



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
March 23, 2022**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Novellino on Wednesday, March 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 and those who have served our country in the past.

Roll call for the below members was called:

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

Absent: Mr. Mostyn.

Attending: Greg Vella, Esq.; Matt Shafai, PE, PP, Board Engineer; Leigh Fleming, AICP, PP, Board Planner; and Danielle B. Sims, Board Secretary

Mr. Sinha was seated for Mr. Mostyn.

MINUTES:

Minutes from February 23, 2022

Chairman Novellino asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Lambros made a motion to adopt the Minutes from February 23, 2022, which was seconded by Mr. Conoscenti. The Minutes were adopted on a roll call vote: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli and Mr. Sinha.

RESOLUTION(S):

**Clickner, Dale
Block 47.02, Lot 2 – 80 Paint Island Spring Road
Variance Application # Z21-06**

Chairman Novellino asked if the Board had any comments on the resolution that was prepared. With no comments from the Board, Mr. Barthelmes made a motion to adopt the Resolution for Application Z21-06, which was seconded by Mr. Ferrara. The resolution was memorialized with the following roll call vote in favor: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros and Mr. Morelli.

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

Chairman Novellino made some changes which were sent out to the Board and put onto the record. He asked if the Board had any additional comments on the proposed resolution. With no comments from the Board, Mr. Morelli made a motion to adopt the Resolution for Application Z22-01, which was seconded by Mr. Barthelmes. The resolution was memorialized with the



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following roll call vote in favor: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros and Mr. Morelli.

NEW APPLICATION(S):

Abe Francisco

Block 62.02, Lot 20 – 1 Baldwin Drive

Variance Application # Z22-01

Proposal to construct a 14' x 20' inground swimming pool with associated patio space in the rear yard of an existing home on a 1.88-acre property in the R-130 Zone. Variance relief is requested for the proximity of the pool to the principal building where the proposed pool would be ten feet (10') from the principal dwelling, whereas fifteen feet (15') minimum is required. Existing bulk deficiencies also exist on the lot.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer
Leigh Fleming, AICP, PE – Board Planner
Abe Francisco – Applicant

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

Exhibit A-1: Jurisdictional Notice (Proof of Service)
Exhibit A-2: Application, Checklist & Administrative Forms received 7/7/21
Exhibit A-3: Aerial Image (Google, screen date 2/3/22)
Exhibit A-4: Swimming Pool Variance Plan, prepared by MGC Associates, 1 sheet, dated 11/30/21, revised 1/10/22
Exhibit A-5: Property Survey (title block not visible, source/date unknown)
Exhibit A-6: Aerial image with septic and well locations shown, source/date unknown
Exhibit BOA-1: Completeness Determination dated 2/14/22
Exhibit BOA-2: Engineer's Report dated 2/22/22
Exhibit BOA-3: Planner's Report dated 2/28/22

Mr. Francisco appeared as the applicant. He stated that he has a unique backyard as he has several conservation easements on his property. He noted that he may be able to locate the pool in an alternate, conforming, area, however, it would require him to cut down many trees. This, he stated, would change the nature of the view. He is requesting to locate the proposed pool 10 feet from the primary structure, where a 15-foot setback is required. By keeping the pool 10 feet from the house, it would eliminate the need to cut down many trees on the property.

Mr. Shafai confirmed that the conservation easement exists and is shown on the plan. He noted that the applicant has agreed to install the conservation easement markers, per his review memo.

Ms. Fleming explained the 15-foot setback requirement is to prevent the appearance of overdevelopment on a property. She stated that there is not much of a negative impact to the surrounding area in granting the requested variance. Mr. Vella stated that many towns have an 8-foot setback minimum for safety purposes, including to prevent someone from jumping from a house into a pool. This proposal seems to meet a general standard setback, so it should meet fire safety requirements.



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The property will have a pool compliant fence, a note on the plan confirms this. The applicant would comply with any code requirements regarding the fencing.

Ms. Fleming inquired about any proposed lightning. Mr. Francisco stated that there may be landscape path lighting and a light inside the pool, but no other lightning is proposed at this time.

Chairman Novellino opened the matter to the public. With no members of the public coming forward, Chairman Novellino closed the matter to the public.

Chairman Novellino stated that he does not believe that there is going to be any negative impact by granting the requested variance. He continued to say that the conservation easements cause a hardship on the applicant.

The Board considered some conditions of any approval, including that the applicant must install conservation easement markers, an as-built construction plan shall be provided, the location of the well and septic shall be placed on the plan.

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

Charles Noreika

**Request for an Extension of Approvals for Preliminary and Final Major Subdivision,
Bulk Variance and Preliminary and Final Major Site Plan
Block 50, Lots 1.01, 1.02, 1.03 and 2 – Millstone Rd. & Paint Island Spring Rd.
Variance Application Z18-02 (Ext. and Phasing Plan)**

Request for an Extension of Approvals under NJSA 40:55D-52. The site consists of 28+ acres located in the R-80 zoning district. Approvals were granted for Major Site Plan, an eleven (11) lot Major Subdivision, Bulk and Use Variance relief to construct 7,500 s.f. of retail/repair/office for commercial use with a two-bedroom apartment on the second floor of proposed Lot 1.05. Bulk Variance was granted on proposed Lot 1.05 for 31% lot coverage where 20% is permitted. The existing dwelling on proposed Lot 1.04 received bulk variance approvals for front yard setback and for the shed located in the side yard setback. The subdivision included stormwater management on proposed lot 1.14 and 8 new residential lots.

The following witnesses were sworn in:

Matt Shafai, PE, PP – Board Engineer
Leigh Fleming, AICP, PE – Board Planner
Charles Noreika – Applicant
Christine Gialanella – Applicant's daughter
Patrick Jeffery – Applicant
Robert Noreika – Applicant

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

Exhibit A-1: Revised Site Plan (including Phasing), 14 sheets, prepared by T & M Associates, revised 2/24/22
Exhibit A-2: Application request for extension of approvals



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- Exhibit A-3: Extension and Phasing Project Description, prepared by Charles Noreika, dated March 1, 2022
Exhibit A-4: Previous resolution of approval Z18-02

Mr. Vella, Esq. provided a history of the application and the prior approvals. The applicant is requesting two, one-year extensions of the approvals granted under application Z18-02. He explained that the applicant is seeking two of the three, one-year extensions of approval eligible to the applicant. The applicant is also seeking to phase the previously approved site plan into three phases. Mr. Vella explained the applicant's right to request extensions of an approval.

Mr. Charles Noreika stated that there were delays due to the LOI taking over a year and a half to review and approve. He stated that the County cannot do anything until the County purchases the property with the building. To help speed things up, the applicant is proposing to phase out the plan and to temporarily move the business into the existing barn. This will allow the County to move forward in taking the right-of-way for the County's proposed round-a-bout, which would cause the County to take down the building where the business is currently located, making this portion of the property available to the County. Once the applicant receives the funding for the taking, the applicant would immediately need to be out of the current business building. Ms. Christine Gialanella noted that the County is looking to settle on the property in June 2022.

The Board considered the request. Any resolution would be approving a phasing plan which would allow the applicant to move forward with moving the business to the barn prior to full resolution compliance to allow the transaction with the County. This would be restricted to not allow any new construction to be done until the conditions have been met.

Chairman Novellino confirmed that the applicant would be bound by the phasing plan, marked as Exhibit A-1, revised 2/24/22. Mr. Vella confirmed that the applicant is seeking 2 x one-year extensions. He reviewed the procedure for filing plats with the County.

Chairman Novellino opened the matter to the public. No members of the public were present and the public session was closed.

The Board discussed the request for extensions and proposed phasing plan. Mr. Lambros stated that the request appears to be reasonable and would allow the applicant to move forward and continue with their business should the County purchase their property in June, as anticipated. 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 placed on record, which was seconded by Mr. Conoscenti. The application was approved with the following roll call vote in favor: Chairman Novellino, Mr. Barthelmes, Mr. Conoscenti, Mr. Ferrara, Mr. Lambros, Mr. Morelli and Mr. Sinha.

BOARD DISCUSSION:

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

Respectfully submitted,

Danielle B. Sims, Board Secretary