

# **2015 ANNUAL REPORT**

of the

## **MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT**

This Annual Report covers the Board's actions from January 1, 2015 through December 31, 2015. 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 eight (8) applications. This is an increase of three (3) applications from 2014. The Board also granted two (2) extensions and one (1) submission waiver.

Some applications included more than one variance request as reflected below in Table 1. The Zoning Board approved all eight (8) applications. Table 1 illustrates variance and application request information by respective zoning districts and type of variance. 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-2015**

| <b>TYPE →</b> | Use Variance | Setback Front Yard | Setback Side Yard | Setback Rear Yard | Size of Accessory Structure | <b>Totals</b> |
|---------------|--------------|--------------------|-------------------|-------------------|-----------------------------|---------------|
| <b>ZONE ↓</b> |              |                    |                   |                   |                             |               |
| RU-P          |              | 1                  |                   |                   | 1                           | <b>2</b>      |
| HC            | 1            |                    |                   |                   |                             | <b>1</b>      |
| R-130         |              |                    | 1                 |                   |                             | <b>1</b>      |
| HC-1          | 1            |                    | 1                 | 1                 |                             | <b>3</b>      |
| R-170         |              |                    |                   |                   | 1                           | <b>1</b>      |
| R-80          |              | 1                  |                   |                   |                             | <b>1</b>      |
| <b>Totals</b> | <b>2</b>     | <b>2</b>           | <b>2</b>          | <b>1</b>          | <b>2</b>                    | <b>9</b>      |

## **2015 SUMMARY**

### **“D” VARIANCES**

Applicants requested two (2) D Variances from the Zoning Board in 2015. The Use Variance was for the Wawa in the HC-1 Highway Commercial Zone. Gasoline Stations are not a permitted use in the HC-1 Zone. The applicant requested approval to increase the size of the bathrooms. No other variances were required.

The other D Variance was for Greenleaf Pet Resort & Hotel LLC, which requested to place a sign on property that does not contain a principal use. Greenleaf proposed to install a sign on vacant property at the corner of Burnt Tavern Road and Monmouth Road. No other variances were required.

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.

### **BULK VARIANCES**

Applicants requested seven (7) variances, which were approved. Applicants requested variances which can be broken down into the following categories:

1. Setback Variances: Five (5) Variances – 2 Front Yard Variances (Parrino Application and Vinciguerra Application) 2 Side Yard Setback Variances ( Kengott Application and Meshki) 1 Rear Yard Setback Variance (Meshki)
2. Size Accessory Structure: Two (2) Variances – Datello Application and Raio Application.

### **RECOMMENDATIONS:**

The Zoning Board did not make any recommendations this year.

| <b>App#</b> | <b>Application</b> | <b>Zone</b> | <b>Variance</b> | <b>Mem.</b> | <b>Time<br/>Runs</b> | <b>Not. Dec.<br/>Publish</b> |
|-------------|--------------------|-------------|-----------------|-------------|----------------------|------------------------------|
|-------------|--------------------|-------------|-----------------|-------------|----------------------|------------------------------|

|               |   |             |                                       |                |                |                |
|---------------|---|-------------|---------------------------------------|----------------|----------------|----------------|
| <b>Z14-07</b> | <b>PARRINO, STEVE</b> - Block 45, Lot 11.10. Property located at 3 Doctors Creek consisting of 3 acres in the RU-P Zoning District. Property located on a corner lot. Applicant sought variance relief to construct a 750 s.f. pergola in front yard setback where 75 feet is permitted, 36.3 feet is provided. Approval granted 1-28-15. | <b>RU-P</b> | <b>Bulk</b>                           | <b>2-25-15</b> | <b>2-25-15</b> | <b>3-27-15</b> |
| <b>Z14-09</b> | <b>DATELLO, LEONARD AND MICHELLE</b> - Block 35, Lot 8.12. Property located at 6 Pharo Lane consisting of 1.84 acres in the RU-P Zoning District. Applicants sought variance relief construct a 1,290 s.f., 28 ft. high detached garage. Approval granted 1-28-15.  | <b>RU-P</b> | <b>Bulk</b>                           | <b>2-25-15</b> | <b>2-25-15</b> | <b>3-13-15</b> |
| <b>Z14-08</b> | <b>Wawa</b> - Block 58, Lot 4. Located at 548 Monmouth Road consisting of 5.42 acres in the Highway Commercial 1(HC-1) Zoning District. Applicant seeks Use Variance and Minor Site Plan approval to construct a 360 s.f. addition to expand the restroom facilities. Approval granted: 2-15-15   | <b>HC1</b>  | <b>Use Var. &amp; Minor Site Plan</b> | <b>3-25-15</b> | <b>3-25-16</b> | <b>4-8-15</b>  |

| <b>App#</b>   | <b>Application</b>  | <b>Zone</b>  | <b>Variance</b>                                 | <b>Mem.</b>    | <b>Time<br/>Runs</b> | <b>Not. Dec.<br/>Publish</b> |
|---------------|---|--------------|---|----------------|----------------------|------------------------------|
| <b>Z15-02</b> | <b>352 Monmouth Road, LLC</b> – Block 62, Lot 20.05 located at 352 Monmouth Road consisting of 97,750 sf (2.24 acres) in the R-130 Rural Residential Zoning District. Pre-existing one-story office building with basement consists of 2,382 first floor and basement for a total building square footage of 4,764 s.f. Applicant sought and received Use Variance and Minor Site Plan Approval required for pre-existing office building in a residential zone. Variance granted for deficient lot size for zone. Variances granted for disturbance of steep slopes. Resolution memorialized on 2-27-13. Applicant returns for a one year extension of time. Extension granted on 2-25-15. | <b>R-130</b> | <b>Ext. Time of Use Var and Minor Site Plan</b> | <b>3-25-15</b> | <b>3-25-16</b>       | <b>12-9-15</b>               |
| <b>Z15-03</b> | <b>RIVIERE, Paul, Sr.</b> - Block 9, Lot 9.01. Located at 720 Perrineville Road, consisting of one (1) acre in the RU-P zone. Applicant received variance relief to construct a single-family dwelling and pole barn on the property in Resolution Memorialized on 4-23-14.. Lot is undersized for the Zone. Applicant returns to the Board seeking an extension of time. No noticing required.   | <b>R-UP</b>  | <b>Ext. time</b>                                | <b>4-22-15</b> | <b>10-23-15</b>      | <b>5-4-15</b>                |

| App#   | Application   | Zone  | Variance | Mem.     | Time Runs | Not. Dec. Publish |
|--------|---|-------|----------|----------|-----------|-------------------|
| Z15-01 | <b>RAIO, Charles</b> - Block 35, Lot 3.33 located at 31 Cheryl Lane consisting of 4.75 acres in the R-170 Zoning District. Applicant seeks to construct a detached Morton Pole Barn, 45 ft. x 30 ft. where 900 s.f. is permitted for an accessory structure, the building will be 1,320 s.f. Applicant further seeks a variance for height where 16 feet is permitted, 19 feet is requested. Deemed Complete: 2-11-15 Date of Action: 6-11-15. Carried from 3-25-15 to 4-22-15 without any further noticing. Board approved the application on 4-22-15. | R-170 | Bulk Var | 5-27-15  | 5-27-16   | 7-11-15           |
| Z15-04 | <b>GREENLEAF PET RESORT &amp; HOTEL, LLC.</b> Block 59, Lot 9.05. Property located at northeast corner of Monmouth County Route 537 and Burnt Tavern Road consisting of 5 acres in the Highway Commercial (HC) Zoning District. Applicant seeks approvals to construct a double faced, 26 s.f., 8.5 ft. unilluminated sign. A Use variance is required for constructing a sign as a principle use of this property. Deemed Complete 6-2-15. Date of Action:9-30-15. Noticing is required. Application approved 6-24-15.                                 | HC    | Use Var  | 7-22-15  | 7-22-15   | 10-27-15          |
| Z15-08 | <b>KENNGOTT, KATE</b> - Block 23, Lot 20.07. Property located at 82 Baird Road consisting of 3.013 acres in the R-130 zoning district. Applicant sought and received variance approval to construct a second story to the existing single family dwelling where the existing rear corner of home is 37'8" from the side yard and 40 feet is required.   | R-130 | Bulk     | 10-28-15 | 10-27-16  |                   |

|                      |  |                     |                            |                        |                        |                        |
|----------------------|--|---------------------|----------------------------|------------------------|------------------------|------------------------|
| <p><b>Z15-05</b></p> | <p><b>VINCIGUERRA, NICHOLAS -</b><br/> Block 50, Lot 22. Property located at 2 Applegate Road consisting of 1.08 acres in the R-80 Zoning District. Applicant is located on a corner lot and proposes to install a 6 foot vinyl fencing along Millstone Road portion of his property. Variance is needed for installation of a fence in a front yard setback. Deemed complete 7-6-15. Application heard in part on 7-22-15; carried without further need of noticing to 8-26-15; applicant could not attend 8-26-15 meeting; application to be heard on 9-30-15 applicant required to re-notice. Date of Action: 11-3-15. Variances granted.</p> | <p><b>R-80</b></p>  | <p><b>Bulk</b></p>         | <p><b>11-19-15</b></p> | <p><b>11-18-16</b></p> | <p><b>12-15-15</b></p> |
| <p><b>Z15-07</b></p> | <p><b>MESHKI, DESIREE AND MICHAEL -</b> Block 14, Lot 15. Located at 840 Perrineville Road consisting of 0.526 acres in the R-130 Zoning District. Applicant seeks to install an in-ground swimming pool in the backyard where 15 feet are required for side yard setback and 3 feet can be provided; and the rear yard setback where 20 is required and 5 feet can be provided. Deemed Complete 9-14-15. Date of Action 1-12-16. Noticing required. Variances granted.</p>  | <p><b>R-130</b></p> | <p><b>C1- Hardship</b></p> | <p><b>11-19-15</b></p> | <p><b>11-18-16</b></p> | <p><b>12-14-15</b></p> |

| App#   | Application   | Zone       | Variance                     | Mem.     | Time Runs | Not. Dec. Publish |
|--------|---|------------|------------------------------|----------|-----------|-------------------|
| Z15-10 | LENZO, JAMES AND JOHN -<br>-Block 17, Lot 8.04, 8.05 located in the HC Zone and part of Lot 10 located in the PCD Zone. Located at State Highway 33 consisting of 12.28+/- acres. Applicant seeks waivers of application submission checklist item(s). Application not deemed complete. No noticing required. Waivers granted application deemed complete 11-19-15. | HC and PCD | Waiver Checklist Submissions | 11-19-15 | N/A       |                   |

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2015 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2015 Annual Report on the Township Web Site.

\_\_\_\_\_  
DATED

\_\_\_\_\_  
MICHAEL NOVELLINO, CHAIRMAN  
Millstone Township Board of Adjustment

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the Board of Adjustment Annual Report adopted by the Zoning Board of the Township of Millstone at a meeting held on February 24, 2016.

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PAMELA D'ANDREA, Secretary  
Board of Adjustment Township of Millstone

The vote on the Motion to approve the 2016 Annual Report:

Motion:  
Second:  
Roll Call:

Approve:  
Oppose:  
Abstain:  
Absent: