



MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES FEBRUARY 23, 2022

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Novellino on Wednesday, February 23, 2022 at 7:30 p.m. in the Municipal Meeting Room, 215 Millstone Rd., Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Vice-Chairman Barthelmes read the Open Public Meetings Act Statement.

There was a salute to the Flag and an observance of a moment of silence offered for those serving or have served our country.

Roll call for the below members was called:

Present: Chairman Novellino, Vice-Chairman Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Mostyn, Mr. Sinha (Alt. I) and Ms. Beckish (Alt. II).

Absent: None.

Attending: Greg Vella, Esq.; Mat Shafai, PE, PP, Board Engineer; M. McKinley Mertz, AICP, PP, Board Planner; Danielle B. Sims, Board Secretary; Angela Buonantuono, Board Court Reporter.

Chairman Novellino noted that the following Alternate Board members were sworn in prior to the commencement of the meeting and thanked them for volunteering for the Board:

Eric Sinha, Alternate I (unexpired term, 2/2/22 through 12/31/23)

Mary Beckish, Alternate II (unexpired term, 1/1/21 through 12/31/22)

BOARD COMMENTS:

Chairman Novellino thanked Melissa Peerboom for filling in as the Board Secretary, saying she did a great job.

RESOLUTION(S):

1. Election of a Secretary – Danielle B. Sims

Chairman Novellino made a motion to nominate Danielle Sims as Board Secretary of the Zoning Board, which was seconded by Mr. Ferrara.

The motion passed with the following roll call vote: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli and Mr. Mostyn.

2. Annual Report of the Zoning Board – 2021

Chairman Novellino noted that this was discussed and approved at the prior meeting, the resolution was prepared in accordance with the report previously considered by the Board and the requested corrections were made. Mr. Vella confirmed that this is a memorialization of a resolution based on the approval granted at the prior meeting.

Chairman Novellino made a motion to adopt the Resolution for the 2021 Annual Report, which was seconded by Mr. Morelli. The resolution was memorialized with the following roll call vote: Chairman Novellino, Mr. Lambros, Mr. Morelli and Mr. Mostyn.

3. Kharat, Shailesh

Block 54.01, Lot 11 – 21 Fern Drive

Resolution of Approval, Variance Application # Z21-08



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Mr. Mostyn made a motion to adopt Resolution Z21-08, which was seconded by Mr. Lambros. The resolution was memorialized with the following roll call vote: Chairman Novellino, Mr. Lambros, Mr. Morelli and Mr. Mostyn.

CONTINUED APPLICATION:

Clickner, Dale

Block 47.02, Lot 2 – 80 Paint Island Spring Road

Variance Application # Z21-06

Applicant is seeking variance relief to construct a private 1,200 square foot detached three-car garage to store his collector cars.

Mr. Vella, Esq. reviewed the history of the application, noting that the applicant previously appeared on December 9, 2021 and the applicant has revised his application for Board consideration. At the January 26, 2022 meeting, with only four Board members present, the Applicant requested that the matter be carried for the benefit of a fuller Board. Mr. Vella confirmed that the proof of notice was submitted by the applicant and the Board had previously taken jurisdiction on this matter. He noted that the Board still has jurisdiction and that the members that were present on December 9, 2021 were eligible. He confirmed all regular Board members were present and eligible, the two alternates are not eligible to vote, but may participate in the hearing.

The following witnesses were previously sworn in and continue to be under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, AICP, PE – Board Planner
Donna Bullock – Applicant's Engineer
Allison Coffin – Applicant's Planner
Dale Clickner - Applicant

The following exhibits were marked in advance of the hearing, as follows:

Exhibit A-1: Jurisdictional Notice
Exhibit A-2: Application dated 8/3/21
Exhibit A-3: Variance Sketch prepared by Crest Engineering dated 6/29/21, revised 9/24/21
Exhibit A-4: Survey of Property prepared by Crest Engineering dated 4/16/21
Exhibit A-5: Aerial Map prepared by Crest Engineering dated 6/29/21
Exhibit A-6: Site Display 12/7/21
Exhibit A-7: Variance Sketch, prepared by Crest Engineering, 2 sheets, dated 6/29/21, revised 9/24/21, revised 1/5/22
Exhibit A-8: Site Display dated 1/5/22
Exhibit A-9: Correspondence from Jared Pape, Esq, dated 1/12/22 (synopsis of revised plans)
Exhibit BOA-1: Engineer's Report dated 10/18/21
Exhibit BOA-2: Planner's Report dated 11/30/21
Exhibit BOA-3: Engineer's Report dated 10/18/21
Exhibit BOA-4: Planner's Report dated 11/30/21
Exhibit BOA-5: Completeness Determination dated 10/15/21 (Requests for Extensions of Time to Act put on Record)



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Mr. Jared Pape, Esq. appeared behalf of the applicant. He reviewed proposed changes from the application previously presented to the Board. He stated that the applicant previous came to the Board with a four-car garage of approximately 1,600 s.f. Based on the previous application, the applicant required five variances (size of accessory structure, architectural consistency of the accessory structure, height of the accessory structure, building coverage and lot coverage). The applicant has revised the plans to include a three-car, 1,200 s.f. structure, instead of the metal siding and roofing, the applicant is now providing vinyl siding and shingle roofing to match the home. The applicant has also proposed to remove some of the driveway width leading to the garage and some concrete areas behind the deck of the home in order to reduce the coverage areas. The accessory structure would now be consistent with the primary structure.

Ms. Bullock was previously sworn in and is still under oath. She referred to Exhibit A-8, Site display, revised 1/5/22. The proposed garage will have a shingle roof and siding to match the existing dwelling. The revised plan reduces the building coverage to 9.2% by reducing the size of the garage to 1,200 s.f., no longer requiring a variance for building coverage. The lot coverage has been reduced by eliminating some of the gravel drive area, eliminated some existing concrete between the pool and the rear of the house, and reducing the size of the proposed structure. A variance will be required for the lot coverage of 23.5* (later corrected by Mr. Shafai to be 23.8%), compared to the previous plan presented to the Board, which had a coverage of 27.7%. The gravel areas/driveway is included in the impervious coverage calculation. The structure will be 17'9" in height and does not require a variance since the architecture matches the structure.

The Board members inquired about the surrounding vegetation and screening of the proposed structure. The existing vegetation is deciduous screens the proposed accessory structure to the rear and to the side. Chairman Novellino suggested some additional screening be added to the other view sheds, including from the roadway.

Mr. Shafai confirmed that the proposed lot coverage would be 23.8% (not 23.5% as noted) and is not concerned with drainage issues as there is a drainage easement adjacent to the site.

Mr. Clickner was previously sworn in and was still under oath. He stated that he intends to store his three collector cars inside the building. He stated that the accessory structure would have electricity (100 amp) and gas (so he may heat the building). There would not be any kitchen or plumbing in the structure.

Allison Coffin was previously sworn in and is still under oath. Ms. Coffin review the two variances required. They are "c" variances for the oversized garage of 1,200 s.f. whereas 900 s.f. is permitted. The other being the lot coverage. She reviewed the proofs for the variances noting the existing undersized lot driving the hardship. Ms. Coffin noted that the proposed structure is appropriate and positive reasons exist and the positives outweigh any detriments. Ms. Mertz reminded the Board to take into consideration any perspective negative impacts, but noted that the new enhancements provided have made an improvement and that they have reduced the number of variances, compared to the plan previously presented to the Board.

Chairman Novellino opened the matter to the public. There were no members of the public that came forward and Chairman Novellino closed the public session for this matter.

Chairman Novellino asked the Board for questions or comments. There were no questions or comments. Mr. Pape provided a closing statement for the Board. Chairman Novellino noted the application is for an oversized structure, stating that the applicant has mitigated the visual



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impact of the size of the structure. The impervious coverage has been mitigated with the addition of the rain garden, lessening the runoff. The gravel driveway is considered impervious under the Ordinance. Chairman Novellino stated that he believes the applicant has done enough, in his opinion, to warrant the relief requested.

Mr. Sinha confirmed that the gravel driveway would be made of clean stone, not of millings. Mr. Vella reviewed the comments made by the Board and proposed conditions. The applicant must obtain approval for the driveway in the Township easement. The applicant removed the drywell and has added a rain garden to the plan design. The applicant agreed to add landscape screening to the west of the lot to screen the view from East Pine View Road. The shingles and siding will be required to match the material and color of the house. Plumbing would be prohibited in the accessory structure, but electric and gas would be permitted. The applicant would not be permitted to rent out the space or be used for commercial purposes. Only necessary lighting for safety would be permitted on the exterior of the structure.

Mr. Conoscenti made a motion to approve the application with the conditions discussed on record, which was seconded by Mr. Morelli. The motion passed with the following roll call vote: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli and Mr. Mostyn.

The Board took a five-minute break.

**Friends of Cyrus
Block 58, Lot 4.02 – 36 Trenton Lakewood Road
Use Variance Application # Z22-01**

Applicant is seeking use variance relief for a change of use to convert a child day care center to a day care center for adults with IDD (Intellectual and Developmental Disabilities).

Mr. Vella, Esq. confirmed that the proof of notice was correct in form, published and properly served, so the Board has jurisdiction to hear the application.

The following exhibits were marked in advance of the hearing, as follows:

- Exhibit A-1: Jurisdictional Notice
- Exhibit A-2: Application dated 12/21/21 and Checklist dated 12/29/21
- Exhibit A-3: Variance Plan, prepared by Crest Engineering, 3 sheets, dated 11/25/21
- Exhibit A-4: Land Title Survey, prepared by Crest Engineering, dated 11/4/21
- Exhibit ZB-1: Completeness Determination dated 1/25/22
- Exhibit ZB-2: Engineer's Report dated 2/14/22
- Exhibit ZB-3: Planner's Report dated 2/17/22

Mr. Peter Wagner, Esq. appeared behalf of the Applicant, Friends of Cyrus (Z22-01). He confirmed the manner of service provided for the hearing.

The following witnesses were sworn in and were under oath:

- Matt Shafai, PE, PP – Board Engineer
- M. McKinley Mertz, AICP, PE – Board Planner
- Loralie Totten – Applicant's Engineer and Planner
- Jamie Mudge – Managing Director, Friends of Cyrus
- Jessica Mulhern – Assistant Executive Director, Friends of Cyrus



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Mr. Wagner introduced Jamie Mudge, who was sworn in. Ms. Mudge stated that she is the managing director of Friend of Cyrus, an organization started in 2013 to provide support services to individuals with special needs. She stated that she is a mother of a 23-year-old child with special needs. The proposed facility will cater to those with special needs. They will have programs to provide assistance to those who need support services, such as meals on wheels.

All programs are required to be certified by the State. Ms. Mudge stated that they plan to operate Monday through Friday from 7:30 am to 5:30 pm with staggered arrivals. They plan on having no greater than 25 employees. There will be 5 designated spaces for drop-off and pick-up for their clients and they will be scheduled at staggered times to not cause any traffic or back up. They do not plan on receiving any large truck deliveries, most likely Amazon-type delivery trucks. At this time, they do not intend to make any interior changes. Trash and recycling would be coordinated to not conflict with drop-off and pick-up times. There are policies and procedures in place for security and safety of the attending individuals. The existing playground would be disassembled to allow for an outdoor sitting area. The existing monument sign will remain, but the face would be replaced. The existing septic system will be inspected.

Mr. Wagner clarified that "IDD" is Individuals with Intellectual and Developmental Disabilities. Ms. Mudge stated it is Individuals with Intellectual and Developmental Disabilities. They provide educational and fun activities for the individuals, such as arts and crafts and community outings. She stated that they may use the space for special events. There would be a maximum of sixty (60) individuals.

Ms. Mertz stated that the facility was formerly a daycare center, so the rooms are already in place. Ms. Mudge stated that they may administer medication and will be CPR and first aid trained, but anything further would be deferred to emergency services. The facility would have individuals with intellectual and developmentally disabilities and are 21 years old and older. There is no maximum age, but there is a goal to get the individuals to be able to work or participate as a volunteer. The facility would function similar to a school. The clients would come from group homes, family homes, and some may live on their own with support services. The staff has been trained for the required services. Ms. Mudge stated that the individuals are always supervised and would be with their assigned groups and there is no special security required. Ms. Mudge stated that this is meant to be a fun day for their clients. They play games, work out twice a day, work on crafts twice a day, etc. to make it educational and fun for their clients. They also work towards gaining employment, by developing skills for the workforce. Most of the individual are transported by the two passenger transport vans kept on-site, which will also be used for transport for outings and in case of emergencies. There would be no overnight stay for the individuals.

Mr. Lambros inquired about the criteria for individuals to attend the program. Ms. Mudge stated that they must be considered IDD and registered with the State Department of Developmentally Disabled.

Mr. Sinha inquired about the capacity of the existing septic. Mr. Shafai stated that the Monmouth County Board of Health would review the septic and the applicant would need to obtain a sign-off the County Health Department.

Ms. Jessica Mulhern (Assistant Executive Director of Friends of Cyrus) appeared and was sworn in. Individuals participating would be approved with developmental or intellectual disabilities. She stated the individuals that come to the facility would be those that need life



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skills after graduation, to help them live as independently as possible. She stated that the individuals transported by car would be signed in but an adult/guardian.

Loralie Totten, PE and PP was sworn in. She has testified before the Board and was accepted by the Board as a professional licensed Engineer and Planner. She reviewed the surrounding area and site in the Neighborhood Commercial Zone, the 10,000 s.f. including the 49 parking spaces, which was constructed in the late 1990's. Ms. Totten stated that the septic was designed to accommodate 183 students. The program is expected to have up to 85 people at a time (individuals and staff). She expects that there would not be any issue with the existing septic, but noted they would obtain the necessary approvals from the Monmouth County Health Department.

Ms. Totten stated that they would address the maintenance items described in Mr. Shafai's review memo. Ms. Totten noted that they can do a site inspection and add any necessary notes to the plan to address the maintenance items. Mr. Shafai stated that they would not be able to obtain a CCO without the items addressed. He recommended that the Board waive the requirement to Bond and to post an inspection escrow as there really are not site improvements and all improvements are onsite. The existing fence would remain and there would be some sitting benches added to the existing playground area. Ms. Totten reviewed the proofs for granting the variance, noting that they support the Master Plan. Although this is not listed as an inherently beneficial use, it really should be as there is such a need. The site is particularly suited as it is currently a vacant facility and already contains the facilities needed for this use. Ms. Totten noted that there would not be any substantially negative impact. Ms. Mertz stated that Ms. Totten's argument that the use is inherently beneficial has been noted, although not recognized as such by the legislature, and that the use would enhance the general welfare and promote the public good. Ms. Totten noted that adult day care is not included in the Township Ordinance and was not contemplated as it is a newer use. She suggested that this use may be something that the Board may want to consider making recommendations on when doing their next annual report.

Chairman Novellino inquired about the use and whether it is inherently beneficial, where the state has not elevated to this standard. Mr. Vella stated that the Applicant that this is a use that is in need. The enhanced proof testimony, he stated, can be relied on. Ms. Mertz stated that childcare facilities have been deemed an inherently beneficial use and that this is so new that it has not been contemplated. It has been recognized as "beneficial" but does not rise to "inherently beneficial." Mr. Vella suggested that the Board consider the enhanced proof.

Mr. Morelli inquired about the need in the area for this type of use. Ms. Mulhern stated that they anticipate to be able to provide services to individuals within 10 miles, but would go up to 45 minutes. She stated that they also work with schools so that if a student ages out, they can start to transition to the program. Through the schools, they may also work with individuals ages 18-21, but their base is for individuals over 21. Ms. Mulhern stated that the program typically runs from 9:00 am to 3:00 pm, but they stagger the times and offer other activities. She stated that about 85% of the individuals utilize transportation provided by Friends of Cyrus. She stated that there are some group homes operated by Friends of Cyrus, which contain four individuals in each group home. Currently they do not have any group homes in Millstone Township. Ms. Mertz stated that group homes are categorized as single family residential. Residential uses are permitted in the zone, but this is not proposed to be used for overnight/living space. The proposed facility would not provide any overnight accommodations. Ms. Mertz agrees with the Planner's testimony that the site is particularly suited, changing from child daycare to adult daycare. She feels that the use supports the goals and objectives of the Township.



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Ms. Mertz stated that she believes the traffic impact would be substantially less than the previous use of a daycare center. There is no parking standard for this use since it is not considered in the ordinance, but appears to meet the applicant's needs per the testimony provided. Chairman Novellino noted that the site does seem particularly suited as the previous use was a daycare. He did not see any negative impacts.

Chairman Novellino opened the matter to the public. There were no members of the public that came forward and Chairman Novellino closed the public session.

Mr. Wagner summarized his case for the Board, noting he believes they satisfied the positive and negative criteria.

Chairman Novellino asked for Board comments. Mr. Lambros stated that this seems like a special organization that appreciates that is available to those that need the services. He thinks it is a positive use for the community and does not feel there is any negative impact.

Mr. Morelli noted that Millstone uses State Police and does not have a lot of public services. Ms. Mulhern stated that they just want to be a part of the community.

Mr. Vella reminded the Board that the Applicant has agreed to address the comments in the Board's professional's review memos, particularly the maintenance items. The applicant has agreed to provide new handicap signs, update the handicap ramps, update the drainage grates to meet the NJDEP standards, make the necessary pavement and Belgium block repairs to the satisfaction of the Township Engineer, landscape maintenance, and other items noted in the Board's professional's review memos, Exhibits ZB-2 and ZB-3

Chairman Novellino asked the Board if there were any further comments, there were none.

Mr. Ferrara made a motion to approve the application with the conditions discussed on record, which was seconded by Mr. Lambros. The motion passed with the following roll call vote: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli and Mr. Mostyn. Motion approved 7 – 0.

BOARD DISCUSSION:

Chairman Novellino asked the Board about how they would prefer receiving the Board Agenda packages. The Board agreed they would like to have a couple copies of the plans placed on the dais and would like the documents separated, not as one compiled document. Ms. Sims noted that she will continue to place the application exhibits on the Board's webpage. This will allow the Board members to be able to review the documents in advance of the agenda being posted and will allow members of the public easy access to the documents. The Board asked to get the Wi-Fi password to access the documents online during the meeting. Ms. Sims thanked the Board for the appointment as the Board Secretary

Mr. Shafai noted that there are two applications on the agenda for next month.

With no further business, Mr. Mostyn made a motion to adjourn, which was seconded by Mr. Conoscenti, with all in favor. As such, Chairman Novellino closed the meeting.

Respectfully submitted,

Danielle B. Sims, Board Secretary