

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 20, 2003 AT 8:00 P.M.**

Chairman Bennett called the meeting to order by reading the following statement: "As Chairman and Presiding Officer of the Colts Neck Zoning Board, I hereby declare that the notice requirements of the law have been satisfied by prominently posting a notice of this meeting on the Township Bulletin Board, and that here has been transmitted by regular mail a copy of said Notice to the Asbury Park Press, and that a copy is on file in the office of the Township Clerk."

Roll Call

PRESENT: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski, Megerle and Wagar

ABSENT: Burry

Approval of Minutes

Motion to Approve the Minutes of February 20, 2003:

OFFER: Barnett

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski, Megerle and Wagar

NEGATIVE: None

RESOLUTIONS:

Application #ZB591 – Seminara – Block 11, Lot 5.01 – 116 Crine Road

Memorialization of Resolution approving an application to add a second story to an existing one story dwelling, front porch and detached garage. Variances are required to permit a front setback of 48' where 75' is required and 53' exists, a side setback of 12.2' where 15' is required and 12.2' currently exists and a building coverage of 6.9% where 6.6% is the maximum permitted.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Bennett, McGarry, Barnett, Sobieski and Wagar

NEGATIVE: None

Application #ZB595 – Shoemaker – Block 1, Lot 48 – 5 Ashland Court

Memorialization of Resolution approving an application to retain a 9' x 14' storage shed. A variance is required to permit a front setback of 77' where 100' is required and to permit a separation between the shed and pool of 19' where 20' is required.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Behrens, Yodakis and Sobieski

NEGATIVE: None

Application #ZB596 – Boak – Block 35.03, Lot 4 – 49 Beaver Dam Road

Memorialization of Resolution approving an application to construct a wood deck of approximately 34' x 27' to the rear of the home. A variance is required to permit a rear setback of 50' where 60' is required.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Yodakis

AFFIRMATIVE: Bennett, McGarry, Behrens, Yodakis and Sobieski

NEGATIVE: None

Mr. Steib announced that Application ZB600, Sunoco will not be heard this evening. The applicant will renotice and be placed on the agenda for April 17, 2003.

APPLICATIONS: Old Business:

Application #ZB598 – Maher – Block 35.05, Lot 17 – 48 Woodhollow Road

Application to construct a second level over the existing one story garage and expand the garage. A variance is required to permit a building coverage of 6.8% where 6% is the maximum permitted.

Mr. Steib, Esq. explained to the Board that a letter was received from the applicant withdrawing their request without prejudice.

Motion to Approve the Withdrawal without Prejudice:

OFFER: Behrens

SECOND: Yodakis

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski and Megerle

NEGATIVE: None

Application #ZB599 – Feiler – Block 23, Lot 17.02 – 88 Montrose Road

Application to construct a new home on the property and the existing dwellings will be removed. A Use Variance is needed to permit a building height of 47' 7" where 35' is the maximum permitted.

Mr. Giunco, Esq. told the Board that they had just returned from a meeting with the Executive Fire Council. The Executive Fire Council gave their approval, however they imposed a number of restrictions that the applicant has agreed to. The home must have a sprinkler system that must be inspected each year, the driveway must have a larger turning radius for emergency equipment and they need full access to the basement from outside. Because of this, the footprint will change slightly (approximately 4' x 12') to allow for a walkout from the basement. Fire Marshall Robert Zander was in attendance and concurred with this.

The Board was concerned with the possibility that the applicant could subdivide their property, and although the home would not be intrusive on a large 30+ acre parcel, it could on a smaller lot with a lot line only 50' from the home. Mr. Giunco did not feel it was appropriate to put a deed restriction on the property but did agree that if this property were ever to be subdivided the application would come back to the Zoning Board for approval.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski and Megerle

NEGATIVE: None

APPLICATIONS: New Business

Application #ZB594 – JCP&L – Block 56.01, Lot 4 – Asbury Avenue

Application for Minor Site Plan Approval and Use Variance. The applicant, Jersey Central Power & Light, A First Energy Company, proposes to install two 80' lightning masts in the existing Asbury Avenue substation. A Use Variance is required to permit two 80' lightning masts where 40' is the maximum height permitted.

John Beyel, Esq. represented the applicant. Twelve items were marked as exhibits – the application, Township Engineer's report, Architectural Review Report, Health Officer's Report, Township Planner's report, plans, Fire Prevention Report, material spec sheet for lightning rod, foundation detail, GPU spec for concrete, photo and photo exhibit Board.

Mr. Chernisky, Engineer – sworn. Mr. Chernisky explained that the substation is a permitted use in the D-1 Zone. He explained that a substation is an electrical facility that transforms power and breaks it down into power that runs through homes. Standards have been created that a station that is over the threshold of 230,000 volts should have lightning rods. The lightning mass is approximately ¼" at the top and 3" at the bottom and will be 72' in height and would be placed on a 3' concrete base. The lightning rod will not be the highest structure on the property, there are two transmission towers that are 127' and 147' in height. The transformers are what need the protection and the lightning rods need to be high enough for the radius to protect them. Open to the public with no comments.

Kevin O'Brien, Planner – sworn. Mr. O'Brien explained that the neighboring properties to this site are Earle Ammunition Depot, a water tower and the Reclamation Center. The nearest residents to the property are 6000' away, over a mile. The substation is fenced in completely and off limits to the public.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski and Megerle

NEGATIVE: None

Application #ZB600 – Sunoco Gas Station – Block 48, Lot 38 – Route 34

Application for a Use Variance as well as Preliminary and Final Major Site Plan approval, with variances. The applicant proposes to convert the existing four bay garage into a convenience store and install a second diesel pump canopy. A use variance is required since the application does not meet all conditional use provisions pertaining solely to service stations.

This application was not heard. The applicant will renote and be placed on the April 17, 2003 agenda.

Application #ZB601 – Bracco/Cosegila – Block 6, Lot 16 – 150 Hillsdale Road

Application appealing the decision of the Township Zoning Officer in approving the zoning permit to allow construction of an indoor riding arena.

Mr. Steib, Esq. clarified for the Board that this is not an application, it is an appeal. The Zoning Officer made a decision that they do not agree with, they feel that relief is needed from either the Planning or Zoning Board and that is why it is in front of the Board, so the Board can make that determination. Seven items were marked as exhibits – zoning review, appeal, Township Planner's report, survey, photoboard with map and four photos, memo from Mr. Giunco and Architectural Review report.

Mr. Lawrence Sachs, Esq. represented Elizabeth Bracco and Mrs. Cosegila of 8 Thunder Lane. Mr. Sachs informed the Board that the Zoning Officer approved an 8,450 s.f. indoor riding arena to be built at 150 Hillsdale Road which abuts his clients property. It is their intention that a site plan should have been required, variances were needed because of setback issues, a Use Variance should be required and there is an issued of State Open Waters on the property. Elizabeth Bracco – sworn. Mrs. Bracco stated that she has lived on this property for nine years with her husband, sister and son. A series of 28 photos were marked depicting the building, proximity to her property, the stream and grading. Mrs. Bracco stated that there are trees between the two properties, however the building is higher than the trees which right now are bare. Mrs. Cosegila – sworn. Mrs. Cosegila stated that her bedroom is on the second floor and the building is always visible to her. Timothy Anfusio, Zoning Officer – sworn. Mr. Sachs asked if an Environmental Study was done? No, but soil maps and wetland maps were checked. Could the structure be placed elsewhere? Yes. Open to the public – Mr. Giunco asked if the zoning requirements were met for the arena? Yes, the barn is over 100' from the property line and in reviewing the survey lot coverage was not exceeded.

John Mogovaro – sworn. Mr. Mogovaro stated that he hired a contractor, received permits and started construction. This project was started two years ago but his wife passed away and the project was put on hold. He owns three horses and wants to ride year round, thus the reason for the barn. It is solely for his personal enjoyment, there will not be any shows or boarding of horses. The reason for the placement of the barn is that it is directly in front of his driveway so that he has an easy egress to load the horses on his trailer. Mr. Mogovaro explained that approximately 100 truck loads of dirt were brought in to level the inside of the arena. Mr. Sachs asked Mr. Mogovaro if he continued construction after he was notified of the appeal? Yes, it was 99% complete so he finished it off. Did he notify his neighbors before starting construction? No, he has a seven acre farm – it never occurred to him that anyone would find it offensive. Open to the public. Mr. Tom Campbell, Odessy Builders – sworn. Mr. Campbell stated that the adjoining property has a larger riding arena and is also on seven acres.

Gordon Gemma, Planner – sworn. Mr. Gemma quoted from the Master Plan to the Board "breeding and training of horses should be encouraged" – thus this is something that the Town looks favorably upon. As an accessory structure all of the requirements are met and a site plan is not required for an accessory. In his opinion the property was not environmentally sensitive, although he is not an expert in that field. Mr. Gemma's interpretation is that as long as it doesn't violate where it is not permitted, it is permissible.

Open to the public. Michael Donovan, 48 Minebrook – sworn. Mr. Donovan explained that although he did not live in a close proximity to this property he had concerns because he is confronted with a similar situation with his neighbor. It is his opinion that a site plan should be required. Mr. Donovan

had a packet that was marked as D1 and passed out to the Board members. The Board wanted review the packet and due to the hour decided to carry the application to the next meeting.

This application will be carried to the April 17, 2003 meeting with no further notice.

Application #ZB602 – Gassert Design, Inc. – Block 29, Lot 9.01 – 3 Bluebell Road

Application to construct an addition to the rear of the existing dwelling. Variances are required to permit a front yard setback of 225' from Bucks Mill Road where 282' is required and 259' exists, a front yard setback from Bluebell Road of 259' where 282' is required and 259' exists and a side yard setback of 104.9' where 122' is required and 104.9' exists.

Due to the hour, this application was not heard. This application is carried to the April 17, 2003 meeting with no further notice.

DISCUSSION ITEMS:

None

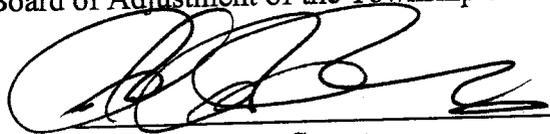
EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Behrens to adjourn the meeting at 11:05 p.m., seconded by Ms. Barnett and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on March 20, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 17, 2003.



Bernie Behrens, Secretary
Board of Adjustment of the
Township of Colts Neck