

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 27, 2011**

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

Reading of Adequate Notice by Mr. Morelli.

Salute to the Flag and observance of a moment of silence for the troops.

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

Approval of Minutes: June 22, 2011

A change was made to the Minutes concerning the time the Board went into executive session. Mr. Curcio made a Motion to approve and Mr. Lambros offered a Second. Roll Call Vote: Curcio, Lambros, Morelli, Bailey, Frost and Novellino voted yes to approve the Minutes.

RESOLUTION:

Z11-01 SAKER, THOMAS AND KRISTEN – Block 49.01, Lot 5 located at 1 Laurel Court consisting of 4.432 acres in the R-80 Zone. Applicant sought relief from Land Use and Development Ordinances design standards (Sec. 11-24 3a and 11-24 4a) disturbing steep slopes and steep slope buffer areas during the construction of a swimming pool. Approval granted.

Mr. Morelli made a Motion to memorialize and Mr. Frost offered a Second. Roll Call Vote: Morelli, Frost, Lambros, Curcio, Bailey and Novellino voted yes to memorialize.

CARRIED APPLICATION:

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 variance relief from to add a canopy around the perimeter of the existing building (increasing the building by 2,644 s.f.) add four additional parking spaces. Date of Action: 6-22-11 per Court Order. Noticing is required. Heard in part 6-22-11; carried to 7-27-11 no further noticing required.

Attorney Vella read the following new exhibits into Evidence:

A-13 Amended Site Plan prepared by Crest Engineering dated 2/

- A-14 Architecturals Prepared by Salvatore W. Santoro dated 1-21-11;
last revised July 15, 2011
- A-15 Stormwater Management prepared by Crest Engineering dated 7-
8-11
- BOA-3 Shade Tree Report dated 7-26-11
- BOA-4 Amended Report of Board Engineer Dated 7-16-11
- BOA-5 Amended Report of Board Planner dated 7-19-11

Mr. Stevenson stated that revised engineering and architectural plans have been provided. The set back areas were discussed. Because a portion of the property fronts on the Route 195 ramp and Route 537, a request for variance approval is required for this project.

Attorney Vella previously swore in Mr. Sal Santoro, project architect, who is still under oath. Mr. Santoro brought in for the Board's review, samples of split face block to be used in the proposed project. He advised that the block will be used around the entire building to add stability to the surrounding area to prevent a careless driver from penetrating the building. He referred to the block as a bulkhead. The block samples were not marked into evidence due to the size and weight of the blocks.

Entered into evidence is Exhibit A-16, Handout showing window, roof, siding and light fixtures. The potential lighting fixtures were discussed. The Board approved a small light outside with 60 watt bulb.

Mr. Santoro advised that every entrance is functional. All four doors have column and gable overhang. Notes placed on the architectural plans to use recycled materials when possible and recycle construction by-products.

The signage was discussed. Mr. Lambros asked about the size of the existing sign on the building. Mr. Stevenson advised that the existing sign will not change.

Attorney Vella swore in Lorelei Totten from Crest Engineering, who will be testifying as both a professional engineer and planner this evening. She has appeared before the Board before and is accepted as both a professional engineer and planner.

Referring to Exhibit A-11 from the 6-22-11 meeting, Ms. Totten explained the banked parking. In response to the Board's comments, the new exhibit A-17, Mounted colored rendering of mounted site plan (3 of 6) reflects the revisions to address those comments. Ms. Totten explained the change.

Entered into Evidence:
Exhibit A-18 mounted color rendering of overall plan.
Exhibit A-19 alternate parking design.

Ms. Totten explained that 58 spaces parking spaces are constructed, 18 spaces are to be banked providing a total of 74 parking spaces. She explained that the detention basin could handle the existing parking lot, the spaces to be constructed as well as the banked parking spaces. Mr. Shafai agreed.

Mr. Coppola commented that some trees could be saved and the parking was designed to save the trees, with less impervious coverage.

Mr. Bailey voiced his concern that the parking is too far away from the store for the customers.

Exhibit A-19, alternate parking plan (Plan B) takes advantage of the access parking, saves the 30 inch oak tree, has less impervious coverage and brings parking closer. This plan eliminates the need for a sidewalk.

Mr. Coppola stated that this is a very positive suggestion for the Board to consider finding no disadvantages to the plan. It was discussed that there would be less coverage but better traffic circulation and a greater proximity to the store plus the plan saves trees.

Mr. Shafai stated that the submission Plan B resolved his issues set forth in his memorandum.

The Board requested that the Fire department look at Plan B.

Mr. Coppola's report (page 5) suggested that the applicant submit a site plan for the banked parking that should be submitted to the Board within sixty (60) days of either the owner's determination it was needed or of the determination of the Zoning Officer that the additional spaces are needed.

The Board had no issue with the banked parking. The Zoning Officer and the Board Engineer would be required to review the design, lighting and landscaping. The Resolution would include grading, lighting and landscaping.

Attorney Vella discussed that plans be designed for banked parking now. The applicant offered that this parking may never be a necessity and stated there is no need to design it now. The Board discussed the issue.

Board Planner Coppola offered that if it is designed now, the applicant would not have to come back to the Board since the traffic circulation, details of construction, landscaping and lighting are already addressed. He felt it would be too much to have the applicant come back to the Board and it could be approved administratively under the review of the engineer. On the plan would be the details of grading, curbing, landscaping and lighting.

Mr. Coppola did not see any jeopardy of waiting and designing the banked parking later. The applicant's engineer advised that the banked parking could be designed and submitted within thirty (30) days. The applicant agreed to this.

Liner replacement signs have been removed from the premises.

The setback variances were discussed.

The former approval of the installation of a gazebo and putting green plan has expired. The Applicant had vacated the 2002 approval.

Mr. Frost offered his concern that the outside lighting should satisfy the task at hand and not be directed everywhere. Mr. Santoro stated that the lighting would be down lighting with no lens extending below the light casing

The Shade Tree Commission report was reviewed. By using Plan B, the 30 inch oak tree is saved and all comments directed toward Plan A are now moot. The applicant will comply with removing the dead trees. There will be landscaping around the next to the trash enclosure as requested in the report. Protective fencing, as requested, is to be placed around existing trees to protect them during construction of the proposed project.

Variances needed - front yard set back from Monmouth Road move that back to 80.4 feet (8 feet) 195 ramp moving back 8.8 feet 100 foot requirements. These are pre-existing non-conforming variances created at the time the Route 195 ramp was constructed.

Ms. Totten describes the setbacks and discusses the existing condition and the hardships created. The southeast corner of the building is 56.4 feet from the right of way to Route 195. By enclosing the canopy, the setback would be 47.6 feet where 100 feet is required. She explained that only one corner of the building not the building face violating the setback.

The face of the building is 88.4 feet from Monmouth Road and by the eight foot enclosure will be 80.4 feet. Ms. Totten offered that the enclosure provides the impression that there is no visible change due to the inclusion of the displays inside the enclosure. When you look from

the highway, you will not see a significant difference and no noticeable impact on the light, air and open space which the setbacks protect.

The Board discussed that the variance needed is not a C1 hardship variance but rather a C2 where the benefits outweigh the detriments. The negative aspect is that the building is closer to the road and ramp. Architectural upgrading of the building is a positive element. The roof and earth tone block brings the building appear as if it has a lower perspective. The project conforms to the new architectural standards.

C-2 variance analysis applies to this matter.

The applicant has eliminated both hardships created by the roadway configuration. The applicant has a hardship due to the road widening of the Route195 ramp.

Attorney Stevenson summarized the application stating this began in January of 2010. There has been considerable work done between the applicant, the Board and the professionals to address concerns. He stated that the architectural aesthetics and function design will improve the use of the property. The applicant has worked with the Board and its professionals to address their comments and concerns.

The Board offered their comments.

Mr. Bailey asked if the enclosed canopy it will eliminate the outdoor displays and bring everything inside.

Attorney Vella read the prior Resolution and the applicant can have displays out front. Condition 10 of the 2009 approval. Should the Board eliminate condition 10 of previously approval, then it makes no sense to enclose the area and then put displays on the new sidewalk. Attorney Vella reads from the prior Resolution.

Condition no 11.

Mr. Lambros feels the new plan is an improvement. He would like to see that the quality of what he is proposing stay that way.

Mr. Stevenson started that the displays are in a relatively confined area. The display area is by the above ground pool display area.

Mr. Anthony Schiavone is sworn in. He advised the Board that he is not looking to expand his outdoor display area containing the inflatable decorations.

The Board asked that a condition of approval would be no display of balloons and flags in the front yard area.

Other merchandise in the outside display area is allowed from October 1st to January 1st.

Chairman Novellino opened the application to the public at 9:15 p.m. Seeing no public comment, he closed that portion at 9:15 p.m.

The Board commented that the new proposal gives the building a better look. The board is concerned that the applicant would violate conditions of approval.

Attorney Vella reads some of the conditions of approval including but not limited to: Note on the plans that recycled materials are to be used whenever possible; block shall be in earth tones; revised plans to conform to Exhibit A-19, the Alternate Parking Plan (referred to as Plan B) and add one more parking space to the plan for a total of 18 parking spaces to be banked, the Zoning Officer determines if banked parking is to be built – this is an administrative change and the applicant shall provide design plans to the Township (within thirty days) regarding grading, lighting, landscaping and engineering details for paving and curbing; the 2002 approvals are vacated, the exterior lights shall be down light fixtures with no lens protruding; subject to conditions of the Shade Tree Commission's report the four (4) dead trees shall be removed and the replaced; applicant to work with Shade Tree as to the new tree location and all trees shall be protected by fencing during construction, removal of prior condition 10 of the Resolution; no balloons or flags or merchandise for display items except those set forth in condition 11 of the prior Resolution; stop sign installed across from Burger King, compliance with all outside approvals, etc.

The Secretary advised the Board that Mr. Mostyn had watched the video taping of the June 22, 2011 meeting, reviewed the exhibits and is eligible to vote on this matter.

Mr. Morelli made a Motion to approve as conditioned. Mr. Bailey offered a Second. Roll Call Vote: Morelli, Bailey, Frost, Mostyn and Novellino voted yes. Curcio and Lambros voted No. Motion carries 5 to 2.

Seeing no other business, Mr. Curcio made a Motion to adjourn and Mr. Bailey offered a Second and by unanimous vote, the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Pamela D'Andrea