

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
JANUARY 28, 2015**

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

Reading of Adequate Notice by Vice-Chairman Barthelmes. Salute to the Flag and observance of a moment of silence for the troops.

Re-Appointed Members Messrs. Frost and Ferro were sworn in by Attorney Greg Vella.

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

Chairman Novellino presented Mr. Bailey with a Certificate of Appreciation for his perfect attendance in 2014.

Election of Officers began with a nomination for Chairman. Mr. Frost made a Motion to nominate Michael Novellino to serve as Chairman. Mr. Barthelmes offered a Second. Roll Call Vote: Frost, Barthelmes, Lambros, Bailey, Mostyn and Ferro voted yes to the election of Mr. Novellino to serve as Chairman.

Congratulations to Mr. Novellino. Mr. Novellino thanked the Board.

Chairman Novellino made a Motion to nominate Steve Barthelmes to serve as Vice-Chairman. Mr. Bailey offered a Second. Roll Call Vote: Novellino, Bailey, Frost, Lambros, Mostyn and Ferro voted yes to the election of Mr. Barthelmes to serve as Vice-Chairman.

Congratulations to Mr. Barthelmes. Mr. Barthelmes thanked the Board.

The Motion to appoint Pamela D'Andrea as the Board Secretary was made by Chairman Novellino with a Second offered by Mr. Mostyn. Roll Call vote: Novellino, Mostyn, Lambros, Barthelmes, Bailey, Frost and Ferro voted yes to appoint Ms. D'Andrea.

Ms. D'Andrea thanked the Board.

The Township has a fair and opening bidding process for the appointment of Board professionals. No bids were received outside of those submitted by the present Board professionals except for the position of planner – due to Mr. Coppolas retirement. Mr. Novellino participated in interviews of prospective planners and jointly with Mr. Lambros provided a recommendation to the board for appointing a new planner.

The Motion to appoint Gregory W. Vella, Esq. of the firm of Collins, Vella & Casello, L.L.C. as Board Attorney was made by Chairman Novellino with a Second offered by Mr. Lambros. Roll Call Vote: Novellino, Lambros, Barthelmes, Bailey, Frost, Mostyn and Ferro voted yes to appoint Gregory W. Vella, Esq.

Attorney Vella thanked the Board.

The Motion to appoint Leon S. Avakian, Inc. as the Board Engineering firm with Matt Shafai, P.E. as the principal Engineer was made by Chairman Novellino with a Second offered by Mr. Frost. Roll Call Vote: Novellino, Frost, Mostyn, Barthelmes, Lambros, Bailey and Ferro yes to appoint Mr. Shafai.

Mr. Shafai thanked the Board.

Chairman Novellino announced that the Board Planner who provided many years of excellent service, Richard Coppola of Coppola, had retired. The Board had reviewed all of the RFQ's received for the position of Board Planner.

Chairman Novellino made the Motion to appoint Heyer, Gruel and Associates, PA as the Board Planner with Fred Heyer as the principal Board Planner and Mr. Lambros offered a Second. Roll Call Vote: Novellino, Lambros, Bailey, Frost, Barthelmes, Mostyn and Ferro voted yes to appoint Fred Heyer, P.P.

Mr. Heyer thanked the Board.

The Motion to appoint Angela Buonantuono as the Board Court Reporter was made by Mr. Novellino and a Second offered by Vice-Chairman Barthelmes. Roll Call Vote: Novellino, Barthelmes, Frost, Bailey, Lambros, Mostyn and Ferro voted yes to appoint Ms. Buonantuono.

Ms. Buonantuono thanked the Board.

The Motion to designate The Asbury Park Press and The Messenger Press as the official Board newspapers was made by Chairman Novellino with a Second offered by Vice-Chairman Barthelmes. Roll Call vote: Novellino, Barthelmes, Bailey, Frost, Lambros, Mostyn and Ferro voted yes to designate the official newspapers.

The Motion to adopt a regular monthly meeting schedule for 2015 and the first meeting date of 2016 with the meetings to begin at 7:30 p.m. in the Municipal Building located at 215 Millstone Road, Millstone Township, New Jersey, was made by Chairman Novellino with a Second offered by Mr. Lambros. Roll Call Vote: Novellino, Lambros, Bailey, Barthelmes, Frost, Mostyn and Ferro voted yes to as follows:

January 28, 2015  
February 25, 2015  
March 25, 2015  
April 22, 2015

July 22, 2015  
August 26, 2015  
September 30, 2015  
October 28, 2015

May 27, 2015  
June 24, 2015

November 19, 2015 (Thursday)  
December 30, 2015  
January 27, 2016

Chairman Novellino read the dates into the record.

Approval of Minutes: November 13, 2014

The eligible members having reviewed the minutes, Mr. Bailey made a Motion to approve and Mr. Lambros offered a Second. Roll Call Vote: Bailey, Lambros, Ferro and Novellino voted yes to approve.

**NEW APPLICATION:**

**14-09 DATELLO, LEONARD AND MICHELLE** - Block 35, Lot 8.12. Property located at 6 Pharo Lane consisting of 1.84 acres in the RU-P Zoning District. Applicants seek variance to construct a 1,290 s.f. detached garage where 900 s.f. is permitted. Deemed Complete 1-6-15. Date of Action: 5-6-15. Noticing required.

Board Attorney, Greg Vella, had reviewed the applicant's noticing packet and found same in order to accept jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

- A-1 Noticing jurisdictional packet
- A-2 Application dated 11-26-14
- A-3 Web Notice
- A-4 Aerial (Google Map)
- A-5 Garage Site Plan prepared by Redcom LLC dated 11-25-14
- A-6 Proposed Floor Plan and Elevations prepared by Redcom, LLC dated 11-25-14
- A-7 Architectural rendering of proposed garage; 2 versions
- BOA-1 Board Engineer's Report dated 1-7-15

Attorney Vella swore in applicant Leonard Datello and his engineer, John Manilio, P.E. Mr. Manilio provided his credentials advising he is a Licensed engineer In the State of New Jersey. He received his BS from Syracuse University. He has been with the firm of Redcom for the past 6 years and is the Vice-President of Engineering. The Board accepts him as an expert witness.

Mr. Datello stated that he is in the car business and collects cars personally. He wishes to construct a detached garage to store his vehicles. The garage would mesh with his home aesthetically.

A variance is required for the height of the garage, which has no second floor. The garage gives the appearance that there is a second floor, but it is a facade Mr. Manilio explained.

Attorney Vella Marks into evidence, Exhibit A-7 Architectural rendering of the proposed garage.

Referring to A-5, the garage site plan, Mr. Manilio explained that the lot consists of 1.84 acres located on a cul-de-sac off Ephraim Road, which is located off Monmouth County Route 524. He explained the property is presently in the RU-P zone, which is stricter with lot area and not building coverage. The property did comply with the R-80 zone, but is non-conforming under the RU-P zone.

Mr. Manilio explained to the Board three variances are required.

The proposed garage is 28 feet in height. In order to accommodate eight cars into the garage, additional height is required. Mr. Manilio explained how the vehicles would be tiered to allow eight vehicles into the space.

The applicant agreed with the Board professionals' suggestion that the proposed garage be moved three feet closer to the principal building in order to comply with the older requirements. The rezoning of the property occurred in 2003.

The engineers discussed drainage to be located in front of the proposed garage of installation of dry wells with pipe overflow. Board Engineer Shafai stated that the Township Ordinance allows the detached garage to have a height of 16 feet, 20 if it complies architecturally with the home.

Referring A-7, Mr. Manilio explained how they are trying to match the roof peaks and dormers as if were part of the garage on the existing dwelling.

The Board discussed the variance for lot coverage. The applicant feels that the proposed garage would fit in with the neighborhood.

Engineer Shafai reported that the Township is in the process of introducing an ordinance matching the zone existing lots should be located in. This would mean that this lot would have to meet the requirements of the R-80 zone not the RU-P.

The applicant advised that there would be electric and gas in the garage to heat it.

There was discussion that no restriction exists as to the number of vehicles you can have in a garage.

Attorney Vella advised that the applicant must provide testimony as to what the garage is to be used for, i.e., not for living purposes. Attorney Vella advised that granted variances follow the property.

Mr. Datello shows his cars. He will not be working on his vehicles in the garage. The proposed garage is for storage of his cars. He owns several car dealerships and has access to lifts to work on his cars. Mr. Datello stated that he has a three-car garage in his existing home. He owns ten classic cars presently.

Mr. Frost asked that the applicant comply with fire department requirements. He wanted to assure that the applicant would not rent out his garage to another party for storage.

Mr. Lambros asked if Mr. Datello brings home cars from his business to display them for sale on his property. Mr. Datello advised this is not the case.

Mr. Datello has an existing tree line that buffers his property from the neighbor, which he planted. Chairman Novellino stated that he had gone by the property and did see a good screening from the neighbor.

Mr. Datello will have the brick veneer on the house matched on the proposed garage. He advised there is no proposal for special lighting. He offered that the lifts in the garage would lift to a height of 13.3 feet to the tip of the car; the height would be 16 feet. The lift is for storage. A drip pan would catch any spillage

The proposed garage roof pitch will match that of the house. Board Planner Heyer stated that the width of the existing garage is not much different from the new one. The dormers will match, as will the roof pitch.

After discussion, the applicant decided on two dormers and two windows. The Board agreed this would be more aesthetically pleasing. The Board discussed that they would rather grant the variance to have the garage look aesthetically pleasing.

Planner Heyer stated that they are adding the height but not a second floor.

Engineer Shafai asked that the vinyl siding on the north side of the proposed garage match that of the house and the other two sides of the garage. He asked Mr. Manilio to note this on the revised plans. Engineer Shafai stated that the location of the septic fields should be noted on the revised plans as well.

The applicant explained that the garage doors are extra large because they go straight up.

The Board discussed the positive aspects of the application. Vice-Chairman Barthelmes stated that, as a neighbor, he would rather have this scenario than something that may be less pleasing and variance free. Mr. Lambros stated that he likes the proposal and the fact that the

applicant understands the intended use. Planner Heyer would like to see landscaping at the base of the wall.

Chairman Novellino stated what the ordinance permits would not fit as well as the granting of the variance, which offers an aesthetically agreeable look. He reiterated the variances run with the land so the Board wants to make sure that they are granting the variances the right way.

The applicant will move the garage back three feet to meet the principal structure setback.

Attorney Vella reads the conditions of approval should the Board vote positively, including but not limited to:

The plans will be revised to move the garage three feet toward house to meet the minimum 30 foot side yard setback, the garage is a non-permitted living area, the space cannot be rented out to a third party for storage, the buffer to the south must be maintained, no loft or second floor shall be constructed, installation of landscaping along the west side, garage siding shall match the architecture of the existing home, etc

Mr. Frost Made a motion to grant the application as conditioned and Mr. Ferro offered a second. Roll Call Vote: Frost, Ferro, Bailey, Barthelmes, Mostyn, Lambros and Novellino voted yes to approve.

**NEW APPLICATION:**

**Z14-07- PARRINO, STEVE** - Block 45, Lot 11.10. Property located at 3 Doctors Creek consisting of 3 acres in the RU-P Zoning District. Property located on a corner lot. Applicant seeks variance approval to construct a 750 s.f. pergola in front yard setback where 75 feet is permitted, 36.3 feet is provided. Deemed Complete 1-8-15. Date of Action: 5-8-15. Noticing Required.

Board Attorney, Greg Vella, had reviewed the applicant's noticing packet and found same in order to accept jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

- A-1            Noticing jurisdictional packet
- A-2            Application dated 10-6-14
- A-3            Survey of Property prepared by PSP Falcon Industries, LLC dated 12-02-14
- A-4            Site Plan and Elevations prepared by Paul A. Damiano, Architects, LLC, dated 10-1-14; last revised 1-15-15
- A-5            Aerial of Property (Google Maps 2014)

Attorney Vella swore in the applicant, Steve Parrino.

Mr. Parrino explained the need for the pergola. His family spends a lot of time in the backyard and when it becomes brutally hot, the pergola would offer shade needed.

It was discussed that Mr. Parrino has two front yards by definition. The location of the pergola is located in the front yard setback.

Mr. Parrino offered that if he moved the pergola to the appropriate setback of 75 feet, it would be located in the middle of his backyard. He stated that the partially constructed pergola is blocked by a tree line that he had planted.

Mr. Parrino explained why he chose that location to begin the construction of the pergola. It is located off the driveway, close to the pool area and seemed to work in that location. Mr. Parrino did not file for a construction permit because he did not think the pergola was a structure. There will be lattice across the top no solid roof, just cross members. Mr. Parrino stated that the pergola would serve two purposes. It will also accommodate an RV, which is 15'3".

Chairman Novellino advised that he drove by the property and saw the pergola.

Mr. Parrino advised the Board that the pergola blocks the tremendous wind that the residents experience in this neighborhood that they call Thunder Alley. Mr. Parrino stated that other than the addition of the lattice to the top, there is no other construction to take place. The ground is gravel and there are footings in place. The berm and newly planted trees provide a buffer to the street. Mr. Parrino agreed that if vegetation should die, he would replace it.

Chairman Novellino stated that it would be a hardship to remove the pergola since the footings are in place.

Board Engineer Matt Shafai stated that the footprint should be 75 feet. He advised that the pergola is a structure. Mr. Parrino explained that the building department requires a permit for the structure that is how he came before the Board. If granted a variance, a condition of approval is that Mr. Parrino would have to apply for a construction permit and have the structure inspected.

Mr. Parrino stated that he would do whatever it took to make the structure safe.

Mr. Bailey raised a concern about the applicant tarping the structure. Attorney Vella advised that he would add a condition to any approval that there will be no construction of walls.

At 9:10 p.m., Chairman Novellino opened the application to the public.

Attorney Vella swore in Dr. Lenner and Mary Lenner of 8 Doctors Creek, Millstone.

The definition of a corner lot having two front yards is provided. The Lenner's spoke about the wind in the area as they explained the flat topography of the properties seem to encourage the

wind condition. They spoke to the way the applicant maintains his property. They felt there was no negative impact by the approval of this application.

Attorney Vella advised the Board that they must look at the application from the legal prospective as if the pergola were not there. He advised that from a legal prospective, if the Board denies the application, then Mr. Parrino must take the pergola down.

The Board discussed the application. Chairman Novellino does not see any large detriment to it. He offered that aesthetically, it would be neutral when the trees fill in. Once the applicant finishes the pergola, it will look better and unseen from the road.

The applicant testified it is a good location due to the amount of wind.

Mr. Lambros appreciates how the neighbors feel about the structure.

The Board discussed his lot configuration and that he does not have much room to do much of anything.

Attorney Vella advised if approved, the conditions of approval would include but not be limited to:

Applicant must obtain all construction permits, he is not permitted to install walls or roof other than the trellis top with gaps, no other types of canvas or tarp is to cover the pergola, applicant is to maintain buffer to the street and replace any dead trees, etc.

Mr. Lambros made a Motion to approve the application as conditioned and Mr. Frost offered a Second. Roll Call Vote: Lambros, Frost, Barthelmes, Bailey, Mostyn, Ferro and Novellino voted yes to approve.

#### **NEW BUSINESS:**

Annual Report: All Board members have had the opportunity to review the Annual Report prepared by Attorney Vella. The Board made no recommendations to the Township Committee. Mr. Mostyn made a Motion to approve the Annual Report and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Mostyn, Barthelmes, Lambros, Bailey, Frost, Ferro and Novellino voted yes to the approval. The Township Committee and to the Planning Board Chairman Mitch Newman will received the Report.

Seeing no further business, Chairman Novellino asked for a Motion to Adjourn. Mr. Lambros made the Motion, Mr. Frost offered a Second, and by unanimous vote, the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Pamela D'Andrea