

2011 ANNUAL REPORT

of the

MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board's actions from January 1, 2011 through December 31, 2011. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted nine(9) regular meetings.

The Zoning Board rendered decisions on the merits on six (6) applications. This is a decrease in 2 applications from 2010. The Zoning Board also granted two (2) extensions of approvals for one (1) applicant.

Many applications included more than one variance request as reflected below in Tables 1 and 2. The Zoning Board approved five (5) applications (83%), and denied one (1) applications (17%). Tables 1 and 2 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is also attached.

The Zoning Board reviews applications with an eye toward reducing the intensity and quantity of variances by working with applicants to develop improved designs. Through this process, the number of variances that are initially requested is often reduced.

TABLE 1: VARIANCES & APPLICATIONS APPROVED-2012

TYPE →	Lot area/ shape/depth	Use Variance	Setback	Waiver Site Plan	Size of Accessory Structure	Steep Slope	Totals
ZONE ↓							
BP				1			1
R-80			1			1	2
R-130					1		1
HC-1			2				2
Totals	0	0	3	1	1	1	6

TABLE 2: VARIANCES & APPLICATIONS DENIED-2011

TYPE →	Lot area/ shape/depth	Use Variance	Major Site Plan	Setback Principal Structure	Setback Accessory Structure	Soil Removal	Extension of Time	Totals
ZONE ↓								
NC		1						1
Totals	0	1	0	0	0	0	0	1

2011 SUMMARY

BULK VARIANCES

Bulk Variances were the most frequently requested relief from the Zoning Board in 2011. Applicants requested bulk variances which can be broken down into the following categories:

1. Setbacks:

Front Yard: Two (2) Variance Requested; Two (2) Variance Approved (Seasonal World); Zero (0) Variances Denied.

Side Yard: One (1) Variance Requested; One (1) Variance Approved (Muir); Zero (0) Variances Denied.

2. Waiving of Site Plan:

One (1) Variance Requested; One (1) Variance Approved (Shelly's School for Dogs); Zero (0) Variances Denied.

3. Steep Slope:

One (1) Variance Requested; One (1) Variance Approved (Saker); Zero (0) Variances Denied.

4. Size of Accessory Structure:

One (1) Variance Requested; One (1) Variance Approved (Haines); Zero (0) Variances Denied.

DENIAL OF VARIANCES

The Zoning Board denied the Use Variance application for Millstone Center Associates which also included numerous bulk variance requests. Since the Zoning Board did not grant the Use Variance, the Board did not make any findings as to the Bulk Variance requests. The Bulk Variance requests are not considered approved or denied by the Zoning Board.

EXTENSION OF TIME

The Zoning Board granted two (2) extensions of Preliminary Approval for Norieka.

“D” VARIANCES

Applicants requested one (1) D Variance from the Zoning Board in 2011. The Use Variance was denied. (Millstone Center Associates)

The Zoning Board considers each variance request carefully by meticulously analyzing the context-sensitive fashion of each request while remaining cognizant of the overall neighborhood impact. The Zoning Board also weighs the impact any variance may have on the Master Plan when reviewing the merits of any variance request to ensure the development will not have a substantial negative impact on its purpose or intent.

VARIANCE REQUESTS BY ZONING DISTRICT

NC Zone (Millstone Center Associates)

One (1) request for use variance for a commercial solar energy facility which was denied. Bulk variances were also requested but not considered by the Board.

BP Zone (Shelly’s School for Dogs)

One (1) request for waiver of site plan, where the applicant proposed to reduce the size of an approved building. Request was approved and the reduction did not create any variances. .

R-80 Zone (Muir and Saker Applications)

One (1) variance for side yard setback variance for the construction of an addition which was approved. (Muir)

One (1) variance for disturbing steep slopes area and steep slopes buffer area during construction of a swimming pool, which was approved. (Saker)

R-130 Zone (Haines)

One (1) variance for exceeding size of accessory structure, when applicant proposed 2,342 sq. ft. of solar panels, which was approved.

HC-1 Zone (Seasonal World)

Two (2) Front Yard Setback Variances requested for construction of addition to building were approved.

RECOMMENDATIONS

The Zoning Board did not make any recommendations to the Township committee this year.

2011 BOARD OF ADJUSTMENT RESOLUTION INDEX

App#	Application	Zone	Var	Date
				Mem.
Reorg 2011	Secretary Attorney Planner Engineer Court Reporter Calendar Newspapers			2-23-11
2010	Annual Report			3-23-11
Z09-01	Z09-01 SHELLY'S SCHOOL FOR DOGS – Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant received Final site plan approval to construct a 25,471, one-story building to operate a facility to include boarding for dogs and cats, pet training school, pet grooming school and pet grooming. Applicant seeks to downsize the building square footage and seeks a waiver from Site Plan approval. No variances requested. No noticing required. Waiver request considered and granted. Application Approved.	BP	Amendment of Final Site Plan	2-23-11
Z10-05	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. Applicant seeks a one-year extension of time. No noticing required. One year Extension granted to July 24, 2011.	R-80	Ext. of time Preliminary Major Subdivision	2-23-11

Z10-06	MUIR/TEREFENKO – Block 48, Lot 11.04 – Located at 97 Brookside Road consisting of 3.44 acres in the R-80 Zone. Applicant seeks to build an addition on to their existing single family dwelling. Variances are needed for yard setbacks where 30 ft. is required and 21.56 ft. and 26.80 ft. can be provided. Deemed Complete 1-7-11. Date of Action: 5-7-11. Noticing is required. Application Approved.	R80	Bulk Variances	3-23-11
Z10-08	HAINES, JOHN/CORBIN SOLAR SOLUTIONS, LLC – Block 46, Lot 62.02 – Located at 3 Lucas Lane consisting of 82,155 s.f. in the R-130 Zone. Applicant seeks to install two (2) ground mounted solar panel systems. Where Ordinance Section 4-9.3 requires no more than 900 s.f. for an accessory structure, applicant proposes 2,342 s.f. Variances requested. Noticing required. Application Approved.	R-130	C variance	4-13-11
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 and was granted from Land Use and Development Ordinances design standards (Sec. 11-24 3 a and 11-24 4 a) disturbing steep slopes and steep slope buffer areas during the construction of a swimming pool. Application approved.	R-80	Steep Slope	7-27-11
Z11-02	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. Approval granted. Resolution memorialized as conditioned.	HC-1	Amended Major Site Plan and bulk var.	8-24-11
Z11-06	MILLSTONE CENTER ASSOCIATES – Block 58, Lot 4.06 – Located on Trenton-Lakewood Road consisting of 9.537 in the NC Zone. Applicant seeks use variance approval to construct a solar energy farm which is not a permitted use in the NC Zone. Bulk Variance needed for 8 ft. high fence within front yard setback where 75 ft is required. Applicant further seeks Preliminary and Final Major site	NC Zone	Use Variance, Bulk Variance Prelim and Final Major site Plan	11-30-11

	plan approval. Deemed complete 9-14-11. Date of Action: 1-11-12. Noticing required. Application denied 7-0.			
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. Applicant seeks a one-year extension of time. No noticing required. One year Extension granted to July 23, 2012.	R-80	Ext. of time Preliminary Major Subdivision	11-30-11

OFFERED BY: F. Curcio

SECOND BY A. Conoscenti

ROLL CALL INDICATED: Curcio, Conoscenti, Lambros, Morelli, Bailey, Barthelmes and Novellino

APPROVE: 7

OPPOSE: 0

ABSTAIN: 0

I HEREBY CERTIFY the foregoing to be a true copy of the Annual Report adopted by the Millstone Board of Adjustment at its meeting of January 25, 2012.

Michael Novellino, Chairman

Pamela D'Andrea, Board Secretary