

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 22, 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.

Roll Call: Present - Lambros, Morelli, Novellino, Bailey, Frost and Barthelmes.

Absent: Conoscenti, Ferro and Mostyn

APPROVAL OF MINUTES: June 24, 2015

Mr. Morelli made a Motion to approve the Meeting Minutes and Mr. Bailey offered a Second.

Roll Call Vote: Morelli, Bailey, Frost, Lambros and Novellino voted yes to approve the meeting minutes.

RESOLUTION:

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. The Application was granted at the 6-24-15 Board Meeting

The Members having read the Resolution and comments offered and changes made, Mr. Lambros made a Motion to memorialize the Resolution and Mr. Frost offered a Second. Roll Call Vote: Lambros, Front, Morelli, Bailey and Novellino votes yes to memorialize.

NEW APPLICATION:

Z15-05 VINCIGUERRA, NICHOLAS - Block 50, Lot 22. Property located at 2 Applegate Road consisting of 1.08 acres in the R-80 Zoning District. Applicant is located on a corner lot and proposes to install a 6-foot vinyl fencing along Millstone Road portion of his property. Variance is needed for installation of a fence in a front yard setback. Deemed complete 7-6-15. Date of Action: 11-3-15. Noticing required.

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

Attorney Vella entered the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice
- A-3 Application dated 6-9-15
- A-4 Survey prepared by Ezra Golub, P.E., L.S. dated 5-12-09
- A-5 Proposed Site Plan

Attorney Vella swore in Nicholas Vinciguerra, 2 Applegate Road in Millstone Township.

Mr. Vinciguerra provided that his property is a corner lot located on Applegate and Millstone Roads. He is seeking to install a 6-foot solid white fence along the Millstone Road portion of his property. He has safety concerns for his young child.

A corner lot has two front yards. The setback requirements were discussed. The fence must be 50% open for fencing in a front yard with a permissible height of 4 feet.

The right of way on Millstone Road was discussed. The applicant would like to install the fence along Millstone road as close as possible. Mr. Vinciguerra had planted arborvitae along Millstone Road in the right of way. Mr. Vinciguerra stated that the dead trees would be removed and new trees planted.

Mr. Vinciguerra is looking to install a solid fence for privacy and safety. He explained that they are bothered by lights shining on his house from traffic and such and the tree line only buffers so much.

Mr. Bailey asked if the applicant would consider another color other than white. Mr. Vinciguerra explained that cost was a factor and the white fencing was less expensive.

Chairman Novellino asked the Board professionals about restrictions on fence color. There are no restrictions on color. The Ordinance requires that a fence in the front yard has to be 50% open.

Mr. Frost asked if the applicant was amenable to a fence made of a more natural material.

Plantings were discussed as a buffer. Chairman Novellino stated that it is typical to plant evergreens. He explained how residents handle that situation stating evergreens provide a very effective buffer and that white pines grow rapidly.

Mr. Vinciguerra is interested in the safety that a solid tall fence provides. A fence would be for safety and then buffered with trees. The Board discussed that a white fence is highly visible and out of character.

Mr. Lambros offered to the applicant that the Board tries to help applicants perfect their application. Earth tone-type colors would be received better by the Board.

There was discussion about the potential location of the fence along Millstone Road.

Attorney Vella swore in Megan Vinciguerra, 2 Applegate Road in Millstone Township.

Mrs. Vinciguerra voiced her concern that due to the location of the septic and right of way, there would be no backyard area. Mr. Bathelmes asked if the applicant was amenable to consider a black horse fence that could be buffered by cypress to provide shielding.

Chairman Novellino asked the applicants to consider that wind conditions may present problems and a solid fence may not survive and may blow down.

Board Engineer Matt Shafai stated that the fence ordinance was adopted 3 years ago. Engineer Shafai advised that Mr. Vinciguerra cannot plant any trees on the right of way. The applicant can landscape inside of the fence.

Various fence heights and materials were discussed.

After hearing comments of the Board, Chairman Novellino offered that a six-foot solid white fence along Millstone Road does not have Board support and he discussed some alternatives.

Board Attorney Greg Vella discussed that three sides of the fence would require variance approval and he explained.

Mrs. Vinciguerra is looking for privacy but cost is a relative factor.

Chairman Novellino advised that when granting a variance, the Board looks at the impact to the Township visually and weighs the benefits of granting a variance. The slotted fence that is 50% open at 6 foot in height was discussed. The variance would be lessened if height is reduced one foot. The Board did not like the white color fence.

Planner Heyer suggested for privacy, a combination of fencing and plantings.

Fence height was discussed for safety for the children and aesthetics. Planner Heyer stated that a five-foot setback would be needed. The applicant wants to keep as much yard as possible.

Deer resistant plants were discussed.

Planner Heyer stated that the color of the fence is most important. The Board prefers a fence with toned down colors such as earth tones that would dull down the fence so that it is not so harsh. The Board asked the applicant to obtain paint chips from the fence company and provide them to the Board for the next meeting.

There will be a quorum for the next meeting.

The Board discussed that they do not have a problem with the height of the fence along the back of the property. They advised that they would be comfortable with 5-foot fence along Millstone Road. A proposal of a 6-foot fence with the appropriate colors along Millstone Road sent back 5 feet and landscaped on both Millstone and Applegate Roads was discussed.

Engineer Shafai stated that if the trees are planted presently, just leave them there. The applicant would have to replace them if the County advises them that they have to.

The solid fence was discussed. Plant growth would not go through. Mr. Frost stated that he would rather see a 5-foot fence along Millstone Road. More landscaping may be a better option for a solid fence.

The Board asked Mr. Vinciguerra to bring in a plan for the Board to see.

Attorney Vella made a public announcement and carried the meeting to August 26, 2015 without the need for further noticing.

Seeing no new or old business, Chairman Novellino asked for a Motion to adjourn. Mr. Lambros made a Motion to adjourn, Mr. Barthelmes offered a Second and by unanimous vote, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Pamela D'Andrea