

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 24, 2015**

Meeting called to Order by Chairman Novellino at 7:30 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 - Lambros, Morelli, Novellino, Bailey, Conoscenti, Frost and Ferro  
Absent: Mostyn and Barthelmes

**APPROVAL OF MINUTES:** April 22, 2015

Mr. Frost made a Motion to approve the Meeting Minutes and Mr. Morelli offered a Second. Roll Call Vote: Frost, Morelli, Lambros, Bailey and Novellino voted yes to approve the meeting minutes.

**RESOLUTION:**

**Z15-01 RAO, Charles** - Block 35, Lot 3.33 located at 31 Cheryl Lane consisting of 4.75 acres in the R-170 Zoning District. Applicant seeks to construct a detached Morton Pole Barn, 45 ft. x 30 ft. where 900 s.f. is permitted for an accessory structure, the building will be 1,320 s.f. Applicant further seeks a variance for height where 16 feet is permitted, 19 feet is requested. Deemed Complete: 2-11-15 Date of Action: 6-11-15. Carried from 3-25-15 to 4-22-15 without any further noticing. Board approved the application on 4-22-15.

All members having read the Resolution, there was discussion about the application and Resolution and decision making in general.

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

**NEW APPLICATION:**

**Z15-04 GREENLEAF PET RESORT & HOTEL, LLC.** Block 59, Lot 9.05. Property located at northeast corner of Monmouth County Route 537 and Burnt Tavern Road consisting of 5 acres in the Highway Commercial (HC) Zoning District. Applicant seeks approvals to construct a double faced, 26 s.f., 8.5 ft. unilluminated sign. A Use variance is required for constructing a sign as a principle use of this property. Deemed Complete 6-2-15. Date of Action: 9-30-15. Noticing is required.

Mr. Ferro steps down and leaves the room due to a conflict.

Attorney Vella enters the following exhibits into evidence:

A-1	Jurisdictional Packet
A-2	Web Notice
A-3	Application dated 5-21-15
A-4	Site Plan and Sketch for Freestanding Sign prepared by Martin Street Surveying dated 5-18-15
A-5	Color Rendering of signage prepared by Goetz Designs dated 3-1-15
A-6	Color Handout of six (6) photos of proposed sign area
A-7	Handout with aerial of sign location
A-8	Revised Site Plan per Engineer Shafai's review letter of 6-15-15
A-9	Proposed Resolution by Monmouth County for Memorandum of Understanding
BOA-1	Report of Board Engineer dated 6-15-15
BOA-2	Report of Township Planner dated 6-22-15
BOA-3	NJDEP LOI dated 8-25-04

Mr. William Mehr representing the applicant.

Mr. Mehr stated that this is a simple application to put a directional and emergency sign at the intersection of Burnt Tavern Road and Route 537 West bound to guide people to the Green Leaf facility, replacing the Brick Elks sign that is presently on that site.

Attorney Vella entered the following additional evidence:

Exhibit A-8 , photographs of the site as it exists presently (8 photos)

Attorney Mehr reported that the applicant's engineer/surveyor out of state tonight and not available.

Attorney Vella swore in Sheldon Leibowitz. Mr. Leibowitz owns and operates a boarding and training facility for dogs, all in accordance with the Board approval. He stated that on an average day he might have 75 to 125 dogs at the facility.

Mr. Leibowitz stated that during hurricane sandy, he housed many animals via a County program. He explained how that worked. He offered that he has been working with the Monmouth County Sheriff 's Department to use the facility during a County or State emergency. Mr. Leibowitz explained how the facility took in dogs from other counties and facilities. They have generators and the large staff to facilitate this. He stated that during that event, they had the staff stay overnight.

Mr. Leibowitz stated that Green Leal Pet Report and Hotel has agreed to be designated as such a facility. He explained that when he approached the owner of this parcel, the owner was not in favor the request to lease the property. After further discussion, the property could be purchased. He has a contract to purchase with a closing date of July 1, 2015.

Mr. Leibowitz referred to the aerial exhibit to show where the sign is to be located. He explained that nothing else could be built on the property due to the wetlands. The Millstone Elks have a sign on that area already. The current sign would come down and the proposed sign would go up.

Attorney Vella entered into Evidence the following Exhibit:

Exhibit A-6, handout with six pictures of the sign area. The photos were taken on June 23, 2015. Mr. Leibowitz explained the photographs to the Board.

Chairman Novellino asked Mr. Leibowitz, other than Hurricane Sandy, has he housed additional animals in emergencies. Because of Hurricane Sandy, Mr. Leibowitz stated that people found out about his facility by word of mouth and via other facilities that sent people in need to Green Leaf. Mr. Leibowitz stated that this emergency facility would be advertised at the Monmouth County Fair.

Mr. Leibowitz explained people could not locate his facility using a navigational system because they are often misdirected. He stated that the County Animal Response Program would have informational packets going out to apprise people of his facility.

The Board discussed that the applicant only emphasized the sign for the emergency facility aspect but the signage is geared more toward stressing the boarding provided at the facility.

Mr. Mehr offered that Monmouth County would be erecting their own signage. Mr. Lambros asked if the installation of the sign is a prerequisite for Green Leaf to become designated as an emergency facility. Mr. Mehr advised that the applicant offered this service during a state of emergency. The directional sign points people to the facility. Mr. Mehr stated that Green Leaf is in a remote location and not a developed area.

Mr. Mehr advised that he has a copy of the Resolution that the County is adopting tomorrow. He will provide the Board with the Memorandum of Understanding and the adopted Resolution.

Mr. Leibowitz advised that during an emergency, he does not charge for his services, it is a courtesy.

Mr. Leibowitz will not charge the Millstone Elks to have them on the sign. He stated that the Elks sign was installed prior to the current owner.

The applicant offered that the sign would not be located in the exact same spot. Board Engineer Shafai stated that the existing sign is located within the existing site triangle and must be relocated. Planner Heyer asked if any vegetation would be removed. The applicant's planner will be sworn in to answer these questions.

Attorney Vella swore in Thomas Thomas, P.P. a professional planner licensed in the State of New Jersey. Mr. Thomas offered that he prepared the Township Master Plan and has testified before the Board in the past. He is accepted as an expert witness.

Attorney Vella marked the following into Evidence:

Exhibit A-8, revised site plan marked per review letter.

Mr. Thomas stated that he has reviewed the plan with the engineer and coordinated with him.

Referring to Exhibit A-8 stating, Mr. Thomas stated that the Toms River starts in Millstone Township and heads easterly and runs into the Atlantic Ocean. The property contains freshwater wetlands. The 150-foot transition area is located on the exhibit. Mr. Thomas pointed to the two portions of the parcel that are buildable. Mr. Thomas' calculations state that you can develop less than 10,000 s.f. of the property due to the environmental constraints.

Mr. Thomas answered Planner Heyer's question as to any other use for the property. Mr. Thomas advised that this is the only use. He stated it was an unusual situation and offered that he has never run into a situation like this in his 40-year career. Mr. Thomas explained why a use variance was required. He stated that under the law, the applicant must identify that the use would not adversely impact the neighborhood, master plan or zoning plan. Mr. Thomas explains the benefits that the plan fosters.

Mr. Mehr advised that a Resolution has been prepared for the Board of Chosen Freeholders. It confirms that Mr. Leibowitz is designated by the County through the Sheriff's department with a Memorandum of Understanding between Green Leaf and the County.

Attorney Vella marked the following into Evidence:

Exhibit A-9, proposed Resolution of Monmouth County.

Mr. Thomas stated that signs are permitted in the HC zone. This sign dimensions are 25 s.f., 60 inches wide and 8 feet high. He stated that this does not conflict with Master Plan. Mr. Thomas reported that this use is not specifically permitted in this or any zone.

Mr. Thomas went over the special reasons for granting the use variance. He stated that while this use is not inherently beneficial such as hospital or school would be, the emergency information is beneficial and would serve the general welfare. Mr. Thomas explained that the site is suited for this use adding that it is the highest and best use of this property to have a directional sign where the Green Leaf facility and Millstone Elks are located.

Mr. Thomas discussed the negative criteria stated that this use would not negatively affect the neighborhood. This sign will be set back and does not affect any other properties. Referring to Exhibit A-9, Mr. Thomas shows where the sign will be located 30 feet from curb of the roadway. The site triangle easement will be required and this will conform with the easement. The applicant has agreed to dedicate 8 ½ feet of the roadway to the Township. The sign will be 11 ½ feet off the right of way. The sign is readable from 150 to 250 feet away and consists of three different sizes to the lettering. A bulk variance is needed because the applicant is dedicating 8 ½ feet for right of way to the Township.

The applicant will place the environmentally sensitive areas in a conservation easement. There will be monuments installed to designate the conservation easement area. The sign will not be lit and only low evergreen shrubs will be planted. There is a limit of disturbance area and no grading shall be performed in that the area is flat and shall remain so. The sign will be 28 s.f. since there is various information to be placed on the sign.

Planner Heyer stated that there is a finite size that you can reduce the signs. He stated that this proposed sign does have a big logo. The lettering size is correct. He advised that you can reduce the size of the sign but the lettering is good. He offered that the sign will enhance the site.

Engineer Shafai advised that the applicant is asking for waivers of provision of the EIS. Engineer Shafai stated that the applicant is not removing any trees and he advised the Board that he has no issue with that waiver.

The application is for a D Variance and a bulk variance is needed because they are dedicating land to the Township toward the right of way.

Mr. Frost stated that he passes that intersection often and is always concerned about the left-hand turn going east. Mr. Thomas replied that the proposed sign will be located further north and would allow two cars to see oncoming traffic.

This is the only sign to be placed on that property.

The Board asked if this would obligate this community in anyway financially. Mr. Mehr advised that it would not stating that this is a voluntarily act by Mr. Leibowitz.

Mr. Frost asked about the area on Burnt Tavern road that trucks use as a turn area. This area will be dedicated to the Township for a right of way. There was some discussion on how to protect that area. The applicant will maintain the area.

If the applicant wished to make any changes to the sign, he would have to return to the Board. Engineer Shafai recommended the granting of a waiver for provision of a site plan, posting bonds and executing a developer's agreement. Engineer Shafai stated that he is fine with no site plan.

Mr. Thomas advised that they do now have a formulated map reflecting the limits of the wetlands.

At 8:40 p.m., Chairman Novellino opened the application to the public. Seeing no public comment, he closed the public portion at 8:41 p.m.

The applicant summed up the application offering that the directional sign would be for the Green Leaf Pet Resort and Hotel and the Millstone Elks. He offered that there is a substantial improvement to the site. The sign relocation is a safer location. The facility will be utilized as a emergency facility and is for benefit of the public. Due to the environmental constraints on the property, the sign is the only possible use of the property. The new sign will aid people coming off Route 195 and provide them with the correct location of the facility. The corner will be spruced up and made more attractive. Mr. Mehr advised that the sign is double sided.

The Board discussed the application. Chairman Novellino felt that there are potential positives in this application such as the directional signage for the emergency pet facility, the establishment of a conservation easement and Burnt Tavern Road right of way dedication to the Township. He offered that he did not see any negatives. Chairman Novellino stated that the existing sign will be removed, making the intersection safer.

Mr. Frost felt it is beneficial that the site will be cleaned up, will be maintained, and will add to safety in general.

Mr. Conoscenti agrees that this is an upgrade to the existing sign and will improve safety at the corner.

Mr. Lambros congratulated Mr. Leibowitz on his designation of his facility for the taking care of pets during an emergency and he stated that this is a tall order. He stated that during Hurricane Sandy, many people housed their pets in emergency facilities and the pets had to be segregated. Mr. Lambros offered that the sign is beneficial when the County is transporting the animals to the facility during emergency situations.

The Board offered that the sign is a big improvement over what is there presently and it will enhance the corner while helping Mr. Leibowitz in his business. They felt that Mr. Leibowitz has gone out of his way to help the community and will include the Millstone Elks on the sign at no additional cost to them. The Board saw many positives and no negatives to the proposed application.

Attorney Vella went over conditions of approval should the application be granted, including but not limited to: Green Leaf is to provide to the Board, their approval by Monmouth County CART program, 8 1/2 feet of frontage dedication along Burnt Tavern Road to the Township, no change of entities or sign size without the Board's approval, subject to right of way dedication of the turning radius, environmentally sensitive area shall be placed in a conservation easement and that area shall be monumented, waivers and variances shall be granted as stated, etc.

**NEW BUSINESS:**

- The Board discussed coordinating with the Township Committee and the Planning Board to show our appreciation for the work that Mr. Coppola has done for the Township. The Board Secretary will work on coordinating those efforts.
- The Board discussed general items.

See no other business, at 9:15 p.m., Chairman Novellino asked for a Motion to adjourn. Mr. Morelli made a Motion to adjourn, Mr. Frost offered a Second and by unanimous vote, the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea