

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
APRIL 23, 2008**

Meeting called to Order by Chairman Novellino at 7:35 p.m.

Reading of the Adequate Notice by Mr. Morelli.

Salute to the Flag.

Roll Call: Present: Novellino, Bailey, Curcio, Lambros and Morelli. Absent: Iradi, Devine, Barthelmes and Conoscenti.

**APPROVAL OF MINUTES:** March 31, 2008. Mr. Morelli made a Motion to approve and Mr. Lambros offered a Second. Roll Call Vote: Morelli, Lambros, Curcio, Bailey and Novellino voted yes to approve.

**RESOLUTIONS:**

**Z08-02 CHEER UNIVERSITY** – Block 16.01, Lot 1. Located at 400 Rike Drive consisting of 4.34 acres in the BP Zone. Applicant seeks a use variance for a cheerleading academy. Applicant proposes to utilize 9,000 s.f. of a fully constructed 11,900 s.f. building. Deemed Complete 3/4/08. Date of Action 7/2/08. Approval Granted March 31, 2008.

The Board agreed to table the Resolution for Memorialization in order for all members to review the Resolution.

Chairman Novellino wanted to assure that the Code Enforcement Officer could enforce the Resolution. Mr. Novellino advised that he would be speaking with Mr. Hynes regarding that issue.

**Z07-06 353 SWEETMANS LANE, LLC** – Block 39.01, Lots 2.01 & 7. 1.88 acres located in the NC Zone at 353 Sweetmans Lane. Applicant seeks preliminary site plan approval to construct a two-story, 3,818 s.f retail building with an existing 6,750 s.f. retail building. “D” variance is required for Block 39.01, Lot 7 (for proposed stormwater management) which is located in the RU-P Zone. Bulk variances needed. Deemed Complete 6-29-07. Date of Action: 10-26-07. Carried from 9/26/07. Prior extension granted through 3/31/08. Applicant received an extension through April 23, 2008 for the Board to hear the matter.

**Z07-07 D. MORGAN TRACEY** – Block 39.01, Lots 2.20 & 7– 4.33 Acres located in the NC Zone located on Sweetmans Lane. Applicant seeks preliminary site plan approval to construct a 9,600 s.f. retail building, 1,098 s.f. office space and 2,056 s.f. retail building with adjoining 2,016 s.f. bank. “D” variance needed for Lot 7 (proposed stormwater management area) which is located in the RU-P Zone. Bulk variance needed. Deemed Complete 6-26-09. Date of Action: 10-23-07. Carried from 9/26/07. Prior extension granted through 3/31/08. Applicant received an extension of time through April 26, 2008 for the Board to hear the matter

At the March 31, 2008 meeting, the Board discussed that if the applicants’ issue that is before the Township Committee was not settled and Attorney Pape was not ready to proceed before the Board,

the Board would consider dismissing the applications without prejudice so that the applicant could return to the Board without having to post application fees again. The escrow account would have to be brought current and supplemented but the application fees would be waived.

Attorney Vella advised that the dismissal with prejudice does not have any negative connotations. It clears the pending application from the Board's docket and agenda.

Attorney Vella offered that it is prudent for the Board to dismiss both applications for the reasons discussed. He offered that it is not productive for the applicant to grant continual extensions of time.

Chairman Novellino made a Motion to Dismiss without Prejudice and Mr. Lambros offered a Second. Roll Call Vote: Novellino, Curcio, Bailey and Morelli voted yes.

**Z08-03 BEAVER CONCRETE** - Block 16, Lot 9.09. Located on Rike Drive in the Moto Industrial Park consisting of 7.91 acres in the BP Zone. Applicant seeks Preliminary and Final Major Site Plan approval to construct a 17,200 s.f. office/warehouse for contractor. Use Variance needed for contractor use. No bulk variances being requested. Deemed Complete 3-17-08. Date of Action: 7-15-08.

The applicant has requested that in order to respond to the Board professionals reports, they wish to be placed on the May 28, 2008 agenda and they will re-notice and post a new Web Notice. The Board agreed to their request.

**OLD BUSINESS:** Attorney Vella reported to the Board that when a member is unable to attend a meeting, in lieu of listening to the recorded version of the meeting, they could watch the digital or televised version of the meeting and at the next hearing date of that application, they could vote sign the certification and vote on the continued application. Attorney Vella explained the benefits of watching the televised meeting as opposed to listening to the recorded version.

The Board discussed the approved gymnastics academy. The applicant's attorney responded to the Code Enforcement Officer in letter form that applicant would not proceed with anything that was not stated in the Resolution. Chairman Novellino would follow up with Mr. Hynes, the Code Enforcement Officer, regarding that Resolution.

Seeing no further business, By Motion of Mr. Curcio and a second offered by Mr. Bailey and by unanimous vote, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Pamela D'Andrea