

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 24, 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, Ferrara, Ferro, Frost,
and Novellino

Absent - Conoscenti and Lambros

APPROVAL OF MEETING MINUTES: April 26, 2017

The Board having reviewed the Meeting Minutes, Chairman Novellino asked for a Motion and a Second. Mr. Morelli made a Motion to approve the Minutes and Mr. Ferro offered a Second. Roll Call Vote: Morelli, Ferro, Mostyn, Frost, and Novellino voted yes to approve.

RESOLUTIONS:

Z17-02 DENGLER, MARK - Block 48, Lot 5 Located at 6 Clayton Drive consisting of 1,87 acres in the R-80 Zoning District. Applicant's property is a corner lot with a thru street to the rear of the property. Applicant sought and received variance relief to install a six (6) foot fence along the Reynolds Drive portion of the property.

The Board having reviewed the Resolution, Mr. Mostyn Made a Motion to memorialize the Resolution and Mr. Frost offered a Second. Roll Call Vote: Mostyn, Frost, Barthelmes, Morelli and Novellino voted yes to memorialize the Resolution.

Z17-04 MASHKEVICH - Block 48, Lot 14.17. Located at 3 Steward Court consisting of 2.01 Acres in the R-80 Zoning District. Applicant sought variance relief to construct a 1,500 s.f. accessory building where 900 s.f. is permitted in the zone. Applicant granted variance to construct 1,200 s.f. building with conditions.

The Board having reviewed the Resolution, Mr. Mostyn Made a Motion to memorialize the Resolution and Mr. Morelli offered a Second. Roll Call Vote: Mostyn, Morelli, Frost, Barthelmes and Novellino voted yes to memorialize the Resolution.

Z17-05 MERKEL, DANIEL - Block 59, Lots 1 & 2. Located at 4 and 8 Burnt Tavern Road consisting of 131,700 s.f. in the BP Zoning District. Applicant sought a Checklist Completeness Submission Waiver for the Delineation of the Wetlands on the property.

Ultimately, applicant will seek Use Variance Approval to merge lots 1 and 2 to construct an attached 2-story addition consisting of a garage with game room on the second floor. Applicant

did provide the item and the waiver request was withdrawn and the application is deemed complete.

The Board having reviewed the Resolution, Vice-Chairman Barthelmes Made a Motion to memorialize the Resolution and Mr. Mostyn offered a Second. Roll Call Vote: Barthelmes, Mostyn, Morelli, Frost and Novellino voted yes to memorialize the Resolution.

CARRIED APPLICATION:

Z17-03 CENTRAL JERSEY STORAGE, LLC. - Block 56, Lots 5, 6, 7 & 8.01 Located on Route 537 consisting of 22.73 acres in the HC-1 (Highway Commercial 1) Zoning District. Applicant seeks Use Variance, Bulk Variance, and Preliminary Major Site Plan approval to construct a six (6) separate buildings for public storage consisting of a total of 72,844 s.f.

Chairman Novellino The application has been heard in part on March 22, 2017 and carried over to this evening without any need for further noticing.

Attorney Vella read the following additional exhibits into the record:

- A-22 Web Notice
- A-23 Preliminary and Final Major Site Plan prepared by Maser Consulting, P.A. dated 1-6-17; last rev. 4-5-17
- A-24 Architecturals Prepared by Perez & Radosti dated 5-1-17 with report
- A-25 Stormwater Management Report prepared by Maser Consulting, P.A. dated 1-6-17, Last. Rev. 4-5-17
- A-26 Stormwater Management Operations and Maintenance Manual prepared by Maser Consulting, P.A. dated 4-5-17
- A-27 Application to NJDEP for an LOI for General Permit #11 prepared by Maser Consulting, P.A. dated 5-4-17
- A-28 Mounted Colored Revised Elevation plan

Chairman Novellino explains to the audience how the meeting runs.

Vice-Chairman Barthelmes has watched the video, reviewed the evidence and is certified as eligible to hear and vote on this application.

Attorney Kenneth Pape representing the applicant this evening.

Mr. James Higgins, the applicant's planner will testify this evening.

Mr. Pape advised that the building and fencing was redesigned in answer to the comments made at the last meeting by both the Board and the public.

The building is now 26 feet in height. They had removed and lower lighting fixtures to minimize any spillage on the site.

He recalled Engineer Gallagher to present the revisions made to the plan.

Attorney Vella advised Mr. Gallagher that he is still sworn in and his testimony is under oath.

Mr. Gallagher referred to sheet 4 of Exhibits A-23 and A-13 as he explained the changes that were made to the site plan since the last meeting. He advised that Building 6 was reduced from 2 stories to 1 story. A total reduction of 10,800 s.f.

Mr. Gallagher stated that they rotated a portion of the building 90 degrees making an "L" shape. A drive isle and light were removed from the plan. He stated that the security fence that runs along the rear of the site was revised to become an 8-foot privacy fence, which does trigger a variance that the planner would testify to.

Mr. Gallagher advised that the lights are now below the fence line and elevation, eliminating the visibility of the lights.

Mr. Gallagher made changes to the landscape per Planner Heyer and the Shade Tree's recommendation and referring to Sheet 10 of A-23 landscape plans, he explained those changes. Additional buffering and screening has been added to the plan.

Mr. Gallagher stated that fire vehicle circulation around the buildings is provided. Security is accomplished by installation of the 6-foot Jerith fence. Mr. Gallagher explains to the Board, using sheet 4 of Exhibit A-23, where the fence is located that connects Building 5 to Building 2 then transitions into the security building. He explained it does not have the metal spikes at the top and is very attractive. The applicant does not want to make the area look industrial. Board Planner Heyer does not have a problem with the Jerith fence but he would like to see taller plantings as stated in his report.

Mr. Gallagher reported that the setback for the fence from the County Road is at least 50 feet. Building 5 is a two-story, climate controlled building.

Attorney Vella advised that the applicant feels that they have complied with the Shade Tree Report and they will get an updated approval from the Shade Tree Commission during the Preliminary application.

Mr. Gallagher steps down.

Attorney Vella advised architect Mr. Radosti that he is still under oath

Mr. Radosti explained the changes that he made to the architectural drawings. He explained the changes referring to Exhibit A-28, Mounted Revised Colored Architectural Plan. Mr. Radosti explained that Building 5 had a peak style roof. The height of the building was reduced to 26 feet and peak to the roof was removed. Mr. Radosti advised they have added front panels to all buildings. He stated that the colors they will use would make the back of the buildings disappear.

Mr. Heyer's report identified the need for a non "D" height variance. Mr. Radosti stated that the 30'1" height of the building is a non-variance due to the way that it is measured so the need for a height variance is now removed.

Mr. Frost asked about the signage. Mr. Radosti explained that the building mounted sign is located on building with one gooseneck light shining down 10' x 3'6" with no internal lighting.

Mr. Radosti referred to Exhibit A-16 explaining that the monument sign matches the architecture of the building and added that the sign is not lit internally.

Board Planner Heyer stated the sign is conforming to the ordinance. This signage is appropriate for the use and the size of the building.

Greg Vella swore in William Cooper whose business background is in the self-storage industry which he has devoted 10 years to that industry. He focuses on the acquisition and development of new studies.

Mr. Cooper stated that he provides advice by visiting facilities. His services range from profiling the facility and providing advice on how to improve security measures, development, etc. He is familiar with the state-of-the-art security systems. Mr. Pape stated that they applicant will accept Mr. Cooper's recommendations regarding security measures for the site.

Mr. Cooper offered that construction a perimeter fence and a gated building restricts access into the facility and to those who are authorized to be on the premises. Mr. Cooper recommends incorporating security elements once you are inside the facility via cameras and alarms, recording who is on site and their activities with motion detector lights and alarms.

Mr. Cooper stated that at the gate, two entries through the gate and through the office are manned with personnel. Parties enter the gate using a code is assigned to each tenant. Their accounts must be current with a contractual lease. They have to enter the same code when they leave the facility and he explained that is how they record comings and goings. Mr. Cooper stated that a camera takes photos of the vehicle license and the driver who enter the site. This data is retained for 30 days. Mr. Cooper added that when the tenant enters the code, it deactivates the alarm for their door. Cameras cover the buildings and inside of the hallways.

Regarding the issue of parties occurring inside of these facilities, Mr. Cooper stated that he has not had any experience with people having parties in these facilities.

Mr. Pape advised that up until 6:00 p.m., you can let yourself in. After 6:00 p.m., only one vehicle can go in and the second party cannot go in. This regulation restricts multiple people going to the units. He advised that these units are not for gathering of people since there are no lights or electricity.

Mr. Cooper stated that the site security restricts access. Every tenant enters into a legal contract, which restricts behaviors. Motion detectors, lights and cameras restrict unwanted behavior.

Mr. Pape reported that the State Police has access with their code.

Mr. Cooper has recommended these procedures to Mr. Sinha and Mr. Sinha is agrees to complying with his recommendations.

The hours were discussed as 6:00 a.m. to 11:00 p.m. There shall be no admittance after 11:00 p.m. and after 6:00 p.m., only one tenant would have access with the entry code.

Attorney Vella asked that the applicant provide a security operation manual to the Board for them to review.

Mr. Barthelmes asked if this area is rural, why is it a good location to place the facility here. Mr. Cooper explained that based on their feasibility calculations utilizing demographics.

Mr. Ferro questions the feasibility of building the facility in this location if there was another storage facility 5 miles away. Mr. Cooper stated that the typical density not more than 3 miles.

Mr. Frost asked if the renter contract sets forth materials that are inappropriate to store. Mr. Cooper stated that they are very specific. Mr. Frost asked how this is enforced. Mr. Cooper stated that the lease gives the landlord the right to enter a unit if he believes something inappropriate is being stored there. It is the right of inspection.

Regarding the size of vehicles entering the site, Mr. Cooper stated that there are limitations to the vehicle size allowed on the premises. The parking lot has been redesigned to handle the fire vehicles.

Mr. Mostyn asked what action would be taken if a patron enters at 1:30 p.m. and does not vacate by 11:00 p.m. Mr. Cooper advised that the patron would be locked in until staff comes to let them out. Mr. Mostyn asked about how long an alarm would stay on. The applicant will research this and report to the Board.

Mr. Pape advised that all activities, except storage, are expressly prohibited.

At 8:40 p.m., Chairman Novellino advised that the Board would be taking a break.

The Board returned at 8:44 p.m.

Mr. Pape presented his next witness, Planner James Higgins.

Attorney Vella swore in Mr. Higgins who presented his credentials on the record. Mr. Higgins has testified before the Supreme Court who has recognized him as an exceptional planner.

Mr. Pape explained that this use does not exist in the Ordinance Book.

Mr. Higgins provided that he had reviewed the Board experts' reports, Master plan and visited the site.

He provided a brief overview of the site stating that it consists of 22.7 acres of which only 2.5 acres is developable. He stated that the prior approval on the site was for a 133,000-s.f. self-storage facility. He stated that what is being proposed is one-half of that. The property is located in the

Highway Commercial 1 (HC01) zone. He explained the properties surrounding the site, stating that the closest structure is 400 s.f. away.

Mr. Higgins offered that the general welfare is advanced because the use is a beneficial use for both residential and business and yet, it is not permitted in any zone in the Township. This is a commercial zone and these uses are appropriate and should be built in commercial zones. Mr. Higgins stated that the property has substantial environmental constraints. This use is malleable to this property. He stated that the site does not have public water and this project uses very little water and sewer. He offered that some approved business would be a bakery, deli, liquor store and he offered that these businesses would have much more activity and water and sewer generation. This use will be benign. Mr. Higgins stated that only the office uses the sewer and water. He stated that this facility is one of the most benign traffic generators.

Mr. Higgins sees no substantial impact on the zone plan he feels it strengthens the zone plan advising that this use is best located in a commercial zone.

Mr. Higgins discussed the Impact on surrounding properties that are residential properties to the rear of the site. He offered that the project is located a substantial distance from the residential properties and the site has with lower buildings, substantial landscaping, buffering with the fence. Mr. Higgins does not see any substantial impact to the residents.

Discussing the variances, Mr. Higgins stated that the bulk variance for the combined side yard setback is needed. The hardship is that only 1/10 of the site is developable. Mr. Higgins stated that if the substantial constraints did not exist, a lot more could be placed on the site. The hardship is the constraints on the site.

Mr. Higgins stated that an existing parcel impedes the building. So little of this site is available and the small parcel cuts into the site. He feels it is a hardship.

Discussing the setback where 40 feet for either side is required with a combined set back of 100, the applicant has a hardship where 42.7 feet is provided on one side and 46 feet on the other side providing on 88 feet combined.

Planner Heyer stated that it is to center the buildings on the Lot. We are not short on either side but combined does not meet the 100 feet.

Mr. Pape advised that the wetlands go through the abandoned residence and there is no value to them in that parcel.

Mr. Higgins stated that the Jerith fence in front is called an estate-type fence, very attractive and appropriate for this location and the fence in the back is a substantial benefit for screening.

Planner Heyer reported that this parcel is a tough piece of property and there are hardships associated with the use and the dimensions. He feels that this use belongs on one of the Highway Commercial properties. Planner Heyer stated that this use was overlooked.

Engineer Shafai has no further comments.

Mr. Ferro asked Mr. Cooper if any data regarding crime at these facilities were available. Mr. Cooper advised that they do not have access to these records. They do not see this in the industry.

At 9:00 p.m., Chairman Novellino opened the application up to the public.

Attorney Vella swore in Jolene Briceno 14 Pine Drive.

She asked about true warehousing in the BP zone. Planning prospect in the BP is true warehousing typical industry, this is more commercial in nature than industrial and located in HC zones. More of a personal facility not an industrial activity . This does not fall under a warehouse .

She stated that there is a self-storage facility located is 2.4 miles away.

She asked for an explanation as to the freshwater wetlands application.

Mr. Gallagher stated that the applicant has applied for two permits in the regulated areas and he explained. Mr. Pape explained the New Jersey Department of Environmental Protection has jurisdiction over the wetlands area. The notices are part of the permit application process.

Ms. Briceno is concerned about items to be stored in the facility. Chairman Novellino advised that the Fire Dept. did review the site plan and in their report, they felt that they could handle a problem on the site.

Ms. Briceno voiced her concern of possible alarms going off and disturbing the residents. She had a concern about staffing the facility. Chairman Novellino stated that they will have staff on site from 9 a.m.-6 p.m. Monday thru Saturday.

Attorney Vella swore in Robert Van Erem 22 Pine Drive

Mr. Van Erem' concern is over security. He asked how the applicant could prevent someone coming in with an 18-passenger van and spending the night.

Mr. Van Erem voiced that he appreciates that the Board and applicant having addressed so many issues.

Chairman Novellino asked if this was another use would he have the same concern.

Mr. Pape stated that it should be noted that every isle is visible from the street.

Attorney Vella swore in Thomas Savastano of Tommy's Inn at Millstone. Mr. Savastano stated that he has be burglarized at least 7 times stating that it is atrocious. He feels that this project is beneficial and a clean environment.

Attorney Vella swore in Peter Blake 20 Pine Drive.

Mr. Blake echoed Mr. Van Erem's comment about the Board and applicant working on resolving some of their concerns. Mr. Blake asked if the hours of closing could be reduced to 10:00 p.m.

Attorney Vella swore in Tara Tomillo, 7 Pine Drive.

Ms. Tomillo's biggest concern is theft and she explained.

Seeing no further public comment, Chairman Novellino closed the public portion at 9:30 p.m.

The Board discussed the application. Mr. Ferro asked if the applicant was aware, that another facility is being built and that could affect the applicant.

Mr. Cooper discussed the feasibility portion of the study from the June 2016 study that was done. He advised that their recommendation stays the same. He explained their calculation of the number of people and square footage of service provides the feasibility demand.

The applicant asked for a short break. At 9:35 p.m., Chairman Novellino announced a break, returning at 9:39 p.m.

Mr. Pape advised that the applicant is prepared to close at 10:00 p.m., advising that no activity after 10:00 p.m.. The hours of operation would be 6:00 a.m. through 10:00 p.m. Mr. Pape reported to the Board that it is important to note that the applicant has a camera system monitoring all of the parking areas and all travel lanes and interior hallways. There is live monitored at two locations in the applicant's home and his office. At 9:45 p.m., there is a security sweep of the property. Any issues, security is sent to the site.

Mr. Ferro asked Mr. Cooper about a study or standard protocol for self-storage facilities. Mr. Cooper stated that some are open 24 hours but most are 6:00 a.m. to 10:00 p.m. They try to make it convenient for tenants.

Mr. Mostyn asked about what other properties did the applicant consider Mr. Pape advised that this site was chosen and an analysis was performed.

Mr. Pape provided his summation of the project. The HC zones are where business are permitted. They also permit recreation, bowling alleys and bars. Those uses would not come before the Board of Adjustment. There are security measures in this application, the methods for a security system, changing the building footprints, modifying the lights, creating a security system around the building and building the fences for screening. Mr. Pape offered that there are limited areas for ratable. The benign use affecting the environment are almost non-existent and the traffic generation is benign. He advised that the applicant will preserve the wetlands.

The Board discussed the application.

Chairman Novellino shared his positive thoughts. He stated from a planning perspective, he agrees with both planners that this use is most appropriate in HC zone as opposed to BP zone, which is more like a retail use then traditional warehouse use. The appropriateness of this property is lack of intensity for water sewer.

Positive criteria struggle has not seen hard number on the demand.

Chairman Novellino feels that the applicant has dealt with the residents' concerns with the recent revisions. Security measures are a positive benefit of this application and tracks the activity on this site.

The building landscaping and 8-foot fence are a positive. In March, Chairman Novellino drove by Pine Drive and advised that it is heavily wooded.

Mr. Mostyn stated that another facility is located 2.4 miles away how much traffic is that going to pull in take away from potential customers and what could happen if he does not have the customers he needs. These are his thoughts.

Mr. Pape indicated they would build the project in phases. They remain confident that they have a site that is viable.

Vice-Chairman Barthelmes presented the questions at what business could come in here and not have a non-intensity impact.

Mr. Frost discussed the low impact of the project. He stated that you would not like to see some of the permitted uses in the area. The applicant's willingness to make concessions is a positive.

Attorney Vella read some of the Conditions of Preliminary approval if this Project is approved, including but not limited to: use variance and preliminary major site plan approval, the applicant will come back to the Board for final approval confirming that the applicant has complied with the Board's conditions, compliance with the reports of the Shade Tree Commission, Board Engineer and Planner's updated reports, provision of a phasing plan at final, no outdoor storage at the facility, no outdoor dumpsters. Provision of the storage regulation law; hours of operation are from 9:00 a.m. until 10: p.m., gates open from 6:00 a.m. until 10:00 a.m. with no admittance after 9:45 p.m.; lighting from 6:00 a.m. until 10:00 p.m. with motion detectors, revise the phone number on the signage, no lights or electricity to be located in the units, plans to be modified to show that the plants can be at least 3 feet tall, security operations manual to provided to the Board professionals for review prior to final, consistency with the testimony of William Cooper, after 6:00 p.m., only one car admitted per entry code, revise the audible alarm or limit the amount of time the audible alarm sounds after 10:00 p.m., no audible alarm after 10:00 p.m., only owner notification, return to the Fire Department and comply with their report, etc.

Chairman Novellino asked for a Motion and a Second. Vice-Chairman Barthelmes Made a Motion to approve as conditioned and Mr. Frost offered a Second. Roll Call Vote: Barthelmes, Frost, Mostyn, Ferro and Novellino voted yes to approve. Ferro and Morelli vote no. The Motion carries and the application is approved as conditioned.

At 10:20 p.m., Attorney Vella advised that the Board must enter into an Executive Session to discuss pending litigation. The minutes from this session will be made available to the public upon resolution of the matters discussed.

Chairman Novellino made a Motion to Enter into Executive Session, Mr. Barthelmes offered a Second, and by unanimous vote, the Board left the regular meeting and entered into the Executive Session.

At: 10:30 p.m. the Board returned into the regular session. Seeing no further new or old business, Chairman Novellino made a Motion to adjourn, Mr. Morelli offered a Second, and by unanimous vote, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Pamela D'Andrea