

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 23, 2010**

Meeting called to Order by Mr. Novellino at 7:30 p.m.

Reading of Adequate Notice by Mr. Barthelmes.

Salute to the Flag.

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

**Approval of Minutes:** May 26, 2010. The members have reviewed the May Meeting Minutes. Mr. Lambros made a Motion to approve and Mr. Morelli offered a Second. Roll Call Vote: Lambros, Morelli, Curcio, Bailey, Frost and Novellino voted yes to approve.

**RESOLUTIONS:**

**Z07-06 - 353 SWEETMANS LANE, LLC** – Block 39.01, Lots 2.01 & 7. 1.88 acres located in the NC Zone at 353 Sweetman's Lane. Applicant seeks preliminary site plan approval to construct a one-story, 4,000 s.f. retail building with an existing 6,750 s.f. multi-use 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 6-16-09. Heard in part on 10-28-09; 1-27-10; 2-24-10; 3-24-10. Approval Denied.

**Z07-07 - 232 MILLSTONE ROAD, LLC** – Block 39.01, Lots 2.02 & 7– 4.33 Acres located in the NC Zone located on Sweetman’s Lane. Applicant seeks preliminary site plan approval to construct a 7,700 s.f. retail building, 1,000 s.f. office space on the second-floor with adjoining 4,000 s.f. bank. “D” variance needed for Lot 7 (proposed stormwater management area) which is located in the RU-P Zone. “D” variance needed for Tower peak and cupola peak. Deemed Complete 6-16-09. Heard in part on 10-28-09; 1-27-10; 2-24-10; 3-24-10. Approval Denied.

The Board having reviewed the Resolution for the above applications, Mr. Lambros made a Motion to memorialize the Resolution and Mr. Bailey offered a Second. Roll Call Vote: Lambros, Bailey, Morelli and Novellino voted yes to the memorialization.

**Z10-01 SEASONAL WORLD** – Block 57.01, Lot 21.01. 2.91 Acres located in the HC-1 Zone know as 532 Monmouth Road. Applicant seeks amended major site plan approval and use variance to add a canopy around the perimeter of the existing building (increasing the building by 2,280 s.f.) add three additional parking spaces; modify prior approval conditions to allow the approved two (2) storage trailers to stay on site for a longer period of time. The Board approved the modification to permit the change of having the storage trailers on the premises from the first two weeks in January to the last two weeks in January. The Board, by majority vote, denied the approval to enclose the canopy.

The Board discussed the Resolution.

Mr. Curcio made a Motion to memorialize the Resolution and Mr. Lambros offered a second. Roll Call Vote: Curcio, Lambros and Novellino voted yes to the memorialization.

**NEW APPLICATION:**

**Z10-02 VETTER, EDWARD V.** - Block 64, Lot 2.02. Located at 42 Charleston Spring Road consisting of 83,145 s.f. in the R-130 zone. Applicant seeks bulk variance relief (pre-existing for minimum lot area and lot width/frontage) to construct a detached 40' ft. x 80' garage consisting of 3,200 s.f. and 19'3" in height. Deemed Complete 5-15-10. Date of Action 9-10-10.

Attorney Vella having reviewed the jurisdictional packet, found same in order to accept jurisdiction over the application.

Attorney Vella entered the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Application dated 3/11/10
- A-3 Survey and Variance Sketch for Proposed Garage prepared by James J. Kuhn, PLS, dated 11/24/09, Lat Rev. 3/30/10
- A-4 Aerial of Property
- A-5 Handout of Proposed Garage Structure as prepared by Bison Steel Buildings (5pgs)
- A-6 Applicant's offer to abutting property owners
- A-7 Photo of area for proposed garage
- A-8 Photo of property facing South

A-9 Photo of property facing East

BOA-1 Township Engineer's Report dated 6-7-10

Attorney Vella swore in applicant, Edward Vetter. Mr. Vetter explained to the Board that he would like to construct a garage for the storage of his automobile collection. He explained that the ordinance maximum for an accessory structure is 900 s.f. and his proposed garage is 3,200 s.f. Mr. Vetter stated that his hobby is collecting cars. He has approximately 8 cars. Presently, they are stored on his property and in other locations.

Mr. Vetter has a masonry garage that contains two cars he would like to remove from there and store in the proposed garage. He wants to keep the masonry structure. The shed would be removed.

Mr. Vetter went over the Engineer's report and would comply with it. The Board Engineer, Matt Shafai, advised the Board that he had no objection to the Board waiving the requirement for the topography. Mr. Shafai advised the Board that if the application is approved, the applicant would have to provide a plot plan which contains topography in order to receive his building permits. At this time, Mr. Shafai recommends the waiver. Mr. Shafai explained to the Board that the applicant's property slopes back and the water goes back toward the woods. Mr. Shafai recommended the installation of drywells around the new structure. The applicant advised that he shall comply with that recommendation.

The applicant stated that there would be no changes to his driveway and the gravel would remain.

Regarding utilities now or in future, Mr. Vetter would like to put electricity and water in the garage. He explained that his budget is an issue presently. He would have a hose bib to wash the cars outside of the building. The floor of the garage is to be concrete. Mr. Shafai explained that if the applicant puts water inside of the building, he would have to get approval from the MCBOH.

Attorney Vella suggested that a condition of approval would be that the applicant obtain permits must comply with what the code requires.

The applicant would not put a bathroom in the garage, just water to wash the cars. The applicant would not store fuel in his garage outside of a 5-gallon gas can. Mr. Vetter advised that all cars are registered and insured.

The Board discussed if a law addresses how many registered vehicles can be stored in a garage.

The applicant testified that he would only perform minor car repairs, such as put in a stereo and the like. All major work is done at a body shop. Repairs would have to be for his own vehicles. The Board advised that the garage cannot be used for living space nor could it be used for commercial purposes.

Pursuant to the Engineer's Report, the applicant would have to locate his septic field.

The applicant advised the building would be either a steel or wood frame. He has not made that decision yet. The exterior would be made of steel with a roof in earth tone colors to complement and blend in with this home. Mature evergreens provide a natural screening around where the proposed garage would be located. No vegetation is to be removed. The applicant is proposing three rollup doors and a man door with one light for security. No flood lights would be in place. Mr. Lambros questioned if the neighbor's home to the south was properly screened from the proposed garage. Mr. Morelli walked the property and advised it is densely forested with the exception of a few gaps.

Attorney Vella marked the following additional exhibits into evidence:

A-7 Photo of are where proposed structure is to be erected.

A-8 Photo of property facing south

A-9 Photo or property facing east

The building shall be 19'3" high and shall meet the ordinance.

A POD storage trailer currently on the property is going to be removed as a condition of approval.

Mr. Bailey stated that he went to the property location and wanted to make sure that the applicant is not running his business from the proposed garage. Mr. Vetter testified that he would not. He stated that he does not keep stock from his commercial business at his home.

At 8:25 p.m., the application was open to the public. Seeing no public comment from the audience, that portion was closed at 8:25 p.m.

Mr. Vetter told the Board that he has been in Millstone since 1995. The Board discussed that none of his neighbors have complained about the proposed building and one neighbor was in the audience this evening.

The Board discussed conditions of approval should the applicant be granted same as follows, including but not limited to: the removal of the shed located near center of property, applicant to obtain approvals for utilities, applicant not permitted to use the

garage for living space, storage of commercial cars or commercial materials, the exterior shall be in earth tone color, maximum of three roll up doors and one man door unless additional doors are required by the building department, a light by the man door but no flood lights permitted, applicant shall provide plot plan to include topographic and grading information at the time of permitting, dry wells to be installed, the plans shall reflect the correct information such as the rear set back requirements, the garage is for storage of personal and immediate family vehicles only, rental of any garage space for storage of vehicles is not permitted,, no tree removal permitted, etc.

Mr. Bailey made the Motion to approve and Mr. Morelli offered a second. Roll Call Vote: Bailey, Morelli, Lambros, Frost, Barthelmes and Novellino voted yes to the approval. Mr. Curcio voted no to the approval.

Seeing no new or pending business, the Chairman called for a Motion to adjourn. Mr. Lambros made that Motion and Mr. Frost offered a Second and by unanimous vote, the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Pamela D'Andrea