

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 26, 2021**

Meeting called to Order by Chairman 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.

Roll Call: Present - Barthelmes, Lambros, Mangano (joined at 7:37 pm), Morelli, Mostyn, Novellino, and Zabrosky

Absent – Conoscenti, Ferrara

APPROVAL OF MINUTES: March 24, 2021

The Board members had reviewed the meeting minutes and with no changes required, Mr. Lambros made a Motion to approve the meeting minutes and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Barthelmes, Mostyn, Lambros, Zabrosky, and Novellino voted yes to approve the minutes.

RESOLUTION:

Z20-06 NEW CINGULAR WIRELESS PCS, LLC (AT&T) – Located at 663 Route 33, known as Block 17, Lot 4 consisting of 2.45 acres in the Highway Commercial (HC) zoning district. Applicant sought and was granted variance approval to place 12 antennae at centerline height of 130 ft. and expand the fencing and add related equipment at the base of the 150 ft. monopole.

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

NEW APPLICATION:

Z21-01 REPOLI, MICHAEL & EDWINA – Located at 224 Stagecoach Road, known as Block 46, Lot 22.02 consisting of 39,898 square feet located in two zones; R80 and RU-P Zone. Applicants seek variance approval to construct a 315 square foot, one-story addition with a wood deck with a proposed lot coverage of 21.27%, where 20% is required (existing lot coverage is 21.06%). Proposed distance between the existing garage and principal structure is 11.4 feet, where 15 feet is required (existing distance is 11.6 feet). Deemed Complete: 5-7-21. Date of Action 9-5-21. Noticing is required.

Attorney Vella advised that he has reviewed the Noticing packet and accepts jurisdiction over the application.

Attorney Vella read the following exhibits into the record:

- A-1 Jurisdictional packet
- A-2 Application dated 4-12-21
- A-3 Variance Sketch prepared by Crest Engineering Inc., dated 3-4-21
- A-4 Aerial Map prepared by Crest Engineering Inc., dated 3-4-21
- A-5 Survey prepared by Crest Engineering Inc., dated 2-5-21
- A-6 Elevations prepared by Architect Richard Villano dated 3-5-20
- BOA-1 Engineer's Report dated 5-12-21
- BOA-2 Planner's Report dated 5-14-21

Jared Pape, Esq. appeared on behalf of the applicants and provided a brief overview of the application. The applicants are seeking bulk variance relief to construct a 316 square foot addition with a wood deck. Mr. Pape advised that Crest Engineering has prepared the plans, and Lorali Totten (100 Rike Drive, Millstone) will provide testimony as a Professional Engineer and Planner.

Attorney Vella swore in Ms. Totten. Ms. Totten referred to Exhibit A-4, the aerial map, and stated the property is surrounded by farmland and residential homes. The subject property is located within the RU-P Rural Preservation Zone, where single-family homes are a permitted use. The property is undersized for the RU-P Zone (measuring less than 3 acres) and therefore, according to Ordinance Section 35-4-2.1.d.4, the bulk standards of the R-80 Rural Residential Zone apply. The required lot area for the R-80 zone is 80,000 square feet and the lot is undersized at 39,898 square feet. Ms. Totten found a deed which indicates this lot and the adjacent lot were created around 1977, and based on the tax records, the home was constructed in 1978, which provides some background as to why the lots do not meet the R-80 zoning.

Looking at Exhibit A-5, the variance sketch, Ms. Totten described the existing conditions on the lot. The lot contains a single-family home with a patio, there is a shed at the rear of the property, and a circular driveway leading to a three-car garage. The front yard setback for the home is 52 feet, the side yard setback is 60.6 feet, the rear yard setback is 100.82 feet, and the lot coverage is 21.06% which is greater than the maximum 20% coverage allowed. This is an undersized lot which does not have the required buildable area, and the existing three car garage because it is not attached is considered an accessory structure. The garage is 41 square feet larger than what is permitted in the zone. Both the garage and the house have existed since 1978. The applicants are proposing to remove the existing rear deck and bilco door access to the basement and construct a 316 square foot sunroom addition. A portion of the existing paver patio will

remain and a new wood deck will be added. The distance from the garage to the addition will be reduced from 11.6 feet to 11.4 feet.

Engineer Shafai asked about an existing shed which is setback only 9 feet where the ordinance requires a minimum rear yard setback of 20 feet for an accessory structure.

Attorney Vella swore in Michael Repoli. Mr. Repoli testified regarding the location of the shed which has been on the property since he purchased it. Engineer Shafai stated any additional work done on the property will require returning to the Board for a variance.

Attorney Vella swore in architect Richard Villano (2006 State Highway 71, Spring Lake Heights). Mr. Villano referring to Exhibit A-6, elevations and floor plan, gave an overview of what is proposed, and stated he was asked to design a sunroom. The sunroom will be 14x22.10 with windows on two sides and two exit doors. There are double doors that lead to the proposed wood deck, and to the right is another door which leads to the detached garage. The vinyl siding and shingles will match what is existing, and there will be stone veneer up to the windows. The only exterior lighting will be at the exit doors as required by code. There will be sconces attached to the wall at the entrance of the two doors and there is not any other lighting proposed for the rear yard.

Ms. Totten testified as a Professional Planner and identified what variances are being requested. The variances requested are for the overage on lot coverage and the distance between the principal structure and garage. Both variances being requested can be granted under the C1 criteria. The distance between the proposed addition and the existing garage is de minimus. There is a slight decrease between the two buildings from 11.6 feet to 11.4 feet. The location of addition is in the perfect place as it squares off the house and does not change the appearance of the home from the road. The garage blocks the view of the addition on the right side, and there will be landscaping to screen the addition on the left side. The overage on lot coverage is based upon this being an 80,000 square foot lot, and since it is less than 40,000 square feet, there is less availability for coverage and that is a hardship. The variances can be granted without substantial detriment to the public good as it is not visible to any neighbor; and regarding the distance between the house and garage, it is not a safety issue and meets all building codes. This proposal does not change the appearance of the home from the street and the variances can be granted without substantial detriment to the zone and zone plan.

Planner Mertz agreed with Ms. Totten's evaluation of criteria and that there would not be any impact to the neighbors. The two variances being requested are existing and are only being slightly exacerbated, and are very close to meeting the requirements.

Chairman Novellino went through the existing nonconformities on the property and asked and if any additional variances would be required. The shed is preexisting, prior

to the setback requirement in the ordinance, and the garage width is also preexisting. It was agreed by the Board members that the placement of the shed at 9 feet, and the garage being oversized at 790 square feet, predates the establishment of the current standards for the zone, and would not have any negative effect on the neighbors.

Mr. Pape stated the new variances being requested are de minimus and are existing conditions being slightly expanded. He asked the Board to vote in favor of the application.

At 8:15 p.m., Chairman Novellino opened the application to the public. Not seeing any hands being raised or anyone on zoom coming forward, he closed the public portion at the same time.

The Board discussed the application.

Chairman Novellino agreed with the Board professionals that the variances will have minimal impact and the public will not see the addition. There is not any downside to what is being proposed and it is something that will improve the appearance of the property.

Attorney Vella read the conditions of approval should the Board vote to approve the application including but not limited to; an additional application fee is owed for the second variance, and the plans should include the location of the existing septic field and tank.

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

Seeing no new or old business, Mr. Morelli made a Motion to Adjourn and Vice-Chairman Barthelmes offered a Second and by unanimous vote, the Meeting Adjourned at 8:24 p.m.

Respectfully submitted,

Linda Jacus