

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 21, 2009 AT 8:00 P.M.**

Mr. 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 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: Bennett, Barnett, Burry, Sobieski, Wagar, Yodakis, Goubeaud and Hesslein

ABSENT: Karch

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

Approval of Minutes

Motion to Approve the Minutes of April 16, 2009:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Bennett, Burry, Yodakis and Hesslein

NEGATIVE: None

ABSTAIN: Goubeaud

RESOLUTIONS:

Application ZB812 – DeBlase – Block 35, Lot 1.22 – 2 Utopia Drive

Memorialization of Resolution to install a pool and cabana in the A-1 Zone. Variances are required to permit a front setback of 101’ and 109’ for the cabana and 112’ and 111’ for the pool where 150’ is required and a cabana to pool separation of 0’ where 10’ is required. The pool filter requires variances to permit a front setback of 91’ and 138’ where 150’ is required

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Bennett, Burry, Yodakis and Hesslein

NEGATIVE: None

ABSTAIN: Goubeaud

Application ZB813 – Cantalupo – Block 7.31, Lot 1.15 – 27 Applethorn Court

Memorialization of Resolution to construct a front and side porch and rear addition to a single family dwelling in the A-1 Zone. A variance is required to permit building separation of 14’ where 20’ is required.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Burry

AFFIRMATIVE: Bennett, Burry, Yodakis and Hesslein

NEGATIVE: None

ABSTAIN: Goubeaud

Application ZB814 – Walsh – Block 29.13, Lot 13 – 17 New Street

Memorialization of Resolution to construct an 18' x 16' deck over an existing brick patio in the A-3 Zone. Variances are required to permit front setback of 73' where 75' is required, a side setback of 7' where 30' is required and a total lot coverage of 44.8% where 30% is the maximum permitted and 44.25% currently exist.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Burry

AFFIRMATIVE: Bennett, Burry, Yodakis and Hesslein

NEGATIVE: None

ABSTAIN: Goubeaud

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

Application ZB793 – Meicke – Block 14, Lot 2 – 260 Heyers Mill Road

Application to reconstruct an existing detached garage. Variances are required to permit a front setback of 27' where 100' is required, side setback of 14' where 27.8' is required, total accessory building coverage of 6.9% where 5% maximum permitted, first floor area of 1,472 s.f. where 900 s.f. maximum permitted and total floor area of 1,472 s.f. where 1,200 s.f. maximum permitted.

Brian Harvey, Esq. represented the applicant. One new item was marked as an exhibit – letter from the Construction Official. Mr. Harvey explained they followed a process outlined in the ordinance for a determination as to the whether the work Mr. Meicke proposed is determined as a repair or new construction. It was determined the structure is only 49% in tact meaning it would be new construction. In reading the report they saw several inaccuracies which they felt could very easily change the 49% to 51%.

Mr. Steib, Esq. stated he was not clear on who would have jurisdiction to appeal the decision, it may be the Construction Board of Appeals. Mr. Steib will research this further. Mr. Harvey requested if this Board does have jurisdiction that the two architects who prepared the reports be present to question. This application is carried to the June 18, 2009 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB816 – Gorman – Block 46, Lot 1.33 – 19 Bretwood Drive

Application to construct a pool in the AG Zone. A variance is required to permit 16.2% total lot coverage where 15% is the maximum permitted.

Sal Alfieri, Esq. represented the applicant. Four items were marked as exhibits – zoning review, application, survey and Architectural Review report.

James Gorman, applicant – sworn. Mr. Gorman explained he purchased this property approximately two years ago with all improvements in place. He was not aware he is over in lot coverage until an application was made install a modest size pool. The decking around the pool in the original submission was 740 s.f. and they have reduced it down to 640 s.f. Mr. Gorman stated he did not want to remove any of the existing lot coverage, they like the property the way it is. There are several walkways made from brick pavers that are part of the landscape design.

Open to the public with no comments. The Board suggested the applicant take another look and see if some existing lot coverage could be removed and make some concessions. The applicant was not willing to remove any of the existing coverage and asked the Board to vote on the application as is.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Burry

NEGATIVE: Bennett, Barnett, Sobieski, Wagar, Yodakis and Goubeaud

ABSTAIN: None

Chairman Bennett recused himself from application ZB815 and turned the meeting over to Carol Barnett.

Application ZB815 – Trump National at Colts Neck – Block 46, Lot 1.52 - Professional Circle

Application for a Use Variance to permit nine hotel type overnight lodging suites for members and guests.

Sal Alfieri, Esq. represented the applicant. Eleven items were marked as exhibits – zoning review, application, plans, architectural elevations, Fire Prevention review, Township Planner’s review, Architectural Review report, color overall development plan, photoboard with six photos, architectural floor plans and floorplan.

Mr. Alfieri told the Board they were amending the application to request five suites, not nine.

A.J. Garito, Engineer – sworn. Mr. Garito showed the location of the five suites – two in the area that was approved last month as a golf training area and three in a vacant lower level that only has outside access. The size of the two interior suites would be 566 s.f. and 710 s.f. and the three lower level suites would be 458 s.f., 390 s.f. and 438 s.f. totaling 2,562 s.f. out of a 50,000 s.f. club house. A member of the public asked if the interior suites would be handicap accessible – no there is not an elevator in the building.

Ed Russo, Trump Representative – sworn. Mr. Russo told the Board the suites will not have a kitchen, guests will eat in the existing restaurant. These suites will only be used by members and guests for

overnight stays and will be an ancillary use. All of their other clubs have either suites or cottages and they feel it is a very important amenity. Mr. Trump only wants the best and they are striving to be the best country club in the world, to compete as a world class facility you must provide a certain standard of amenities. The suites would be used by Mr. Trump, Mr. Russo and any other member or member's client or family member. In Bedminster they charge \$1,100 per night and it is anticipated these would be similar in price. They currently have 135 members and do not want to build any new structures at this time, they prefer to convert existing space. They are offering to deed restrict the suites stating no one could live there. They will comply with all requirements from the Fire Marshall. When asked why Mr. Trump purchased the property knowing suites/cottages were not permitted if they were so important, Mr. Russo stated our definition of a country club is that suites are included.

Open to the public. Vince Domidion asked if any country clubs are considered as high quality without having suites, for example Due Process? Mr. Russo said a few are but they want to be the best by 2010. Trump National is a "family" secure setting which is different than Due Process. Virginia Amend asked if the purpose of the suites was to maximize revenue? Mr. Russo said Mr. Trump simply wants to have the best country club and to be recognized throughout the world.

Mr. Alfieri asked the Board if they would be willing to visit Bedminster so they could see their cottages and better understand what they were requesting. They would arrange for a bus and whatever else may be required. Mr. Steib cautioned the Board if they all went it would have to be noticed and open to the public. The Board did not see the need to visit Bedminster and did not think it was relevant to this application. The Board did however agree they would individually or in groups of two visit this site prior to the next meeting if they felt it relevant. Mr. Steib reminded the Board they should not have any discussions on the merits of the application while visiting the site.

This application is carried to the June 18, 2009 meeting with no further notice.

Ms. Barnett turned the meeting back over to Chairman Bennett.

Application ZB817 – Notaro – Block 11, Lot 3.05 – 10 Mockingbird Drive

Application for pool patio, entrance gate and fence and enlarge driveway. Variances are required to permit a side yard setback of 75.4' where 77' is required, 5' piers where 4' is the maximum height permitted, pier width of 25' & 26' where 14' is the maximum permitted and a total lot coverage of 19.98% where 15% is the maximum permitted.

Ralph Notaro, applicant and A.J. Garito, Engineer – both sworn. Six items were marked as exhibits – zoning review, application, Board of Health comments, plans, mounted subdivision plan with six photos on the back and a color variance plan.

Mr. Garito showed the plan with the existing new house and pool along with proposed improvements. Although the driveway is large, approximately 5,700 s.f., they are proposing a porous paver driveway. A portion of the house is within the setback because of the 90' rule. They attempted to remedy this by removing a portion but not enough was cut off.

Mr. Notaro explained he purchased the house from a builder whom he trusted. The site was all laid out and the builder assured him that everything could be built. Once he found out he currently exceeded the lot coverage, he threw the builder off the job. The curb cut for the driveway is made and the road has been paved, the curb cut is at the high point of the road with lots of large trees. There is a two tier

garage with a retaining wall and trying to back out of the upper garage is unsafe, it is very difficult to see requiring the driveway to be much wider than usual.

Open to the public. Jeff Weinberg, 14 Mockingbird Drive – sworn. Mr. Weinberg told the Board the Notaro's have a beautiful house and he felt the large driveway was proportionate with the house. Their children play together and he is concerned with the safety aspect of the driveway and trying to back out of the garage. He supported the application as it is submitted to the Board.

The Board felt sympathy for Mr. Notaro but felt 19.98% was excessive. Some of the members wanted to visit the site to better understand the garage/driveway situation. The Board also advised the applicant to try and reduce the lot coverage. Mr. Notaro withdrew the variance request for the piers and stated he would comply. This application is carried to the June 18, 2009 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Yodakis at 10:20 p.m. to adjourn the meeting, 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 May 21, 2009 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 18, 2009.

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