutman expressed that his focus was on the onsite circulation and adequacy of parking and comparison of the intensity of this use to the intensity of the previously approved project.

Referring to Exhibit A-14, Color Rendering of the Site Plan, Mr. Troutman described the parking saying that it was ideally designed for this use with generous driveway off Route 33 with generous two-way isles and parking areas.

The applicants had testified that they have 40 visitors per day and this site provides 80 parking spaces. Mr. Troutman stated that this project has 75 percent reduction of trips as opposed to the already approved project. He stated that this project brings visitor traffic down because the bulk of the business is conducted over the internet.

Board Engineer Matt Shafai asked if the prior project NJDOT permit is still good or has it expired. Mr. Pape advised that they have to submit this plan to the NJDOT, which they will do.

Attorney Vella swore in Allison Coffin, Licensed Planner. Ms. Coffin has appeared before the Board in the past and she is accepted as a professional planner.

She advised the Board that she has been involved in this application from the ground level and she explained her investigation included reviewing the plans, zoning ordinance, master plan and visiting the site.

Mr. Coffin took the Board through her analysis. The applicant wishes to construct a building for the sales and service of RVs. She explained the zone is split with Lots 8.04 and 8.05 located in the Highway Commercial Zone and the farmed Lot, Lot 10, is located in the PCD Zone.

Ms. Coffin stated that recreational vehicles are not permitted in any zone so they require a D1 variance approval for the use. Lot 10 may need variance approval since it does not meet the zone requirements. She stated that the height of the proposed building would require a variance due to create a desirable look. Ms. Coffin stated that this site is particularly suited for the project offering that it was a unique opportunity on Route 33

with easy access. Ms. Coffin offered that the project is not a high intensity use and the property is constrained due to having septic and well. The proposed building architecture helps preserve the unique rural character of the township.

Mr. Coffin explained that the vehicles sold are luxury items and more specialty items and she explained why the site is suited for this use, which does not belong on a commercial or residential road. This location has easy access to the NJ turnpike.

The site is desirable aesthetically. The applicants do not want their inventory visible to the road and it can be hidden. She stated that the site is rare and ideally suited in every way for the proposed use.

Mr. Coffin stated that there would be no detriment to the Public. The project is a relatively low traffic generator with not a large amount of noise. The environmental concerns were addressed and Ms. Coffin stated that this project does not generate a significant amount of pollution.

Stormwater Management was briefly discussed. Mr. Pape stated that the stormwater management provides improved public safety through its fire fighting components. The site was designed to have a positive visual impact. The landscape and architectural plan are of high quality.

Board Planner Heyer feels that Planner Coffin did an excellent job in her presentation and he concurs with her conclusions. He sees no detriments in the Board approving the application. Planner Heyer stated that if this was a request for a car lot, which would be a different story. A car lot has higher traffic intensity and has a tendency to attract other auto shops that create a domino effect. Planner Heyer stated that this type of dealership does not.

The Board discussed that the Resolution should be clear on stating that this approval is not for a car dealership but an RV dealership.

Mr. Pape offered that their goal to work with the Shade Tree Commission and off the Board's professionals. They just ask that no fruit trees be considered because they attract birds.

Mr. Lenzo still sworn in advised that main RV products are Airstream but they do sell Winnebago's as a secondary product. They do not perform bodywork. They also do not perform Engine work. They only repair the Airstream portion of the RV. Mercedes repairs the engines.

Mr. Lenzo stated that when a new Airstream comes into their lot, the liquid propane tanks remain empty and they will go to a facility where they fill them and bring them back. They do not have an LP fueling station.

They have 30 employees consisting of 7 mechanics and his brother and him. There are 3 sales persons, 2 clerical persons and 2 lot men. Parts and sales are conducted over the internet and are shipped via UPS.

Chairman Novellino opened the application to the public at 8:27 p.m. Seeing no public comment, he closed the application to the public at the same time.

Mr. Pape offered a small summarization of the project.

Chairman Novellino offered that the site is well suited for this type of use noting that the less traffic is better.

Mr. Ferro asked Mr. Troutman how patrons coming from the turnpike go back and Mr. Troutman explained the traffic flow.

Attorney Vella stated that if the Board should vote positively on the application, conditions of approval are as follows including but not limited to: this approval is solely for the approval of the use variance approval, the applicant will return to the Board for full site plan approval and variance for the height of the building, the approval is conditioned on the specialized use of RV sale new and used RVs, no RV rentals, no body work will be performed on site, no engine repair will be performed on site, other sues on the site such as car dealerships or other automotive sales are not particularly suited for this site, removal of oil will met the NJDEP requirements that will be discussed at the site plan application, no repairs are to be performed outside.

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

Z15-09 MERKIN, MICHAEL AND BARBARA - Block 37.01, Lot 1.02. Located at 43 Bittner Road consisting of 1.64 acres in the R-80 Zoning district. Applicant received approval from the Construction Department to construct a 3- car attached garage addition. Applicant did not attach the garage to principal building, creating three variances for accessory structure in front yard setback, minimum separation from accessory structure to principal building 10 foot variance needed, accessory height 21.5 feet where 16 foot is maximum. Deemed complete 11-12-15. Date of Action: 3-11-16. Noticing required.

Attorney Vella has reviewed the jurisdictional packet and finding same in order, accepts jurisdiction over the application.

Attorney Vella marked and read the following exhibits into the record:

A-1	Jurisdictional packet
A-2	Application dated 9-16-15
A-3	Web Notice posted
A-4	Aerial
A-5	Survey of property prepared by Harris Surveying dated 7-3-13
A-6	Architecturals prepared by Perez & Radosti Assoc. dated 11-18-13; last rev. 8-26-15
A-7	Ten (10) Photos of the subject property hand out
A-8	Architectural for Original Design consisting of three (3) sheets, prepared by Perez & Radosti Assoc.
BOA-1	Engineer's Report dated 10- 9-15

Attorney Mr. James Mitchell representing the applicant.

He explained that the applicant is seeking a variance with respect to a three-car garage that has been constructed on the property. Mr. Mitchell advised that the resident did pull permits and had inspections scheduled. After the work on garage is substantially completed, it was discovered that the house that is 5 feet away. He explained that the applicant and architect worked to try to attach the garage to the principal building. Mr. Mitchell advised that the original plan was to have a wall less breezeway connect the two.

The current application is for a brick wall that ties the buildings together with a wrought iron arched gate. Mr. Mitchell explained why the applicant is before the Board.

Board Attorney Vella stated the reality is whether the buildings are really attached or is it a faux connection. The township Ordinance does not provide a definition for attached.

Mr. Mitchell offered that the applicant's contractor did not use the proper elevation. This resulted in the need for the request for three variances.

The Board discussed that a detached building wall does not qualify as an attached structure.

Planner Heyer stated that at the very least, attached building must contain everything under one roof. This is currently a detached garage on a corner lot with two front yards. The building height requires a variance if it remains detached. The building is also situated too close to the principal building requiring the need for additional variance relief.

Attorney Vella swore in the applicant, Michael Merkin. Mr. Merkin was born and raised on that property. He stated that it was the first development that went up in Millstone Township.

Entered into evidence is Exhibit A-7, a hand out with 7 pictures of property.

Mr. Merkin stated that he was a car collector and the building was not to be used for commercial use. All of his vehicles are registered and insured and he wanted them to be located next to his home. Mr. Merkin advised the Board that the architect designed the garage to match the existing house. Mr. Merkin stated that the problem arose when the contractor walked off job at very end of the project and another contractor advised Mr. Merkin that his elevation was off. Mr. Merkin stated that he then went back to his architect seeking a logical solution. That is why he is before the Board tonight.

Mr. Merkin explained the great lengths that he went through to match the brick, the roof, soffits and gutters. He stated that he used top quality products to match the house wall to tie in same exact brick. He stated that he wanted the same bricklayer that worked on the house to do the job. Mr. Merkin advised that it was very important so that it matched so it did not look like new structure.

Mr. Merkin explained the problem. The roofline does not line up as far as elevation. He started this project over one-year ago. The building structure was completed last year. The roof tie in was the problem. If this building was part of the principal structure, it would meet all of the setback requirements of the zone.

Attorney Vella swore in Architect Stephen Radosti who is known to the Board and accepted as an expert witness.

Mr. Radosti advised that the original design in Exhibit A-8, Architecturals. The exhibit consists of three sheets.

Mr. Radosti stated that the original plan was to build the proposed addition attached to the house with a breezeway. The error was discovered when the garage was 100 percent completed.

Planner Heyer asked why the project could not be finished per the plans. Mr. Rodasti went through several versions of alternative plans and the Township or the owner rejected those plans. They are looking for a wall and roof connecting the two together.

The Board discussed the matter. Chairman Novellino advised that he drove by the property and found that the garage facade matches the house. The board advised the applicant that connecting the garage to the existing house with an enclosed corridor would eliminate the need for variances.

At 9:15 p.m., the Board took a break returning at 9:20 p.m.

Attorney Vella announced that the Board has carried the application to the March 23, 2016 meeting without the need for further noticing. The applicant provided an extension of time through March 31, 2016.

Z15-11 SBRIGATO, JOHN - Block 62.02, Lot 41. Located at 9 Wetherill consisting of 1.88 acres in the R-130 Zoning District. Applicant installed a paved driveway. Applicant seeking a variance for lot coverage where 20% is permitted, applicant has lot coverage of 35.5%. Deemed Complete: 10-29-15. Date of Action: 2-26-15. Noticing required.

Attorney Vella has reviewed the jurisdictional packet and finding same in order, accepts jurisdiction over the application.

Attorney Vella marked and read the following exhibits into the record:

A-1	Jurisdictional packet
A-2	Application dated 10-1-15
A-3	Web Notice posted
A-4	Aerial
A-5	Survey of property prepared by James T. Sapio dated 9-22-2015
BOA-1	Engineer's Report dated 10-26-15

Michael Geller of Sive and Geller Engineers is assisting the applicant this evening. Mr. Geller is both a P.E. and a P.P. and is known to the Board and they accept him as an expert.

Entered into evidence are the following Exhibits:

A-6	Photo Exhibit of property
A-7	Survey of property with paved areas highlighted

Mr. Sbrigato advised that he had moved to Millstone Township in 2013. He is a car enthusiast and collector and not in the business. Mr. Sbrigato explained that he had applied for building permits to build a detached garage to store his vehicles. After receiving the permits, he contracted someone to build driveways to circulate vehicle traffic through the property. The contractors were the ones who installed his blacktop. Mr. Sbrigato advised that at the time the work was done, he was not aware that he needed a permit. Three contractors advised him that permits were not needed.

Mr. Sbrigato explained the plan of his property to the Board. Mr. Geller was retained to help Mr. Sbrigato with the applications after the fact. Mr. Sbrigato applied for permits to construct a second garage.

Mr. Geller stated that the property was developed in 1992 in the Stillhouse Meadows Subdivision known as Block 52.02, Lot 41, 9 Wetherall Drive. Mr. Geller is testifying this evening as both a Professional Engineer, but mostly as a Professional Planner. The property was originally zoned in the R-80 zoning district that is why the property is less than 2 acres. He stated that it was up-zoned to the R-130 zoning district. Mr. Geller stated that that the maximum building coverage 10% and the maximum lot coverage is 20%.

Mr. Geller went over the photo exhibits.

Referring to A-7, he shows the time line when the accessory structure and driveways were constructed. There is an encroachment issue onto the neighbor's property, which Mr. Geller will address. After Mr. Sbrigato built the garage in 2013, he then paved the area without securing permits.

Mr. Geller went over the coverages. When the home was purchased in 2013, the coverage was at 12.8%. Mr. Geller provided the chronology of building and lot coverage. The driveways to the garage and the driveway to the rear throw the impervious coverage to 35.5% where 20% is the maximum permitted.

The Board asked why pavement behind the garage. The applicant advised that he also stores some of his vehicles there. The Board had a concern with runoff due to the excess pavement.

The applicant explained how the 28-foot car trailer maneuvers and circulates the property.

Mr. Geller reported that there did not seem to be any drainage issues because of the impervious coverage. He stated that there is no detriment to the neighborhood and he does not believe granting the variances will affect the zone plan negatively. Mr. Geller

felt that it was appropriate to offer approval of the currently paved driveways and mitigate run off conditions by incorporating rain gardens and he explained.

Mr. Geller stated that the encroachment was a result of bad advice and poor construction done without the benefit proper stakeout.

Chairman Novellino advised that he did visit the property. The Board asked where the applicant parks his vehicles. He advised that he uses the right side to park. Options were discussed.

The Board advised that they want to minimize the variance, which means removing some of the pavement. The board recommended removing as much pavement as possible while enabling the applicant to store his trailer in his back yard. This would bring him as close as possible to 20% coverage and minimize visual impacts. Planner Heyer stated that this makes more sense and suggested to remove the driveway that is encroaching on the neighbor's property.

Attorney Vella announced that the Board carried the application to the March 23, 2016 Board Meeting without the need for further noticing. The applicant provided an extension of time to March 31, 2016.

NEW BUSINESS: 2015 Annual Report

The Board has reviewed the Annual Report and finds same in order. Vice-Chairman Barthelmes made a Motion to adopt the 2015 Annual Report and Second was offered by Mr. Morelli. Roll call Vote: Barthelmes, Morelli, Bailey, Mostyn, Ferro and Novellino voted yes to adopt the Annual report and forward a copy onto the Township Committee and The Planning Board Chairman.

Seeing no further business, Mr. Barthelmes made a Motion to adjourn with a Second offered by Mr. Mostyn and by unanimous vote, the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Pamela D'Andrea