

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 24, 2018**

The Meeting called to Order by Chairman Novellino at 7:31p.m.

Reading of Adequate Notice by Mr. Morelli.

Chairman Novellino read the additional Noticing required by the Township.

Salute to the Flag and observance of a moment of silence for the troops.

ROLL CALL: Present- Conoscenti, Ferrara, Frost, Morelli, Mostyn, Lambros and
Novellino
Absent - Barthelmes

APPROVAL OF MEETING MINUTES: September 26, 2018

The Board having reviewed the Meeting Minutes, Chairman Novellino asked for a Motion and a Second to adopt the meeting Minutes. Mr. Conoscenti made a Motion and Mr. Morelli offered a Second. Roll Call Vote: Conoscenti, Morelli, Ferrara, Frost, Lambros, Mostyn and Novellino voted yes to approve the meeting Minutes.

Z18-06 GOYANES, ELENA - Block 36.01, Lot 14.18 located at 2 Beacon Hill consisting of 4.09 acres in the R-80 Zoning district. Applicant seeks bulk variance relief to construct a swimming pool, fence and shed wherein parcel has three front yards. Deemed Complete 10-9-18. Date of Action: 2-16-19. Noticing required.

Attorney Vella advised that he had reviewed the noticing packet and finds same in order and advises that Board accepts jurisdiction over the application.

Attorney Todd Cohen is representing the applicant. He provided that the applicant is before the Board seeking variances for the location of a pool, shed, basketball court and fencing to be located in the front yard of the property.

Attorney Vella entered the following Exhibits into evidence:

- A-1 Jurisdictional packet
- A-2 Application dated 9-21-18
- A-3 Web Notice
- A-4 Boundary and Topographically Survey prepared by Crest Engineering dated 1-31-17
- A-5 Variance Sketch Plan prepared by Crest Engineering dated 8-27-18
- A-6 Aerial prepared by Crest Engineering dated 8-27-18

BOA-1 Planner's Report dated 10-18-18

BOA-2 Recorded Deed of Drainage Easement dated 11/6/01, recorded on 2/6/02

Loral Totten, P.E., P.P. presented her credentials. She is employed by Crest Engineering, graduated from Lehigh University in 1979 and has been a licensed engineer since 1983 and a professional planner since 1986. She has testified before the Board in the past and is accepted as a professional engineer and planner and is sworn in.

Referring to Exhibit A-6, Aerial of the property, Ms. Totten described the location of the property that fronts three streets; Clarksburg Road, beacon Hill Road and Millstone Road.

Ms. Totten explained that the property contains a drainage easement as well as a landscape easement of deciduous trees located along Millstone Road. She described the topography of the slope stating that on the Millstone Road side, the applicant need only need comply with the setback due to the thru lot. Half of the property is located in a drainage easement.

Attorney Vella entered into evidence, Exhibit A-7, mounted colored site plan.

Ms. Totten explained why the proposed location on the in-ground swimming pool would require a C2 variance. She explained the benefits of deviating from the zone plan to locate the pool and basketball court close to the home but back from the road stating that this scenario would not impact the zone plan.

Ms. Totten stated that the applicant is seeking to install a 6- foot high, darker color fence. She reported that this is a unique situation with the detention basin in the side yard. Ms. Totten stated that the Board could grant this variance with detriment to the zone plan.

The Board discussed installing a fence in the detention basin easement that the Township holds. This is to remain uninterrupted and unobstructed per Mr. Cohen. The applicant is seeking to install the fence 35 feet into the easement.

Attorney Vella advised that the Board has no authority to grant a fence in an easement.

Attorney Vella swore in the applicant, Elena Goyanes. She advised that she pay property taxes on the entire lot. She explained why she wanted the pool and basketball court located where she is proposing.

Board Engineer Shafai asked the applicant how the Town can inspect the basin if it is fenced in.

The applicant addressed tree removal. Ms. Totten stated that no trees are to be removed with the project. The number of trees located on the lot shall be confirmed.

The applicant wishes to install lights around the corners of the basketball court. Chairman Novellino said the lights must face downward because of the neighbors. The applicant advised

that the lights would face toward Clarksburg Road and not the neighbor. The Board advised that no lights should face Millstone Road or toward the neighbor.

Chairman Novellino asked about additional tree plantings along Beacon Hill Road side of the fence.

At 8:25 p.m., The Chairman opened the application to the public. Seeing no public comment, Chairman Novellino closed the public portion.

Mr. Cohen stated that his client would be willing to move the fence along the easement if they could have a six foot fence. The Board discussed the fence along the easement. Chairman Novellino stated that moving the fence onto easement line is the right thing to do. The lot conforms to the R-80 Zoning district zone. Installation of a six foot fence with plantings along the fence on Beacon Hill was discussed. This would be subject to Board Engineer Shafai's approval.

The applicant offered that the placement of the pool affords the applicant more privacy and would be beneficial to the neighbor. Ms. Goyanes stated that relocation of the shed would be no problem. The location of the basketball court is fine where it is proposed. Court lights must be facing north and facing downward. The applicant may move the court closer to the South but not in the easement area.

Planner Mertz advised that this is a unique lot with three frontages. The fence location along the easement line is appropriate. Engineer Shafai has asked for an as-built plan.

Trees species were discussed. The applicant advised that she is adding oak trees. A landscape plan will be provided to Engineer Shafai for his review and approval.

Attorney Vella read conditions of approval including but not limited to the above.

Chairman Novellino asked for a Motion and a Second to either approve or deny the application. Mr. Ferrara made a Motion to approve and Mr. Frost offered a Second. Roll Call Vote: Ferrara, Frost, Conoscenti, Lambros, Morelli, Mostyn and Novellino voted yes to approve the application.

Seeing no new business or old business, Chairman Novellino asked for a Motion to Adjourn. Mr. Morelli made the Motion and Mr. Ferrara offered a second and by unanimous vote, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Pamela D'Andrea