



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
December 6, 2022**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Mr. Mostyn on Tuesday, December 6, 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.

Mr. Morelli 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: Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha.

Absent: Chairman Mostyn, Ms. Beckish (Alt. I) and Ms. Arpaia (Alt. II).

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

PUBLIC COMMENT:

None.

MINUTES:

Minutes from October 26, 2022

Vice-Chairman Barthelmes asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Sinha made a motion to adopt the Minutes from October 26, 2022, which was seconded by Mr. Lambros. The Minutes were adopted on a roll call vote: Mr. Lambros and Mr. Sinha.

RESOLUTION(S):

None.

APPLICATION(S):

Request to carry to January 25, 2023, without further notice.

Gary Teyhen

Block 35, Lot 37.01 – 52 Chambers Road

Variance Application # Z22-06

Proposal to construct a 1 1/2-story, single-family home on a 3.34-acre lot in the RU-P Zoning District. Variance relief is required for: Lot frontage of 0 feet; whereas 250' minimum is required, Lot width of 240 feet; whereas 250 feet minimum is required, Development of a lot that does not contain minimum of 1-acre contiguous usable area, Disturbance of slopes greater than 15%, Development of a lot without frontage upon a public street. The Board took jurisdiction and begin the hearing on October 26, 2022 and carried without further notice to December 6, 2022 to revise and resubmit.



Vice-Chairman noted the applicant requested to carry the application. Mr. Vella, Esq. reminded the Board that the applicant already appeared and requested to have some additional time to revise and resubmit the plans to address the Board's concerns. He announced that the application was being carried without further notice to the January 25, 2023 Zoning Board of Adjustment meeting at 7:30 pm in the same location, without any further notice.

Eric Pesciotta

Block 27.01, Lot 9 – 15 Chadwick Rd.

Variance Application # Z22-11

Proposal to maintain an existing outdoor cooking/grill and patio area (structures) containing a block wall with grill and countertops, a pergola (8'2" in height), stone bench and fire pit, constructed without prior zoning approvals, in the front yard area of a home on a corner lot in the R-80 zoning district. Variance relief is requested for accessory structures within the front yard and for accessory structure setback to the principal building.

Mr. Eric Pesciotta appeared as the applicant.

The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
Eric Pesciotta – Applicant
Anne Pesciotta – Applicant

The following exhibits were marked in evidence, including new exhibits:

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms
- A-3 Variance Requests and Application Summary
- A-4 Outside Agency Approvals, Permitting
- A-5 Lot coverage calculations, unknown source, received 10/21/22
- A-6 Detail of Grill and Patio area, unknown source, received 10/21/22
- A-7 Pergola Detail, unknown source, received 10/21/22
- A-8 Series of eight (8) photos from street view and of grill/patio area, unknown source, undated
- A-9 Pool permit rendering, prepared by Seasonal World last revised 6/14/14
- A-10 Final As-built Survey, prepared by Morgan Engineering & Surveying, dated 3/25/99
- A-11 Aerial photo of site, Google imagery
- A-12 Notarized TCO Agreement prepared by Mildred Hamilton, Esq., dated 10/26/22
- A-13 Fence height statement, prepared by Anne Pesciotta, owner, dated 11/28/22
- A-14 Temporary C.O., issued by Millstone Twp., dated 11/9/22
- A-15 Construction Inspection Activity Report for Permit 20220645
- A-16 Plan of Survey, prepared by Bruce Benish, PLS, 1 sheet, dated 11/14/22
- ZB-1 Completeness Review dated 11/11/22
- ZB-2 Engineer's Review dated 11/14/22
- ZB-3 Planner's Review dated 11/30/22

Mr. Eric Pesciotta, applicant, was sworn in. He stated he is seeking a variance for the already constructed improvements on his property. He stated there is a hardship based on the fact that the property is a corner lot and there is a great change of topography on the lot. The lot slopes diagonally down from the front of the house to the rear of the house. He installed a patio off the deck with a retaining wall to off-set the slope of the property. He started the paver patio, but got



a little carried away and built a pergola and a cooking area. The improvements were done in about 2009 and never took out the required permits. The pool was installed in around 2014. He did not understand the double front yard zoning and didn't really think he needed permits at permits. There is a sink with a gravity tap, in the grill/cooking area. When they were selling the house, they found out they needed permits for all of the improvements and when they went to take out the permits, they found out they couldn't have these improvements in the second "front yard." The patio, cooking area, pergola, retaining wall, etc., were all technically in the front yard.

Ms. Mertz noted there are two variances required, one for structures in the front yard on a corner lot, and the second would be for having an accessory structure less than 15' from the primary structure.

Mr. Pesciotta noted that due to the topography of the property and the wooded buffer on the side roadway and the other lots, the improvements cannot be seen from the side road (Graham) and not from Chadwick. Mr. Shafai noted you can maybe see a bit of the top of the structure from the roadway, but there are no neighbors on that side of the roadway.

Ms. Anne Pesciotta was sworn in and noted that there really was not any other viable location for the pergola due to the pool on the property and the topography. The applicant has sold the house and has applied for the permits. The permits have been approved pending the outcome of the zoning variance. The improvements have already been inspected and a temporary C.O. has been issued, again, pending the outcome of the variance. It was noted that these improvements are set back far enough from the roadway to not have any negative impact.

Mr. Shafai informed the applicant (and the new homeowners, who were present), that they would not be able to install any other improvements in this front yard area.

The Board discussed the application and took no exception to the request for the existing structures to remain in the front yard due to the property restraints and that the improvements are not really visible front the roadway and neighboring properties. They also did not have any objection to the existing condition of the pergola being located less than the required 15' from the primary structure (house). The Board stated that the improvements are also aesthetically pleasing.

With no further questions or comments from the Board, Mr. Ferrara made a motion to approve the application, granting the requested relief with no conditions, as the applicant has already applied for the required construction permits. This motion was seconded by Mr. Morelli. Application Z22-11 was approved with the following votes in favor: Vice-Chairman Barthelmes, Mr. Ferrara, Mr. Lambros, Mr. Morelli and Mr. Sinha. Approved 5-0.

BOARD DISCUSSION:

Attorney Vella noted that he would be preparing the Annual Report for the Board and wanted to know if there were any items the Board would like him to include. He asked that the Board let him know if there are any items they would like him to add to the report.

Secretary Sims sent out a draft 2023 meeting schedule and asked for feedback. The Board would prefer to keep the meetings at 7:30 pm and discussed the proposed meeting dates. There was some discussion about November and December 2023, suggesting November 29th and Tuesday December 5th, 2023.

There were no other business matters up for discussion.



ADJOURNMENT:

With no further business, Mr. Morelli made a motion to close the meeting. With all in favor, Vice-Chairman Barthelmes adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary