

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 24, 2009**

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

Mr. Barthelmes read the adequate notice.

Salute to the Flag.

Roll Call: Present: Curcio, Morelli, Novellino, Bailey, Devine, Barthelmes, Frost and Lambros (late arriving @ 7:55 p.m.). Absent: Conoscenti.

MINUTES: Mr. Curcio made a Motion to approve the 5-27-09 Meeting Minutes and Mr. Morelli offered a second. Roll Call Vote: Curcio, Morelli, Barthelmes, Bailey, Frost and Novellino voted yes.

RESOLUTION:

Z09-01 SHELLY'S SCHOOL FOR DOGS – Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant seeks use variance approval to construct a 25,471, one-story building to operate a facility to include boarding for dogs and cats, pet training school, pet grooming school and pet grooming. Bifurcated Application. Variances needed. Deemed Complete 3-9-09. Date of Action 7-7-09. Heard in part on 3-25-09. Carried to 4-29-09. No further noticing required. Approval Granted 4-29-09.

Attorney Vella clarified the language in the Resolution, page ten, paragraph r., that the word “approximately” should be removed and the phrase “up to” should be in place. That change would be made.

Mr. Barthelmes made a Motion to memorialize the Resolution as amended above and Mr. Curcio offered a Second. Roll Call Vote: Barthelmes, Curcio, Bailey, Morelli, Frost and Novellino voted yes to the memorialization.

EXTENSION OF TIME:

Z07-12 ALLEN HOUSE – Block 35, Lot 13.03. Located at 477 Stage Coach Road in the NC Zone. Property consists of 4.34 acres. On March 31, 2008, the applicant received Preliminary and Final Site Plan approval, Minor subdivision approval and use and bulk variance approval to remove the existing residential building, out buildings and barns and construct two (2) multi-family COAH dwellings for purposes of providing

rental housing for the age-restricted. A combined total of 12 residential units were approved but the applicant has downsized that to 10 residential units and, therefore, a Minor subdivision of the property was not needed. The applicant seeks an extension of time in order to perfect the Plan. No noticing is required on the extension of time.

Attorney Vella swore in Engineer Matt Shafai. Mr. Shafai explained that the Monmouth County Board of Health could not approve the plans submitted for the proposed 12 units. Permitting from the NJDEP would have to be applied for. Instead, the proposal was dropped from 12 units to 10 units. This reduction eliminated the need for a NJDEPS permit as well as the need for a minor subdivision. By removing two units, the cost of the project has been lessened. The Engineer explained that any variances associated with the proposed subdivision are gone. The parking needed has been reduced as well. All outside approvals have been obtained.

Mr. Shafai explained that the applicant is getting ready to start the bid on the demolition of the existing dwelling and out buildings on the property. They are waiting for grants to go through. A six month extension of time would take the applicant through to September 30, 2009.

Attorney Vella suggested the board grant the extension and memorialize the Resolution this evening to enable the applicant to move forward as soon as the Chairman signs the resolution.

Mr. Curcio made a Motion to grant the extension Request and Memorialize a Resolution. Mr. Barthelmes offered a Second. Roll Call Vote: Curcio, Barthelmes, Devine, Bailey, Morelli, Frost and Conoscenti voted yes.

Attorney Vella would prepare the Resolution forthwith and provide same to the Board for their review and final execution by the Chair and Secretary.

CARRIED APPLICATON:

Z09-03 PARAMOUNT MARINAS – Block 54, Lot 1. 14.4 acres located in the RU-P Zone Located near Yellow Meeting House Road. The Board to consider applicant's Application for Soil Removal Permit. Heard in part on 5-27-09. Carried to 6-24-09 without any further noticing.

Attorney Michael Dasaro appearing on behalf of the applicant. Mr. Dasaro advised the Board that the applicant could not provide everything that the Board had requested at the May 27, 2009 meeting within the time period needed for the professionals to review. He further advised that the majority of the information had been gathered. Mr.

Dasaro offered that the topographic survey can be submitted reflecting what the natural grade was and what the new grade is.

Attorney Vella asked for the soil boring and logs that were submitted to the NJDEP. Mr. Dasaro stated that they did not submit those reports, it was all done by "visual" reporting and therefore no logs were submitted. Mr. Dasaro stated that the NJDEP was not present. Mr. Vella stated that at this point it would be more appropriate in order to make it clear and understandable, to have Engineer Matt Shafai instruct the applicant where to do the soil borings. Mr. Shafai advised that he wants to be present when the applicant performs the soil borings. We want the dated letter certification from PDS.

Mr. Dasaro advised the Board that they have superimposed the map requested. They have a copy of the payment to the NJDEP and with the NFA, there is a statement that the fee was to be paid prior to the issuance of their NFA. Mr. Vella advised that the check would establish the time frame.

The applicant advised that they will set monuments to determine the area. A transcript of the meeting would be needed for clarification purposes.

Mr. Frost wanted to talk to the original people who were involved in the encapsulation, etc. Mr. Dasaro advised that no one who was at the site is working for Paramount any longer. Attorney Vella advised that the Board has the authority to subpoena any witnesses. Attorney Vella stated that an OPRA request to the NJDEP can be made for their entire file. Engineer Shafai would make that request immediately. Applicant advised that Lynn Mitchell was the reviewing person at the NJDEP.

Mr. Lambros arrived at 7:55 p.m.

Renoticing of the application was discussed. The Board requested that the applicant notify all parties within two hundred feet of the meeting to take place on July 29, 2009.

NEW APPLICATION:

Z09-01 SHELLY'S SCHOOL FOR DOGS – Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant seeks site plan approval to construct a 25,471, one-story building to operate a facility to include boarding for dogs and cats, pet training school, pet grooming school and pet grooming. Bifurcated Application. Use variance granted 4-29-09.

Attorney Kenneth Pape representing the applicant.

Attorney Vella explained the conditions of the preliminary approval which allows the applicant to clean up engineering issues. Conditions that are agreed to at the Preliminary application are carried to Final.

Attorney Vella marked the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice posted 6/9/2009
- A-3 Application dated 1/8/09
- A-4 Environmental Impact & Assessment prepared by Crest Engineering dated 1/31/08; last revised
- A-5 Stormwater Management System Maintenance Plan for proposed Driveway Improvement Plan prepared by Crest Engineering dated 10/1/07
- A-6 Stormwater Management Report prepared by Crest Engineering dated 10/1/07
- A-7 Stormwater Management Report prepared by Crest Engineering dated 5/1/08;last revised 5/27/09
- A-8 Preliminary & Final Site Plan prepared by Crest Engineering dated 5/1/08; last revised 6/3/09
- A-9 Site Entrance Plan prepared by Richard S. Bacon dated 6/3/09
- A-10 Traffic Report prepared by Maser Consulting dated 6/23/09
- A-11 Crest letter reflecting changes resulting from Engineer's Review dated 5/21/09
- A-12 Traffic Report Letter prepared by Maser Consulting dated 6-23-09
- A-13 Mounted Aerial of subject property
- A-14 Aerial map of Burnt tavern Road & Millstone Road intersection with conceptual improvements
- A-15 Conceptual improvements to entrance to site

- A-16 Mounted overall site development plan
- A-17 Proposed Conceptual Entrance Plan.
07/29/09
- A-18 Landscape Plan prepared by Crest Engineering dated June 2009
- A-19 Storm water Management Revisions
- A-20 Site Plan prepared by Crest Engineering dated 5/1/08;last revised
7/2/09
- BOA-1 Township Engineer's Report dated 6/12/09
- BOA-2 NJDEP Freshwater Wetlands LOI/Line Verification dated 6/10/08
- BOA-3 NJDEP Freshwater Wetlands Statewide General Permit and
Special Transition Area Waiver for Redevelopment dated 2/11/09

The applicant is presenting the Preliminary Site Plan this evening. Mr. Pape explained the timeline . He anticipates three visits before the Board.

Attorney Vella swears in Peter Strong as applicant's engineer. He has testified before the Board in the past and his credentials are accepted.

Referring to Exhibit A-13, Mounted Aerial, Mr. Strong Explains the Exhibit to the Board.

Marked into evidence is Exhibit A-14, NJDEP 2007 Aerial Map that reflects the property and the surrounding roads and intersectional improvements. Mr. Strong explained the problems associated with the present intersection and offered a solution to make it a functional road.

Engineer Matt Shafai stated that no matter what we decide, the Monmouth County Planning Board (MCPB) would have jurisdiction. Both Mr. Strong and Mr. Shafai have worked on this plan together. The Board discussed the proposed road improvement.

Marked into evidence is Exhibit A-15, Conceptual improvements to the entrance of the site. The exhibit shows how the roadway on Burnt Tavern would be improved. The road is 21 feet wide and it would be increased to a width of 30 feet. Mr. Shafai advised that it is consistent with another application that is located down the street that went before the Planning Board.

Marked into evidence was Exhibit A-16, Mounted overall site development. Mr. Strong explains the exhibit. They can provide reflectors on the driveway and install free

standing guiderails. Mr. Shafai provided that this has been done with the Township roads. The applicant advised that the guiderail will not be down the entire driveway. There are certain areas where they are needed.

Mr. Coppola stated that that we want to protect the curved areas. He stated that the lights are attractive and have more of a residential scale. Mr. Coppola advised that reflectors are located on the straight-aways. Mr. Frost is concerned that there is no ambient lighting anywhere. He wants to give people every opportunity to see well. Shoe box lighting (16 Foot) as reflected on the lighting plan, would be in place.

The appropriateness of the light to be used was discussed. Colonial lighting was discussed as being more decorative. To maximize the light, and illuminate the curves, shoe box lighting was more appropriate. Mr. Coppola made a suggestion to have shoe box lighting at the entrance. The proposed sign was discussed. Mr. Coppola advised you have a sign and you have a structure. It is an architectural element. The sign meets the ordinance. There is the structure that holds the sign.

Mr. Novellino feels that people will find the place with the structure/sign helpful as a landmark. Mr. Coppola stated the proposed structure is 28½ feet. The entrance is 14 feet and would require a variance and he explained. The front yard setback for a structure is 75 feet. He offered that this feature is unique. Mr. Coppola made suggestions to simplify and soften the proposed sign/structure. Gooseneck lights will soften it. The height should be lowered. The Board offered their opinion. Mr. Frost felt it is out of scale for an entranceway and looks like a large structure. Mr. Lambros had the same concerns. He felt that it was a house for a sign and offered that it is inconsistent and out of character in this town. Mr. Lambros was concerned for the next door neighbor.

Mr. Barthelmes asked about toning it down. He likes the materials used for the proposed sign.

Mr. Strong measured and the proposed structure/sign would be 80 feet from the resident next door 's garage. The Board was concerned with the proportion of the proposed sign. Applicant agreed to re-design the sign and submit updated design to board at next hearing.

Mr. Coppola offered his concerns about the lighting in the parking lot. Mr. Strong agreed to revisit.

Mr. Strong went over the onsite circulation and parking. Referring to Mounted copy of site plan (sheet 6/13) of A-8. Total of 67 parking spaces on the site. Trash enclosure is located away from the building. Fire official Lt. Weltner's comments have been

incorporated. The existing pond will have a drafting point and hydrant. The Board Engineer asked for an aerator for the water feature and the applicant will comply.

Mr. Strong went over the stormwater management on the premises that meet the requirements of the state and township. A series of dry wells will take the roof drainage and put back into the groundwater for recharge.

Referring to A-8 sheet 9/13, Mr. Strong went over the landscaping elements added to the general site plan such as landscaping of the area around the pond and stormwater management area. Evergreens would be planted to buffer adjacent residents. Mr. Strong went over Matt Shafai's report as it pertains to landscaping. There are 28 different types of trees and evergreens that are to be used. Mr. Shafai asked for more trees west of the building.

Mr. Coppola did not think that a landscape architect would be needed in this application and he explained why. He stated that if one were needed, he would be the first to suggest it but he did not feel it was necessary in this case but advised that the Board has the right to ask that one be enlisted regardless.

Mr. Pape went over Matt Shafai's report and their compliance with same.

Two technical waivers were requested. They wanted to show the entire project on one sheet and asked for a waiver for the scale requirements for these purposes. Mr. Shafai has no problem with the two technical waivers requested.

The second waiver is for lighting. Applicant advised that there is more efficiency if they were placed further apart. Mr. Shafai advised that the design waiver is fine and he had no objection to this.

The Lighting ordinance was discussed. The ordinance is antiquated per Mr. Coppola. The proposed lighting in the parking lot is okay.

The bridle path is not shown on the plan. The applicant would meet with Mrs. Butch at that location and that would be on the final plan. They have made plans to work with the OEM on a large animal emergency rescue plan and he will meet with Ken Gann and Mrs. Butch regarding this.

Plans would be provided to the Fire Department and Shade Tree Commission to review.

Mr. Coppola discussed some conditions of approval including the farming land easement needed, deed restricting the rest of the property from any further redevelopment, no medical facilities including veterinary service to be located on the

property, note on the plan regarding retail sales, no attack dog training on the site, no other easements granted on the plan, confirmation that the retention basin and can be used for farming activities that may be continued. Clarification was requested concerning an on-site resident caretaker. Mr. Pape stated that there would be an overnight employee but no caretaker living on the premises.

Mr. Coppola raised the issue of the applicant's possible contribution of land toward the COAH obligation of the town. He explained the difficulty of this would be that not much land exists upfront. There is a provision requiring an applicant who constructs must pay 2 ½ percent, etc. into the Township's housing trust fund. This was discussed and Attorney Vella would research the legal aspect of this.

Mr. Frost read an excerpt from the EC's report regarding concerns of solid waste disposal. He asked for clarification. The applicant will not compost pet waste on site.

Chairman Novellino opened the application to the public at 9:55 p.m. Seeing no public comment, Chairman Novellino closed that portion at 9:55 p.m.

The matter is carried without any further noticing required to July 29, 2009 at 7:30 p.m.

NEW BUSINESS:

The Board discussed violations of the sign ordinance and prior applicants performing activities that were not approved by the Board. The Board is concerned about signs being placed throughout the Township.

The Board is not the enforcing agency here. The Secretary would generate a Memorandum to the Code Enforcement Officer for his action.

The topic of additional members to the Board was discussed. The Board will discuss this thoroughly when all members are available.

Seeing no further business, by Motion of Mr. Curcio and a Second offered by Mr. Barthelmes, and by unanimous vote, the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Pamela D'Andrea