

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 20, 2010 AT 8:00 P.M.**

Mr. Karch called the meeting to order by reading the following statement: “As Presiding Officer of the Colts Neck Zoning Board, I hereby declare that the notice requirements of the law has 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, Bennett, Hesslein, Sobieski, Farrell and Lewis

ABSENT: Burry, Wagar and Yodakis

ALSO PRESENT: Timothy Anfuso, P.P., Mike Steib, Esq., and Ruth Leininger

Approval of Minutes:

Motion to Approve the April 15, 2010 Meeting Minutes:

OFFER: Lewis

SECOND: Karch

AFFIRMATIVE: Karch, Bennett and Lewis

NEGATIVE: None

Motion to Approve the April 20, 2010 Meeting Minutes:

OFFER: Hesslein

SECOND: Karch

AFFIRMATIVE: Karch, Bennett, Hesslein and Lewis

NEGATIVE: None

RESOLUTIONS:

Application ZB829 – Petillo – Block 16, Lot 33.10 – 22 Homestead Drive

Memorialization of Resolution Dismissing the Application Without Prejudice

Motion to Memorialize the Resolution:

OFFER: Lewis

SECOND: Karch

AFFIRMATIVE: Karch, Bennett and Lewis

NEGATIVE: None

ZB840 – Wigenton – Block 44.01, Lot 9.13 – 124 Stone Hill Road

Memorialization of Resolution granting approval to install an inground swimming pool with spa, concrete patio and deck in the A-1 Zone. Variances are required to permit a front yard setback of 93’ where 100’ is required, a side setback of 24’ where 40’ is required and a building separation between the pool and rear deck of 16’ where 20’ is required.

Motion to Memorialize the Resolution:

- OFFER: Karch
- SECOND: Bennett
- AFFIRMATIVE: Karch, Bennett and Lewis
- NEGATIVE: None

ZB841 – Paddock – Block 7.21, Lot 18 – 57 Laurelwood Drive

Memorialization of Resolution granting approval to infill the existing porch and construct a second story addition as well as a new front porch. A variance is needed to permit a front setback of 67.72’ where 84.74’ is required and 75.72’ currently exists.

Motion to Memorialize the Resolution:

- OFFER: Lewis
- SECOND: Karch
- AFFIRMATIVE: Karch, Bennett and Lewis
- NEGATIVE: None

ZB843 – Wiedeman – Block 6, Lot 21 – 15 Hillmont Terrace

Memorialization of Resolution granting approval to retain an inground swimming pool. A variance is required to permit a side setback of 18.9’ where 40’ is required and 20.8’ existed.

Motion to Memorialize the Resolution:

- OFFER: Karch
- SECOND: Lewis
- AFFIRMATIVE: Karch, Bennett and Lewis
- NEGATIVE: None

Application ZB835 – Verizon Wireless – Block 43, Lot 1 – 59 Five Point Road

Memorialization of Resolution denying a Minor Site Plan and Use Variance to install wireless communication antennas on a new 130’ monopole and a 11.5’ x 30’ equipment shelter in the AG Zone.

Motion to Memorialize the Resolution:

- OFFER: Karch
- SECOND: Hesslein
- AFFIRMATIVE: Karch, Bennett, Hesslein and Lewis
- NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

ZB819 – Savo –Block 51, Lot 2.31 – 1 Air Dancer Lane

Application to construct a new single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 86.3' from Air Dancer and 88.6' from Squan Song where 215' is required, a side yard setback of 121.8' and 125' where 190' is required, a building height of 37.96' where 35' is the maximum permitted, a spire height of 45.58' where 43.75' is the maximum permitted and a total lot coverage of 16.17% where 15% is the maximum permitted.

The applicant sent in a letter stating their architectural site plan was not complete and asked to carry the application to the June meeting and granted an extension of time to July 31, 2010. This application is carried to June 17, 2010 with no further notice.

APPLICATIONS: New Business

ZB844 – Sessa – Block 43, Lots 4 & 5 – 121 Five Point Road

Application to construct a 70' x 120' indoor arena attached to an existing barn in the AG Zone. A variance is required to permit a front setback of 50' where 200' is required and 170' currently exist and a total lot coverage of 10.6 % where 10% is the maximum permitted.

Adele Sessa, her husband Brendan Cassidy and mother Irene Sessa – all sworn. Eight items were marked as exhibits – zoning review, application, plot plan, Board of Health comments, Fire Marshall comments, Architectural Review memo, a photoboard with 14 photos and a packet consisting of seven photos and architectural plans.

The applicants stated they have run a successful business on their 33 acre farm for fourteen years. To ensure the future success they need an indoor arena for the breeding, breaking and training of the horses. Due to wetlands on the property and its proximity to Route 18 (across the street) this location makes the most sense; no one will be impacted and it will attach to the existing barn. The photos show that across from Matthews Road there is only vegetation and Route 18 running parallel.

The rain water from the arena will tie into a drainage system to avoid any additional problems. The arena will not have any offices or heat, just water and electric. The building is steel, white with green trim, and part of an overall plan to update all buildings on the property to match.

When calculating lot coverage an existing race track is included in the calculations. Although it is not used as a race track the applicant does not want to give up the right of having it on the property. If the track was removed the property would comply with total lot coverage.

The property is in Farmland Preservation and the applicants told the Board they have received approval from the State to build the arena. They have not received anything in writing as of yet but will follow up with the State.

Open to the public with no comments. The Board thought the building was attractive and adds to the farm. It is not impacting the neighbors or anyone and is positioned well on the property. The Board understood the applicants desire to keep the existing track and thought the arena was an important part of their operation and in keeping with the Master Plan of the town.

Motion to Approve the Application:

OFFER: Karch

SECOND: Hesslein

AFFIRMATIVE: Karch, Bennett, Hesslein, Sobieski, Farrell and Lewis

NEGATIVE: None

ZB846 – My NJ Solar, LLC. – Block 41.01, Lot 5.04 – 9 Hambletonian Drive

Application to install 56' x 60' ground mounted solar panels in the AG Zone. Variances are required to permit a side setback of 6' where 50' is required and a rear setback of 44' where 50' is required.

Randy Goldberg, PhD and Jarad Kaben, CFO both of My NJ Solar – both sworn. Fourteen items were marked as exhibits – zoning review, application, solar elevation, pool/cabana plan, Board of Health comments, Fire Prevention Bureau comments, Architectural Review comments and seven 8 ½" x 11" photos. Vince DiSimone, Esq. represented the applicants. Mr. DiSimone told the Board solar energy is encouraged by the Colts Neck Master Plan and that Governor Christie recently declared solar energy to be inherently beneficial and that solar panels are not counted as coverage.

Mr. Goldberg told the Board because of neighboring trees that line the rear (southern) property line cause shadowing making this location ineffective. They feel that the proposed location is low and can easily be screened from view without reducing the effectiveness. There is a State Regulation that a site must collect a minimum of 80% of electric a home needs to install the panels. The ideal location for this property is the front yard where they are proposing. The height of the array at the highest point is 6 ½'. Open to the public with no comments.

Rob Taber, homeowner – sworn. Mr. Taber told the Board their biggest concern while looking for a location to install the solar panels was their neighbors. They want to install the panels in a location where it will have the lowest impact to surrounding neighbors. The home adjacent to the proposed location is vacant and has been for two years, other neighbors said it they would rather the panels on the ground than the roof.

The Board thought it was noble of the applicant to put in solar panels but felt a six foot setback was much to close, especially when the house is vacant. The Board felt it was their duty to protect the neighbor and uphold the ordinance and not take advantage of the situation.

The applicant asked to carry the application to the June meeting to see if they can find an alternative. This application is carried to the June 17, 2010 meeting with no further notice.

ZB842 – Magenheim – Block 12, Lot 8 – 74 Cedar Drive

Application to construct a 24' x 36' horse barn in the A-1 Zone. Variances are required to permit a side setback of 75' where 100' is required and a building separation of 42' where 100' is required.

Adria Magenheim, applicant and AJ Garito, Engineer – both sworn. Nine items were marked as exhibits – zoning review, application, elevation/floor plan, variance plan, Fire Prevention Bureau comments, informational only – letter from Marisol & Patrick Duffy, photoboard with tax map on front and architectural drawing on back and photoboard with color rendering of variance plan and six photos on back.

The property is 2.3 acres and currently has a house, detached garage and pool. They are proposing a 24' x 36' barn with three stalls, wash stall and tack room with a small open area for a hay loft. The applicant maintained the 100' setback from the rear and one side and thought 75' from the other side was reasonable. The 42' setback is between the main house and barn. There will be two paddock areas around the barn and the woods in the rear of the property will remain. The applicant told the Board this property is accessible to numerous trails that she will be able to ride from the property.

Open to the public with no comments. The Board thought the property may be too small to facilitate a barn; it looks like it is squeezed in. The Board did appreciate that the 42' directly impacted the homeowner and not a neighbor. The applicant suggested moving the location to the rear of the property since the adjoining property is a 16 acre farm with a stream running through it. The applicant asked to carry the application to the June meeting to find the best location and possibly eliminating a variance. This application is carried to the June 17, 2010 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Bennett at 10:20 p.m. to adjourn the meeting, seconded by Mr. Farrell 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 20, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 17, 2010.

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