

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
SEPTEMBER 28, 2011**

Meeting called to Order by Vice-Chairman Barthelmes 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, Barthelmes, Morelli and Lambros. Absent: Novellino, Conoscenti, Frost and Mostyn.

**Approval of Minutes:** August 10, 2011

Mr. Curcio made a Motion to approve the meeting minutes and Mr. Morelli offered a second. Roll Call Vote: Curcio, Morelli, Bailey and Lambros voted yes to approve the minutes.

**EXTENSION OF TIME**

**Z11-05 CHARLES NOREIKA** - Block 50, Lots 1.01, 1.02, 1.03 & 2. Located on Paint Island Spring Road and Millstone Road. 30.1 acres located in the R-80 Zone. Applicant Received approval for Preliminary Major Subdivision to develop an (11) lot subdivision consisting of (1) existing residential building lot, (8) new single-family residential lots, (1) lot dedicated for drainage and (1) existing non-conforming commercial lot 7-25-07. Applicant received first one-year extension of time running through 7-24-11. Applicant seeks second one-year extension of time. Application carried form 8-24-11. No noticing required.

Mr. Vella offered that the Applicant was advised by the Board Secretary that his prior extension of time was running. He was scheduled to appear before the Board in August but due to an illness, he was unable to attend. The Board carried the extension request to September's meeting. The Board further carried the extension to October 26, 2011 at 7:30 p.m. with no noticing required.

**NEW APPLICATION:**

**Z11-04 ROUTE 537 HOLDING COMPANY, LLC.** – Block 56, Lots 13.01 and a portion of Lot 14. Located on Route 537 in the HC-1 Zoning district; Lot 13.01 consisting of 4.163 acres and the application concerns a 2-acre portion of Lot 14. Applicant seeks minor subdivision approval to convey 2 acres from Lot 14 to Lot 13.01 increasing the

Lot 13.01 lot size to 6.163 acres. Applicant seeks use variance, bulk variance, preliminary and final site plan approval to develop a miniature golf facility. Deemed Complete 8-18-11. Date of Action: 12-16-11. Noticing is required. Attorney Kenneth Mr. Pape appearing on behalf of the applicant.

Board Attorney Greg Vella advised that he had reviewed the Noticing packet and found same to be in order and the Board accepted jurisdiction over the application.

Mr. Vella read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice posted 9/12/11
- A-3 Application dated 7/21/11
- A-4 Historic Pesticide Soil Contaminant Report for part of Lot 14, prepared by Crest Engineering dated 11/2009
- A-5 EIS prepared by Crest Engineering dated 10/11/10
- A-6 Storm water Management Report prepared by Crest Engineering dated
- A-7 SWM Operations Manual dated 10/2010
- A-8 Traffic Engineering Report prepared by Maser Consulting dated 11/1/10
- A-9 Endangered Species Report prepared by Water's Edge Environmental, LC dated 6/2011
- A-10 One-half Mile Radius Map prepared by Crest Engineering dated 11/30/09
- A-11 Survey of Lot 13.01 and portion of Lot 14 prepared by Crest engineering dated 10/11/10
- A-12 Survey of Lot 14 prepared by Crest engineering dated 11/9/09
- A-13 Minor Subdivision Plan prepared by Crest Engineering dated 11/30/09
- A-14 Preliminary and Final Site Plan, Use Variance Plan prepared by Crest Engineering dated 10/11/10 Mounted One-half Mile Radius Map of Sight Plan
- A-15 Architectural Plan prepared by Area Design Group consisting on One page, dated 5-13-08, last rev. 1-8-09

- BOA-1 Township Engineer's Report dated 09/1/11
- BOA-2 Township Planner's Report dated 09/1/11
- BOA-3 Monmouth County Board of Health Soil Log suitability report dated 10/21/11
- BOA-4 MCPB Conditional Final Approval dated 9-12-11
- BOA-5 (For Lot 13.01) NJDEP LOI for presence/absence determination dated 8-14-06
- BOA-6 Fire Prevention Bureau Report dated 1/26/09 for Block 56, Lot 13.01 (prior Report issued in review of prior application)
- BOA-7 Millstone Township Environmental Commission Report dated 9-22-11
- BOA-8 Shade Tree Commission Report to BOA dated 9-28-11

Mr. Pape offered a brief overview of the applicant that is before the Board. The Applicant requests a minor sub lot line adjustment by transferring 2 acres of land from Lot 14, the lands currently owned by Rozansky family, to Lot 13.01 owned by the applicant. He explained that the Rozansky's have agreed to transfer two acres of their property to the applicant.

Mr. Pape advised that the applicant requires the granting of a "D" variance because the HC zone that the property is located in does not allow outdoor recreation. There is a full site plan that has been prepared for the outdoor recreation facility.

Mr. Pape advised that if the "D" variance is approved then the applicant would ask the Board to consider the site plan.

Mr. Pape addressed the application that was before the board the first time. He advised that with the additional 2 acres, the parking lot is completely separated from the drive way area. There is more land involved for a greener application. The golf facility is deeper into the proper and set back via the additional land. In this application, the applicant has modified the plan to address the concerns of the outside agencies and the Board.

Mr. Pape explained that the endangered species study was completed. This was presented to the Environmental Commission and they issued a positive report. The applicant tested both lots and that is contained in the EIS. The Shade Tree Commission had indicated a positive response. The applicant had met with them as

well. He advised that the landscaping is substantial around the project but due to insect and bee issues, there are no flowering trees in the play area.

Mr. Pape stated that they met with the Monmouth County Planning Board just recently suggested a loop road. They will be meeting with the County to fully review this request. Mr. Pape explained. The County had granted Final approval in August. In September, the Monmouth County Planning Board had rescinded the final approval and granted Conditional Final approval so that they could explore the granting of a Right Of Way (ROW) for the area, the Rozansky 2 acre portion. This portion would be for a future ROW for any anticipated development of the properties in the area.

Attorney Vella stated that in their report, the County wanted the applicant's site plans to reflect a ROW for a future service road. They may be looking into the future. They would like the ROW dedication now.

Sworn in Mr. Peter Strong whose credentials are known to the Board. He is testifying as a professional engineer this evening.

Mr. Strong explained the properties involved. Lot 13.01 currently contains the Dunkin' Donuts facility adjacent to KFC drive off of Route 537. Lot 14, the Rozansky property is located to the north of the site and the intent is to subdivide two acres from that site and add it lot 13.01 to make it 6.16 acres.

Referring to exhibit cover sheet as A-14 Mr. Strong explains. The NJDEP confirmed that there are no wetlands on the two acres for the minor subdivision portion of the site. Historic pesticide testing has been performed on that portion as well and submitted as a separate report. Test pits reveal no contaminants that exceed NJDEP standards.

The stormwater management basin exists on the property and with minor modifications will service this project. Mr. Strong advised that the property is free of environmental constraints.

No variances are needed for Lot 14, the Rozansky property.

Mr. Coppola stated that it could be argued that the applicant would need 9 acres under the ordinances. He inquired if the applicant attempted to purchase any additional acreage from the Rozanskys. Mr. Pape advised that the land is valuable and the price is very steep. There are 38 acres available.

Entered into evidence, Exhibit A-16 Mounted Color Rendering of the site plan. Mr. Strong explained the landscaping plan provided to the Board explaining the traffic pattern including the 24 parking spaces located in the rear of the golf facility. He explained the location of the septic system and the existing stormwater management.

Mr. Strong explained how the County ROW is to be designed. To get from KFC drive westerly back to the jug handle at Rt. 537. This would create a loop system to the parking lot and will provide 43 spaces. The service road will be two way road.

Matt Shafai asked if they are adding two acres. In this scheme they will be adding one and done half (1 ½) acres because the half acre may be dedicated to the County as a future ROW. The county often takes their ROW as an easement.

The applicant is looking for a waiver from tree counting because the trees that exist are mostly scrub type trees. A National Heritage report for Lot 13.01 was completed and for lot 14 as well. The applicant will provide the report for Lot 14 to Mr. Shafai. That report was received by the State, dated 12/6/10 and sent to Mr. Strong. Same was entered into evidence as Exhibit A-17. No variances are proposed for the minor subdivision.

The existing lighting and proposed lighting was discussed. Mr. Strong advised that the standard shoebox downward facing fixtures referring to the site plan provided (page 6 of 9), on mini golf course height 15 feet, 250 watts. In parking lots 16 feet. Low intensity lighting for the driveways and parking lots. De-intensity lighting for golf course to reduce any spillage of light from golf course onto adjacent properties.

Mr. Lambros asked what the highest point the light structure would be above grade. Mr. Strong advises that there would be some lights slightly elevated 4 feet at highest point on the course.

Lighting was discussed. Mr. Strong confirmed that shoe box style lighting has no lens protruding. Mr. Strong is not aware of any other building mounted lights other than safety or building code lighting on the building.

Mr. Vella swore in Patrick Boylan, VP of Harris Miniature Golf. He has been with the company for 18 years. They design and construct miniature golf courses in North America, Korea, Hawaii and the UK as well. He advised the Board that Harris is the leader in the industry. He is involved in mostly sales and marketing. The company has designed and constructed 600-700 courses including the one located on Route 33.

Entered into evidence, Exhibit A-18 Color hand-out of golf course. Mr. Boylan explained that the course is a 36 hole course, 2 18-hole courses that all both ADA playable. The course has no themes, windmills and the like. There are waterfalls and canyons. They build a course that is not going to get old. Mr. Boylan explained that the company has been in operation for 50 years.

They do not use mulch because it blows all over. Stone easy to maintain and looks good and different stone is used. He explained that they plant juniper because it is easy

to maintain. ADA surfaces are concrete as well as underneath the green are concrete to allow for wheel chairs to go on them.

The typical size of land used in a 36-hole course footprint would be  $\frac{3}{4}$  acres.

Fencing was discussed. Mr. Strong advised a 4 foot post and rail with three rails would be constructed. Mr. Boylan advised they make netting for the fence. The Canyon water rock is 15 feet in height. Approximate 20 feet wide.

Attorney Vella swore in Jadine Drew who would be the owner/operator of the golf facility. She stated that she is looking for a family oriented facility. She explained that in her research she had travelled around the country to view these courses and to learn the business. She had been working with Mr. Boylan and his staff to find the best flow of course for this project. Both courses are ADA compliant where the regulation only requires that one course comply, she wanted both courses to comply.

The Club house is the min hub where patrons would pick up their golf clubs and golf balls. The restrooms are located there. There would be vending machines inside. The season would begin around Passover/Easter and go through Halloween. The hours of operation would be 10 am to 11 p.m. It takes approximate 45 minutes to finish the 18-hole course. The last patron would be allowed to play at 11:00 p.m.

The number of employees was discussed. During the height of the season, 2-3 employees during the hours of 6 to 9 p.m. on weekends, it is the most popular time to play miniature golf. During the weekday, one employee. She advised that it would be a family run business and as owners and operators they would be there as well.

The clubhouse building is for provision of golf clubs and balls. The restroom facility vending machine. No food served two facilities adjacent on both sides. They may sell novelty items there but they are not running a pro shop.

Ms. Drew stipulated that the lighting would turn off 30 minutes after last person leaves the course.

The Board asked Ms. Drew in her research makes a golf course good/bad. She replied that mulch is problematic when it blows onto the walkways so that would not be used. Flowering trees present a bee issue around the course so they would use ornamental grasses and juniper that do not attract insects. Vending machines would be located at hole 9 so half-way through the course, patrons could get a beverage without having to backtrack to the clubhouse.

Ms. Drew advised that she will use clear water in the watercourses. They are aerated and never stagnant. The pools must be cleaned and treated as you would a swimming pool.

She advised that her lease option is for a total of 27 years, 7 and 10 and 10.

On the record, Ms. Drew advised that neither she nor any family member has made a contribution to any political party.

At 9:00 the Board took a break returning at 9:05 p.m.

Attorney Vella swore in Maurice Rached, PE is a traffic expert from Maser Consulting. Having appeared before Board in past and the Board accepts him as an expert.

He states the access point to the miniature facility has its own access and has no shared parking with the other establishments next to it. He explains the how a roundabout operates for traffic circulation and the benefits of having this for traffic circulation. He explained the benefit of separating the parking. Parking is contained in the dedicated parking lot to the north of the facility.

The Board asked about a walk path to go from golf course to Dunkin Donuts. Mr. Strong advised that this was doable and he would work on this.

Board Planner Coppola discussed the parking reconfiguration is a bit more of a distance from the course. Mr. Rached stated that it is not an extensive walk. The parking lot 20-25 % full may be 70% during peak times.

Mr. Rached reported that the 2008 traffic study counts are still valid. They performed a recent study and found the counts were 10% less than in 2008.

Referring to his report, Mr. Coppola stated #13 on page 13, addresses the absence of no parking signs and stripping on KFC drive. Mr. Coppola feels that this would interfere with the miniature golf course and some directional signage is needed. Mr. Rached feels this suggestion is helpful and would accommodate that request.

Engineer Shafai questioned the figures used in Figure 5 and 6 of Mr. Rached's Traffic Report. The calculations were discussed. Mr. Rached would make the necessary corrections.

The planning testimony would be presented at the meeting in October.

Vice-Chairman Barthelmes opened the testimony of Mr. Boylan to the public at 9:30 p.m. Seeing no public comment or question of this witness, that , that portion was closed.

Attorney Vella advised that this application was carried to October 26<sup>th</sup> 2011 at 7:30 p.m. without any further noticing to the public.

At 9:35 p.m., Attorney Vella advised that the Board would be entering into an Executive session to discuss personnel issues. By Motion of Mr. Curcio and a Second offered by Mr. Bailey and by unanimous vote, the Board entered into executive session

At 9:45 p.m. the Board returned to the regular session.

Seeing no further business, Mr. Curcio made a Motion to adjourn and Mr. Bailey offered a Second and by unanimous vote the meeting adjourned at 9:47 p.m.

Respectfully Submitted,

Pamela D'Andrea