

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 22, 2017**

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.

Roll Call: Present - Barthelmes, Mostyn, Morelli, Lambros, Frost, Ferro, Ferrara,
and Novellino

Absent - Conoscenti

Chairman Novellino read the dates into the record.

APPROVAL OF MEETING MINUTES: January 25, 2017

The Meeting Minutes have been tabled to the March 22, 2017 Meeting.

RESOLUTION:

Z16-5-10 LENZO FAMILY, LLC- 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. Applicant proposed a Minor Subdivision/Lot Consolidation to add a 6-acre portion of Lot 10 to create new Lot 8.06. Applicant amended its application and sought Preliminary Major Site Plan approval to construct a 50,466 s.f one-story building and develop the site with a recreational vehicle dealership for sales, service and display of RV's.

The Board discussed that they had granted a waiver for the foot-candles of 1.8 where 1.5 is permitted in the front of the property. The Board discussed that they further granted a partial waiver only during working hours and that the applicant is to come back for Final Major Site Plan approval after meeting with the State Police.

The Board having reviewed the Resolution entertained a Motion to memorialize same. Mr. Morelli made a Motion to memorialize and Mr. Mostyn offered a Second. Roll Call Vote: Morelli, Mostyn, Lambros, Ferro, Ferrara and Novellino votes yes to memorialize.

Z17-01 RACHMIEL, ROBERT - Block 36.01, Lot 3, Located at 6 Quail Hill Road consisting of 2.66 acres in the R-80 Zoning District. The Applicant seeks to construct a 2-story, single family dwelling. Applicant seeks variance relief from Section 4-4.7 of the Ordinance, unable to meet lot area requirements and Section 11-24.3, disturbance of

steep slopes. Application Deemed Complete 2-1-17. Date of Action 5-2-17. Noticing Required.

Attorney Vella having read the jurisdictional packet, found same in order to accept jurisdiction over the application. Attorney Vella read the following evidence into the record:

- A-1 Jurisdictional packet
- A-2 Application dated 1-16-17
- A-3 Web Notice
- A-4 Aerial
- A-5 Boundary and topographic survey prepared by Crest Engineering dated 6-29-07
- A-6 500 FT. Radius Map Prepared by Crest Engineering dated 1-16-17
- A-7 Variance Sketch prepared by Crest engineering dated 1-16-17
- BOA-1 Report of Board Engineer dated 2-3-17
- BOA-2 Report of Board Planner dated 1-24-17

Attorney Vella swore in the applicant, Robert Rachmiel, he is the contractor purchaser of the property. He advised that he is seeking a variance for the steep slopes. Previously approved in 2007.

Mr. Rachmiel explained that he has moved the house forward. The house is a ranch with a loft. The house is a 1,900 s.f., two-story house. Engineer Shafai advised that the applicant's proposed square footage is the 4,000 s.f. which was the maximum allowed in the 2007 application. Matt advised that this house would be smaller than the one in 2007. This garage is built into the basement. The basement is unfinished with a two-car garage. The three bedroom house is a ranch with a loft storage space occupying 623 s.f.

Chairman Novellino asked the applicant to consider the recommendation of the Board Planner and place the steep slope area into a conservation easement.

Mr. Rachmiel explained that the proposed location of the home would be appealing from the street.

Engineer Shafai offered that in 2007, they looked at the homes in the area to come up with the original 4000 s.f. Matt advised that any other improvements would require that the applicant come back to the Board. Engineer Shafai stated that a party could not touch steep slopes with any construction materials. Engineer Shafai asked the Board if they would locate an area on the property for location of future accessory structures so that the applicant would not have to return to the Board.

Board Planner Heyer advised that once the applicant re-grades, the slope would be disturbed. The Board wanted to make sure that the neighbors would not be affected. Engineer Shafai advised that there would be dry wells installed. He stated that presently the slope angle is 18% to 20%.

Mr. Rachmiel advised that he would stay away from the major slopes, which are located on the left side of the property. His proposed driveway location will be on the right-hand side. Mr. Rachmiel explained to the Board that he moved the location of the home so that it is not aligned with the neighbors' homes.

Board Engineer Shafai advised that the first ten (10) feet of the driveway has to be paved, the rest can be gravel.

Attorney Vella has no problem with the applicant showing a picture of the proposed home but he must provide a picture to the Board via email.

The Board discussed the hardship variance that resulted from the environmental constraints of the steep slope; the 200-foot circle was not able to fit on the property. The house was set further back with the first approval in 2007 but due to the placement of this home, there is less disturbance of the trees.

Planner Heyer explained on the plan the location of the areas that should not be disturbed. His recommendation was to place these areas in conservation easements. Board Engineer Shafai explained where the easement should be located on the front and in the back. The Applicant's engineer will have to work up the conservation easement description.

For the driveway, Board Engineer Shafai advised the ordinance allows for 12-feet but due to the steep slope, he offered the maximum should be 14-feet.

No accessory structures are approved. If the applicant places accessory structures on the property it should not be in the steep slope area.

The Board professionals discussed that this lot today would not be created by design. This lot pre-empted the steep slope ordinance.

The applicant is required to monument the conservation easement per ordinance. Mr. Ferro asked about the septic. Planner Heyer and Engineer Shafai offered that the proposed location is shown on the plan and will be on the flat area. Engineer Shafai stated that the applicant must put a 900-gallon dry well for the roof drain.

Chairman Novellino opened the application to the public at 8:15 p.m.

Attorney Vella Swore in Christopher Kau, 8 Quail Hill Road. Mr. Kau explained that he resides to the right of this property. He voiced his concerns that his well is on the same side as the proposed septic. Board Engineer Shafai stated that the Monmouth County Board of Health requires a 100-foot separation between the septic and the well location. This is governed by the Board of Health. Engineer Shafai feels that the location of the septic is at least 150-feet away from Mr. Kau's well. He also advised that the Board of Health looks at the adjoining well locations.

Mr. Kau's well is at 250 feet away.

Seeing no other public comment, Chairman Novellino closed the public portion at 8:20 p.m.

Attorney Vella explained that if the Board denied the application, it would be inverse condemnation. He explained that the lot is a perfected lot with environmental constraints. If the Board does not grant the variances, you cannot build a house on the lot. Attorney Vella explained that the property owner has been paying taxes on a lot that he cannot build a house on. Attorney Vella explained the process. Should the Board grant approval, then those conditions of inverse condemnation go away.

Attorney Vella read the conditions of approval should the Board vote positively on the application, including but not limited to: applicant shall submit architectural plans to the Board Engineer, the plans shall be consistent with what the applicant represented to the Board, the conservation easement is subject to approval by the Board Engineer, the driveway shall be no greater than 14-feet wide, all utilities shall be located underground, the Board granted a waiver from the applicant's non-submission of an Environmental Impact Statement (EIS), Engineer Shafai advised that the property does not have any environmental issues other than the steep slope, etc.

Chairman Novellino asked for a Motion on the application. Mr. Mostyn made a Motion to approve the application as conditioned and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Mostyn, Barthelmes, Frost, Morelli, Lambros, Ferro and Novellino voted yes to approve.

NEW BUSINESS: Members are to have their pictures taken for their photo IDs. Mr. Ferrara has passed his mandatory class with a 100% grade and is congratulated.

At 8:30 p.m., Attorney Vella asked for a Motion and a Second to enter into an Executive Session to discuss pending litigation, which is exempt from the Open Public Meetings Act which minutes will be available to the public upon the conclusion of the litigation.

At 9:00 p.m., the Board returned to the Open Public Meeting.

Seeing no further business, Chairman Novellino asked for a Motion to Adjourn. Mr. Frost made the Motion to adjourn and Mr. Morelli offered a Second and by unanimous vote, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Pamela D'Andrea