

# 2016 ANNUAL REPORT

## OF THE

### MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board’s actions from January 1, 2016 through December 31, 2016. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted ten (10) regular meetings.

The Zoning Board rendered decisions on the merits on nine (9) applications. This is an increase of one (1) applications from 2015. One application, Stavola Asphalt Co., withdrew their application prior to the conclusion of their application. The Board also granted one application for a submission requirement. (Lenzo Application – Waiver from submitting full survey)

Many applications included more than one variance request as reflected below in Table 1. The Zoning Board approved all nine (9) applications. Tables 1 illustrate variance and application request information by respective zoning districts and type of variance requested. 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-2016**

| <b>TYPE</b><br>→ | Wireless<br>Comm.<br>Facilities | Use      | Lot<br>Area | Setback<br>Front/Side<br>Rear Yard | Lot Cov  | Height of<br>Acc<br>Structure | Size of<br>Acc.<br>Structure | Archit.<br>Design | Useable<br>Home<br>Office | Steep<br>Slopes |
|------------------|---------------------------------|----------|-------------|------------------------------------|----------|-------------------------------|------------------------------|-------------------|---------------------------|-----------------|
| <b>ZONE</b><br>↓ |                                 |          |             |                                    |          | 1                             | 1                            | 1                 | 1                         |                 |
| RU-P             | 3                               | 1        |             | 1                                  | 1        | 1                             |                              |                   |                           |                 |
| HC               |                                 | 2        |             |                                    |          |                               |                              |                   |                           |                 |
| R-130            |                                 |          |             | 1                                  | 2        |                               |                              |                   |                           | 1               |
| HC-1             |                                 |          |             |                                    |          |                               |                              |                   |                           |                 |
| R-170            |                                 |          |             |                                    |          |                               |                              |                   |                           |                 |
| R-80             |                                 |          | 1           | 2                                  |          | 1                             | 1                            |                   |                           |                 |
| <b>Totals</b>    | <b>3</b>                        | <b>3</b> | <b>1</b>    | <b>4</b>                           | <b>3</b> | <b>3</b>                      | <b>2</b>                     | <b>1</b>          | <b>1</b>                  | <b>1</b>        |

## **2015 SUMMARY**

### **“D” VARIANCES**

Applicants requested four (4) D Variances from the Zoning Board in 2016. One of the Use Variances (Stavola Asphalt Co.) was withdrawn.

The Board granted the Lenzo Application, which requested a Use Variance to permit sales and servicing of recreational vehicles on a 12 acre parcel in the HC and PCD Zones. The Board also granted a Use Variance for a Wireless Cell Tower on municipal owned property. ( Gaelic Communications) and the Board granted a Use Variance for Silvi Group Companies for an expansion of a Use Variance to convert the fueling of its trucks from diesel fuel to natural gas and increase the size of an existing maintenance building.

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.

## RECOMMENDATIONS

The Zoning Board would like to submit the following recommendations for consideration by the Township Committee:

1. The Board of Adjustment would like to recommend that the Township Committee update our ordinances to include a definition for types of connections between structures that would be make them one structure. This became an issue during the “Merkin” variance application (Z15-09) which the board decided upon this year. In that case, the applicant had constructed a garage within the front yard setback and discussed several options with the board to attach it to the house to obviate the need for a front yard setback variance. If there was an ordinance in place that defined the types of connections that are required between separate parts of a single structure (e.g. garage and house) this matter could have been handled by the Township Building department administratively without need for the applicant to appear before the Board.

| APP#        | APPLICATION  | ZONE     | VARIANCE   | RES. MEM. | TIME RUNS  | NOT. DEC. PUBLISHED |
|-------------|--|----------|--|-----------|--|---------------------|
| Reorg. 2016 | Secretary<br>Attorney<br>Planner<br>Engineer<br>Court Reporter<br>Calendar<br>Newspapers   |          |  |           |  | 2-2-16              |
| 2015        | Annual Report  |          |  |           |  |                     |
| Z15-10      | <b>LENZO, JAMES AND JOHN</b> -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). No noticing required for the Waiver hearing. Waivers granted and application was deemed complete.   | HC & PCD | Waiver from Checklist Submission Items   | 1-27-16   | N/A  | N/A                 |
| Z15-09      | <b>SZUCS, CHRISTOPHER</b> - Block 9, Lot 9.15. Property located at 1061 Windsor Road consisting of 12.88 acres in the RU-P Zoning district. Applicant seeks variance approval for constructed accessory structure for height where 16 feet is maximum allowable height, 21.6 feet is requested; for minimum separation of accessory structure where 10 feet is required, 4 feet is proposed. Variance needed for Ord. Section 4-9.11 detached garage in the side yard or rear yard visible from the public street shall be architecturally consistent to the principal residence. Application deemed complete on 8-25-15. Application heard in part on 10-28-15. Carried to 1-27-16. Extension of Time granted to 1/31/16. Application approved with Conditions. | RU-P     | <b>BULK VAR: Height; Min. separation from accessory structure; Violation of Ord. Sec. 4-9.11 Accessory structure visible from front or rear yard shall be architecturally consistent with principal residence.</b> | 2-23-16   | 4-9-16 (applicant has already constructed project) | 3-10-16             |

| APP#   | APPLICATION   | ZONE     | VARIANCE      | RES. MEM. | TIME RUNS | NOT. DEC. PUBLISHED |
|--------|---|----------|---------------|-----------|-----------|---------------------|
| Z16-01 | <p><b>PACE, VINCENZO, ANNA &amp; EDUARDO</b> - Block 54.03, Lot 3. Located at 43 Yellow Meeting House road consisting of 1.16 acres in the R-80 Zoning District. Applicants sought and received variances to construct a 2,462 square foot addition to rear of the existing home with wheel accessibility. Variance granted for front yard setback where minimum setback is 50 ft. and applicant can only provide 31ft.</p>   | R-80     | Bulk Variance | 3-23-16   | 3-23-17   | 4-4-16              |
| Z15-10 | <p><b>LENZO, JAMES AND JOHN</b> - -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. Proposed use of property is for the sales and servicing of recreational vehicles. Applicant sought and received a D-1 variance to permit outdoor display of recreational vehicles. Waivers granted. Application Approved with Conditions.</p>  | PCD & HC | Use Variance  | 4-27-16   | 4-27-17   | 4/30/16             |
| Z15-11 | <p><b>SBRIGATO, JOHN</b> - Block 62.02, Lot 41. Located at 9 Wetherill consisting of 1.88 acres in the R-130 Zoning District. Applicant installed a paved driveway. Applicant seeking a variance for lot coverage where 20% is permitted, applicant has lot coverage of 35.5%. Deemed Complete: 10-29-15. Date of Action: 2-26-15. Noticing required. Application heard in part and carried to 3-23-16 without need for further noticing; applicant granted extension to 3-31-16.</p> | R-130    | Bulk Variance | 4-27-16   | 4-27-17   | 5-5-16              |

| APP#   | APPLICATION  | ZONE    | VARIANCE   | RES. MEM. | TIME RUNS | NOT. DEC. PUBLISHED |
|--------|--|---------|--|-----------|-----------|---------------------|
| Z16-02 | <b>GALLAGHER, WILLIAM</b> - Block 35.03, Lot 15 located at 38 Cheryl Lane consisting of 3.03 acres in the R-130 Zoning District. Applicant seeks relief from steep slope ordinance Section 9-5.2 for the installation of a 20 ft. x 40ft. in ground pool. Deemed Complete 2-5-16. Date of Action: 6-3-16. Noticing required. Application granted with Conditions.  | R-130   | Steep Slope                                      | 4-27-16   | 4-27-17   |                     |
| Z16-04 | <b>ALMEIDA, JOHN AND LORI</b> - Block 47, Lot 11 located at 12 Lebers Lane. Property consists of 2.44 acres in the R-130 Zoning District. Applicant sought to construct a 900 s.f. shed on the property. Variance needed for lot coverage where 20% maximum is permitted, applicant has 23% coverage presently. Applicant sought relief from constructed basketball court that encroaches into the side yard setback. Deemed Complete: 4-18-16. Date of Action: 8-25-16. Noticing Required. Application approved with conditions.  | R-130   | Lot coverage; side yard setback encroachment     | 6-22-16   | 6-22-17   | 7-12-16             |
| Z15-12 | <b>STAVOLA ASPHALT CO.,</b> - Block 18, Lots 3,4,5 &5.01 located at Bergens Mill Road & Old Route 33. The property consists of 29.99 acres in the PCD Zoning District. Applicant seeks Use Variance (D1) approval to modify the operational hours of the facility. Deemed Complete 12-15-15. Applicant has granted a Date of Action through April 30, 2016. Heard in part on 2-24-16 and 4-27-16; Carried to 6-22-16 without need for further noticing Extension on Date of Action granted through 6-30-16. Applicant withdrew application. Board voted on and memorialized a Resolution of Dismissal Without Prejudice. | HC Zone | D Variance - application withdrawn w/o prejudice | 6-22-16   | n/a       | 6-30-16             |

| APP#   | APPLICATION  | ZONE | VARIANCE   | RES. MEM. | TIME RUNS | NOT. DEC. PUBLISHED              |
|--------|--|------|--|-----------|-----------|----------------------------------|
| Z15-09 | <p><b>MERKIN, MICHAEL AND BARBARA</b><br/> - Block 37.01, Lot 1.02. Located at 43 Bittner Road consisting of 1.64 acres in the R-80 Zoning district. Applicant received approval from the Construction Department to construct a 3- car attached garage addition. Applicant did not attach the garage to principal building, creating three variances for accessory structure in front yard setback, minimum separation from accessory structure to principal building 10 foot variance needed, accessory height 21.5 feet where 16 foot is maximum. Approval granted on 6-22-16.</p>  | R-80 | <p><b>Bulk Variance</b> accessory structure in front yard setback, minimum separation from accessory structure to principal building 10 foot variance needed, accessory height 21.5 feet where 16 foot is maximum.</p> | 8-24-16   | 8-24-17   | 9-2-16                           |
| Z16-03 | <p><b>GAELIC COMMUNICATIONS, LLC. -</b><br/> Block 43, Lot 4 known as 237 Woodville Road. Property is located in the RU-P Rural Preservation Zone consisting of 1.85 Acres. Applicant seeks to construct a 125 ft. Monopole extendable to 145 or 153 feet. Applicant seeks D1 Use Variance and D6 Height Variance, Bulk Variance needed for 8 foot fence. Applicant seeks Preliminary and Final Site Plan approval. Applicant seeks waivers from submission of completeness checklist items. Deemed Complete: 5-25-16. Heard in part on 5-25-16. Carried to 8-24-16, jurisdiction accepted but application not heard. Carried to 9-28-16 without further noticing required. Date of Action 9-30-16. Application Approved 9-28-16</p> | RU-P | <p><b>D1 Variance - Use; D6 Variance - height; Bulk Variance for 8 foot fence; Preliminary and Final Site Plan Approval</b></p>  | 10-26-16  | 10-26-18  | 11-1-16)<br>(time runs 12-16-16) |

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to send a certified copy of the Board of Adjustment 2016 Annual Report to the Township Clerk and the Township Committee and the Planning Board. The Secretary shall further post a copy of the 2016 Annual Report on the Township Web Site.

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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 January 25, 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: S. Lambros  
Second: S. Morelli  
Roll Call: Lambros, Morelli, Conoscenti, Mostyn, Ferro, Ferrara and Novellino

Approve: 7  
Oppose: -0-  
Abstain: -0-  
Absent: 2