

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 28, 2021**

Meeting called to Order by Vice Chairman Barthelmes 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, Conoscenti, Ferrara, Lambros, Mangano, Morelli, and Zabrosky

Absent – Mostyn, Novelino

APPROVAL OF MINUTES: JUNE 23, 2021

The Board members had reviewed the meeting minutes and with no changes required, Mr. Morelli made a Motion to approve the meeting minutes and Mr. Mangano offered a Second. Roll Call Vote: Conoscenti, Lambros, Mangano, Morelli, Zabrosky, voted yes to approve the minutes.

CARRIED APPLICATION:

Z21-02 YOUNGS, KEVIN – Located at 32 Palmer Circle, known as Block 17.02, Lot 1 consisting of 2.58 acres; located in the R-170 Zone. Applicant is appealing the decision of the Zoning Officer denying the permit application to construct a 900 square foot addition to the existing single-family home. The Zoning Officer determined that the addition appears to a second dwelling, creating a two-family dwelling where only single-family structures are permitted.

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 Application dated 5-27-2021
- A-2 Survey of Property prepared by Schmidt Surveying dated 8-20-2020
- A-3 Architectural plans prepared by Grasso Design Group dated 4-29-2021
- A-4 Denial of Zoning Permit dated 5-20-2021

A-5 Architectural plans prepared by Grasso Design Group revised 6-23-2021

BOA-1 Planners Report dated 6-7-2021

Mr. Conoscenti recused himself from the application.

Attorney Vella advised that the Township Zoning Officer denied the Permit application determining that the proposed addition appears to be creating a second dwelling where only single-family structures are permitted. Mr. Youngs has submitted an application to the Board of Adjustment to appeal the Zoning Officer's decision.

Adam Tuttle, Esq., appeared on behalf of the applicant. Mr. Tuttle stated the applicant submitted an application for a Zoning Permit to the Township's Zoning Officer to construct an addition to the existing single-family dwelling for his elderly mother. The addition consists of a 900 square-foot living area that includes a front exterior entrance, a mudroom, living room, a full bathroom, a laundry room, a master bedroom, and a den. There is a six-foot opening between the existing structure and addition, which is completely unfettered access. Mr. Tuttle stated when speaking with the Zoning Officer about the proposed second front door, he was advised that the Board would have to approve the door because it creates the look of a second dwelling, which is not the case. The reason for the additional front door is it will be easier access to that portion of the home where Mr. Young's mother will spending much of her time. The second front door is in keeping with the landscape of the neighborhood where a majority of the homes do have multiple front doors. Mr. Tuttle stated this addition does not create a two-family dwelling, it additional living space for the applicant's mother.

Mr. Youngs was sworn to give testimony. He stated the original plans submitted to the Zoning Officer had a kitchen and there was not a mudroom. Based on comments we received about the plans from the Township, the kitchen was removed and the mudroom was added, and we opened up the wall from the existing home into the addition. The additional front door proposed is in keeping with the neighborhood as 48 out of 49 of the surrounding homes have the look of the two front doors. Mr. Youngs stated there is absolutely no intention to use this addition other than for his mother.

Planner Mertz stated she understands the difficulty of the appeal. The applicant has met with the Zoning Officer many times, and there has been many revisions made to the plans. There is not a clear answer to defining the appeal, it can be interpreted many ways which makes it difficult. The front door tends to be the biggest issue. We want to be able to plan for aging in place which is a big planning initiative, but we have to make sure we are protecting the zoning that has been put into place and planned for by the Township.

At 8:25 p.m., Vice Chairman Barthelmes 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.

The board members agreed that the determination made by the Zoning Officer was an appropriate decision. On several occasions this plan was denied with its various iterations. The best way to resolve this is for the applicant to work with the Township and the Zoning Officer to come up with plan that is acceptable for everyone, or return to the Board and apply for a use variance.

Mr. Lambros Made a Motion to deny the applicant's appeal of the Zoning Officer's decision and Mr. Ferraro offered a Second. Roll Call Vote: Barthelmes, Ferrara, Lambros, Morelli, Mangano, Zabrosky, voted yes to deny the appeal.

Z21-03 PANTE, JOSEPH – Located at 226 Stage Coach Road, known as Block 46, Lot 22.01 consisting of 4.66 acres; located in the RU-P Zone. Applicant is proposing to construct a covered porch and second floor. A front yard setback of 75 feet is required and the applicant can provide a 51-foot setback for the second floor and a 43.2-foot front yard setback for the porch. Bulk Variance required. Deemed complete July 12, 2021. Date of action November 9, 2021. Noticing 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 Notice

A-2 Application date 6-7-2021

A-3 Tax Map

A-4 Aerial Photograph

A-5 Sheet 1 of the Architectural Plans prepared by Kurt Ludwig, AIA, date February 1, 2021, last revised May 19, 2021

A-6 Sheet 2 of the Architectural Plans prepared by Kurt Ludwig, AIA, date February 1, 2021, last revised May 19, 2021

A-7 Sheet 3 of the Architectural Plans prepared by Kurt Ludwig, AIA, date February 1, 2021, last revised May 19, 2021

BOA-1 Engineers Report dated 7-16-2021

BOA-2 Planners Report dated 7-20-2021

Attorney Vella swore in the Applicant, Joseph Pante and his architect, Kurt Ludwig.

Mr. Pante stated the existing home is small and dated. We are proposing a front porch addition and a second story. Once the work is completed it will have a farmhouse look that will fit in with the neighborhood.

Mr. Ludwig described the existing conditions. He stated the property is currently developed with a one-story ranch style home with an attached side-loading garage and an asphalt driveway to the right of the home. Behind the principal dwelling is an inground pool with a concrete patio and shed, and further to the rear is a barn. Mr. Ludwig went through the existing first-floor plan, which includes a living area, kitchen, three bedrooms and a bathroom, and a two-car garage. An existing bedroom will remain, as well as the existing bathroom. We are proposing to open up the other two existing bedrooms to give more of an open floor plan for the living room and dining room. The laundry area which is currently in the garage will be removed to create the second-floor access. The second-floor addition would be accessed from a set of stairs to the right between the dining room and the two-car garage. The addition would go straight up the front and left of the existing house, and straight up the right side between the garage and the kitchen. It will overhang the back of the house by about two feet. We are also proposing a new front porch. Currently there is not any covered entryway into the house from the front yard so we are proposing a 273-square foot front porch with open columns and a railing. The proposed second-story addition and front covered porch are both proposed to encroach within the already deficient front yard setback. The porch will extend into the front yard nine and a half feet from the dining room wall. On the second floor there will be two (2) bedrooms, a study, laundry room, and master bedroom with walk-in closet and bathroom. A new unfinished "attic space" is proposed above the existing garage. Referring to the exterior elevations, the roof structure will be a gable style, and the siding on the entire house will be replaced. The siding on the front of the house will be a wood shake look with cedar impressions, and the sides and the rear will be standard clapboard vinyl siding. There will be stone veneer along the bottom of the front elevation.

Planner Mertz went through the variances being requested, she stated the minimum required front yard setback is 75 feet where 51 feet is existing, and 43.2 feet is proposed. This is an existing nonconforming condition proposed to be exacerbated by the site improvements. There are three existing non-conformities on the property. The minimum required lot size is 10 acres where approximately 4.66 acres is existing and proposed. The minimum required lot width is 250 feet where 200 feet square feet is existing and proposed. The minimum required side yard setback for an accessory

structure is 20 feet, where 3.2 feet is existing and proposed for the shed. Mr. Pante confirmed the shed was existing on the property when he purchased it, and that the shed is being used to hide the mechanicals for the pool and basic storage.

A question was raised about the front yard setback. Mr. Ludwig confirmed that most of the homes in the neighborhood have similar front setbacks. Referring to the aerial photo, there are three homes in a row with similar front setbacks.

At 8:59 p.m., Vice Chairman Barthelmes 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.

Attorney Vella stated there are two recommended conditions for this application, the front porch remain open and that Monmouth County Board of Health approval is required.

The Board discussed the application. This lot is undersized, and the front yard setback deficiency is existing nonconforming and is only being slightly exacerbated. The front porch will enhance the aesthetics of the property, and will add some character to the home which will fit in with other homes in the neighborhood.

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

Z21-04 SCHERER, STEVEN & LOIS – Located at 1 Fern Drive, known as Block 54.01, Lot 1 consisting of 2.94 acres; located in the R-130 Zone. Applicants are proposing to install a 6-foot-high fence. A maximum fence height of 4 feet is allowed in the front yard. Bulk Variance required. Deemed complete July 12, 2021. Date of action November 9, 2021. Noticing 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 Notice

A-2 Application date 6-28-2021

A-3 Aerial Photograph

A-4 Survey by Morgan Engineering date 4-12-2021

A-5 Fence location plan & detail dated 6-12-2021

A-6 Photographs date 6-3-2021

BOA-1 Planners Report dated 7-20-2021

Vince Halleran appeared on behalf of the applicant. Attorney Vella swore in Mr. Scherer. Mr. Scherer stated we are looking to erect a six-foot fence vinyl privacy fence around the entire perimeter of the yard. Two gates will be installed for the fence: on the southerly side of the property leading to the driveway, and on the northerly side of the property within the Yellow Meetinghouse Road front yard area. The variance is for having a six-foot fence in the front yard on the Yellow Meeting House Road side where a maximum of four feet is permitted. A six-foot fence is permitted in all the other areas of the property. Mr. Scherer stated a six-foot fence is being proposed for privacy and safety, and that his neighbor to the rear has a similar six-foot vinyl fence and indicated he was pleased with the fencing being proposed. The fence will be setback 30 feet from the property line and will run all the way to the back property line and will go around the entire property. Referring to the photographs submitted with the application, there are bushes and trees on the property that will screen the view of the fence from the road. Mr. Scherer stated he is proposing the six-foot fence in the front yard for security and privacy because there was someone walking through the property. When Mr. Scherer was asked about changing the fencing to four-feet in the front yard, which would be allowed by the ordinance, he stated a four-foot fence would not be high enough to keep someone off the property, they would be able to climb over the fence.

Mr. Halleran stated that planner's report indicated the applicant is requesting waiver relief for the fence height. The maximum fence height allowed in a front yard is four feet and six feet is proposed. Also, there are three existing nonconformities on the property for lot area. A lot area of 127,979 square feet exists where 130,000 is required. There is an existing lot width of 241.73 feet exists where 250 feet is required, and there is an existing front yard setback of 62.1 feet exists where 75 feet is required.

Planner Mertz corrected the information in her report stating that there are two waivers that are required. One waiver is for the fence height in the front yard, and the other waiver is the requirement that fences in the front yard shall be at least 50% open. Based on the applicant's testimony, the fence will be a six-foot vinyl solid fence. These requests are waivers not variances because they are under the design standards section instead of the zoning standard section. The fence height should be a variance and the open style should be a design waiver but that is not how it is written in the ordinance.

At 9:25 p.m., Vice Chairman Barthelmes opened the application to the public. Attorney Vella swore in Joseph D'Onofrio, 2 Fern Drive. Mr. D'Onofrio stated he lives across the street and his concerned about the proposed fencing. A six-foot solid fence surrounding the property is not what we have in Millstone, and there may be a line-of-sight issue. Mr. D'Onofrio stated he does not object to the applicant installing an open four-foot

fence that complies with the zoning regulations, but he does object to the 6-foot fence being requested. Vice Chairman Barthelmes closed the application to the public at 9:44 pm.

The Board discussed the application. There was concern about the fence height, and that the fencing will be solid, not 50% open as required. Even with vegetation on the property, the fencing would be visible from the road, as any vegetation or screening of the fence could die or be removed. The proposal does not fit in with the neighborhood. There is not anyway to hide a six-foot solid white fence, and it would be uncharacteristic from what is in the neighborhood which is farmland with open type fencing.

Mr. Conoscenti a Motion to deny the application and Mr. Ferraro offered a Second. Roll Call Vote: Barthelmes, Conoscenti, Ferrara, Lambros, Morelli, Mangano, Zabrosky, voted yes to deny the application.

The Board discussed returning to in-person meetings. It was agreed if there were only resolutions to be adopted that could be done on Zoom. However, if any applications were to be heard that should be done at an in-person meeting; based upon the agenda, in-person meetings could possibly resume in August or September.

Mr. Lambros made a Motion to Adjourn and Mr. Morelli offered a Second and by unanimous vote, the Meeting Adjourned at 9:54 p.m.

Respectfully submitted,

Linda Jacus