

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 19, 2009 AT 8:00 P.M.**

Mr. Karch called the meeting to order by reading the following statement: "As Vice-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 there 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: Karch, Barnett, Burry, Sobieski, Wagar, Yodakis and Hesslein

ABSENT: Bennett and Goubeaud

Also Present: Michael Steib, Esq., Timothy Anfusio, P.P. and Ruth Leininger

Approval of Minutes

Motion to Approve the Minutes of February 19, 2009:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Karch, Barnett, Sobieski, Yodakis and Hesslein

NEGATIVE: None

RESOLUTIONS:

Application ZB809 – Weschler – Block 21.09, Lot 3 – 161 Richdale Road

Memorialization of Resolution to reconstruct an existing 14' x 29' garage in the same location in the A-1 Zone. A variance is required to permit a 140' front yard setback where 150' is required.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Karch, Barnett, Sobieski, Yodakis and Hesslein

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

Application ZB810 – Trump International – Block 46, Lot 1.52 – Professional Circle

Application to permit the conversion of a mechanical equipment area to usable floor area resulting in a building height exceeding the permitted height by more than 10%. A Variance (N.J.S.A. 40-55D-70d6) is required to permit a building height of 40.79' where 35' is the maximum permitted.

Sal Alfieri, Esq. represented the applicant. Seven items were marked as exhibits – zoning review, application, variance plan, architectural floor plans, Fire Prevention review, mounted overall development plan and mounted color variance plan.

A. J. Garito, Engineer – sworn. Mr. Garito explained the location of the area they would like to convert is in the Pro Shop. When this building was originally built a variance was not required because they used a provision of the ordinance (102-61), that permits the roof to exceed the permitted height if used for mechanical equipment. A geothermal system was originally planned and requires extensive mechanical equipment. The area was sheetrocked and sprinklered but when this idea was abandoned it has stayed as vacant attic space. Open to the public with no comment.

Ed Russo, representing Trump Organization – sworn. Mr. Russo explained the Trump Organization believes that one of the items required to have a successful golf course is a Golf Pro. In order to keep a great Golf Pro you must provide an area for him to teach during inclement weather. They were originally going to build a new structure but after consideration thought they could utilize this existing space. Open to the public with no comments.

The Board agreed the space did exist lawfully, although its use is restricted. Since the space was sprinklered they agreed it would be better to use this space rather than build another structure. The Board did state the area must be limited to a two stall training facility, no living or sleeping could occur in the area and they must meet conditions stated from the Health Officer.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Karch, Barnett, Burry, Sobieski, Wagar, Yodakis and Hesslein

NEGATIVE: None

Application ZB811 – Flancbaum – Block 48, Lot 21 – 7 Yearling Path

Application permit the construction of a single family dwelling in the AG Zone. A variance is required to permit a building height of 38.4' where 35' is the maximum permitted.

Sal Alfieri, Esq. represented the applicant. Eleven items were marked – zoning review, application, building plot plan, architectural/elevation floor plan, Architectural Review comments, Fire Prevention Bureau comments, existing conditions map, photoboard with six photos, mounted blowup of site plan, reduced color photo rendering of the front and rear of the proposed home.

A.J. Garito, Engineer – sworn. Mr. Garito explained this home is located in the middle of a 127 acre parcel. This parcel is the remaining farm lot from the Yearling Path development and is deed restricted from further subdivision. Much of the property is taken up by a pond (approximately 6 acres) and a

conservation easement. The nearest house is 500' away on Chucker Cove and 800' from Yearling Path. There won't be any detriment by granting this variance, it will not be visible.

Jeremiah Reagan, Architect – sworn. Mr. Reagan explained the house is 7,800 s.f. on the first floor and 6,000 on the second for a total of 13,800s.f. with a four car garage attached with a porte-cochere. There will also be a pool and tennis court. Due to the size and character of the house (French style) it is only 7% of the roof area that exceeds the permitted 35' because of the varying roof heights. All building codes are exceeded. Open to the public with no comments.

Morris Flancbaum, applicant – sworn. Mr. Flancbaum told the Board he and his family moved to Colts Neck four years ago and love it. He purchased this property and designed a home that was not quite as architecturally pleasing. He has totally redesigned it to something that he feels the town would be happy see and was variance free. However, the roof did not look right, that is the reason they raised it, now requiring a variance. Mr. Flancbaum did not want to condition the approval that he could not finish any of the attic area, he stated he would like at a minimum 500 s.f. so that he would be able to sit up there and look out over the property.

Many of the Board members did not think the area should be finished at all. The Board conditioned their approval on confirmation from the Fire Marshall that applicable fire codes will be met, the attic living space will not be more than 500 s.f. with no plumbing and it can not be used as a bedroom or sleeping area.

Motion to Approve the Application:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Karch, Burry, Wagar and Hesslein

NEGATIVE: Barnett, Sobieski and Yodakis

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:25 p.m. to adjourn the meeting, seconded by Mr. Wagar 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 19, 2009 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 16, 2009.

Ruth Leininger, Secretary
Board of Adjustment of the
Township of Colts Neck