

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 19, 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, Burry, Yodakis, Sobieski, Megerle and Wager

ABSENT: None

ALSO PRESENT: Timothy Anfusio, P.P. and Ruth Leininger

Chairman Bennett announced that he was saving the larger applications, ZB569 - AT&T and ZB609 - Verizon to the end of the meeting.

Approval of Minutes

Motion to Approve the Minutes of May 15, 2003:

OFFER: Megerle

SECOND: Barnett

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution denying an appeal of the decision of the Township Zoning Officer in approving the zoning permit to allow construction of an indoor riding arena.

Motion to Approve the Resolution:

OFFER: Megerle

SECOND: Barnett

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

NEGATIVE: None

Application ZB605 – LaPuzz – Block 1, Lot 76 – 85 Clover Hill Road

Memorialization of Resolution granting approval to permit an inground pool. A variance is required to permit a rear setback of 47' where 50' is required.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, Barnett, Behrens, Burry, Yodakis, Sobieski and Megerle
NEGATIVE: None

APPLICATIONS: Old Business:

None

APPLICATIONS: New Business

Application #ZB606 – Landolfi – Block 33, Lot 40 – 9 Holling Road

Application to retain an existing detached garage in the A-1 Zone. A variance is required to permit a 1,200 s.f. accessory structure where 900 s.f. is the maximum permitted.

Adam Landolfi, applicant – sworn. Five items were marked as exhibits – zoning review, application, plot plan, photo of accessory building and Architectural Review letter.

Mr. Landolfi explained that he collects classic cars and needed room for storage. He owns approximately 40 cars all together and they are scattered in different storage areas. A 900 s.f. structure only allows him to house four cars, but by having a 1200 s.f. structure he can store six cars. He stated that this structure was an existing structure that he had when he owned another home. He had it brought to this property and added a lean-to in order to store the extra two cars, eventually he enclosed it without getting building permits. The building itself complies with all setbacks, it just exceeds the maximum allowable for an accessory structure.

Open to the public – Mr. Andrew Donahue – sworn. Mr. Donahue asked what would happen if the variance was not granted? Mr. Steib, Esq. explained that it would have to be removed. Mr. Donahue did not think that people should build things that were not allowed and without permits.

The Board had mixed feelings. If the majority of the cars were in off-site storage, why couldn't the two extra cars also? Since this structure was built without permits the Board was concerned with setting a precedent by approving it. The Board looked at the application as if was not built and was just looking for approval.

Motion to Approve the Application:

OFFER: Behrens

SECOND: McGarry

AFFIRMATIVE: Bennett, Barnett and Behrens

NEGATIVE: McGarry, Burry, Yodakis and Sobieski

Application ZB607 – Maguire – Block 7.13, Lot 8 – 17 Spring Garden Avenue

Application to retain an existing 12' x 12' partially constructed shed in the A-2 Zone. A variance is required to permit a rear setback of 15' where 25' is required.

John McGuire, III, applicant – sworn. Seven items were marked as exhibits – zoning review, application, plan of survey, elevation drawing, floor plan, three photos and letter from neighbor, Robert Coutts.

Mr. McGuire told the Board that when they originally purchased the property, over ten years ago there was an existing shed. It was deteriorating and in such bad shape that it had to be torn down. They

were replacing the shed, which has the exact same footprint in the exact same location. He did not realize that replacing the shed required building permits. The shed is used strictly for storage. Mature landscaping has grown all around this area from when the previous shed was there. Because of the well, pool and existing landscaping, this is the best location for the shed.

Open to the public with no comments. The Board seemed to think that the shed was not very large or intrusive and this was the best location for it.

Motion to Approve the Application:

OFFER: Behrens

SECOND: McGarry

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

NEGATIVE: None

Application ZB608 – Pasquale – Block 7.20, Lot 11 - 47 Mulberry Lane

Application to retain an existing raised patio in the A-2 Zone. A variance is required to permit a front yard setback of 60' where 75' is required.

James and Francine Pasquale, applicant – sworn. Seven items were marked as exhibits – the zoning review, application, survey, schematic floor plan, Architectural Review Report, Fire Prevention Review and railing sales folder.

Mr. Pasquale explained to the Board that they entered into an agreement with a contractor to get the building permits and build the patio. They were unaware that permits were not received and that the patio was nonconforming. Their intention in putting the patio in the current location is to take advantage of the sunny side of the property. A decorative railing was planned to be placed around the patio and landscaping. Mr. Pasquale received bids to remove the portion of the patio that is nonconforming and because it is solid concrete and brick it would cost a substantial amount of money and they could not be guaranteed that the new bricks would match.

Open to the public – Mr. Donahue, sworn. His opinion was that if you weren't supposed to build something, you should not build it.

The Board, again, looked at this application as if it was in front of them for approval and disregarded the fact that it was already built. The Board had mixed feelings, some members thought it stuck out considerably and was not in keeping with the neighborhood. Other members felt that it looked very nice and would be an undue hardship for the applicant to have to remove. The Board was concerned with the type of landscaping and buffering and an unfavorable memo from the Fire Prevention Bureau concerned them.

The applicant asked for this application to be carried so that they had an opportunity to address some of the Boards concerns. This application is carried to the July 17, 2003 meeting with no further notice.

Application ZB610 – Meer – Block 41.01, Lot 10 – 198 Stone Hill Road

Application to construct an addition to a single family dwelling in the A-4 Zone. Variances are required to permit a development in the A-4 Zone with no low income housing set aside where at least one unit is required and also to permit a proposed 18' setback where 50' is required.

Mr. Thomas Meer, applicant – sworn. Six items were marked as exhibits – zoning review, application, site plan, survey, elevation drawing and Architectural Review report.

Mr. Meer told the Board that his wife just gave birth last Friday to their seventh child. An addition is their best option to solve the need they have for more space. The problem is that they have a single family home next to The Grande development and are subject to the same regulations. Mr. Anfuso confirmed that Mr. Meer’s property is a pre-existing, non-conforming property. Open to the public with no comments.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application ZB611 - Castlecraft – JCM – Block 34, Lot 16.18 – Orchard Lane

Application to construct a single family dwelling in the AG Zone. Variances are required to permit a front setback of 104’ where 211’ is required, a building coverage of 6% where 5% is the maximum permitted and a total lot coverage of 11% where 10% is the maximum permitted.

Ms. Grasso, Esq. represented the applicant. Seven items were marked as exhibits – the zoning review, application, certificate of ownership, plans, architectural elevation and floor plan, Fire Prevention Bureau review and Architectural Review Committee review.

A.J. Garito, Engineer – sworn. Mr. Garito explained that Orchard Lane was developed approximately 20 years ago, under the A-1 cluster provision, but there are currently four lots that are undeveloped, including this one. Zoning has since changed from “A-1 Cluster” to “AG”. The house that they are proposing is totally conforming to the provisions for A-1 Cluster and conforms to the other existing homes in the neighborhood. The applicant was also asking for 20% total lot coverage, so that if in the future a pool or any accessory was wished for, it could be built. The Board was concerned with approving a blanket lot coverage and not seeing what was being proposed. Mr. Steib, Esq. advised that specific variance was not called out when they noticed so the Board could not act on that variance this evening. The applicant would have to renote and come back next month. A five minute recess was taken. The applicant rescinded the request for 20% lot coverage.

The Board felt that the existing neighborhood was built with the A-1 Cluster provisions and this home would fit the existing neighborhood.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Behrens

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

NEGATIVE: None

Application ZB569 – AT&T – Block 13, Lot 49 – Crine Road

Application for Minor Site Plan Approval as well as a Use Variance in the A-1 Zone. The applicant, AT&T Wireless, proposes to mount cellular antennas on an existing JCP&L power line tower. A Use Variance is required to permit a telecommunication facility in the A-1 Zone. Variances are required to

permit an antenna height of 118' where 35' is the maximum height permitted, an antenna front setback of 14' where 75' is required and an equipment compound front setback of 48' where 75' is required.

Mike Vitiello, Esq. represented the applicant. Eight items were marked as exhibits – the application, minor site plan, report from Township Planner dated June 13, 2003, report from Shade Tree Commission dated June 9, 2003, report from Township Engineer dated June 16, 2003, photoboard depicting coverage dated May 30, 2003, zoning map and photoboard depicting permitted exposure limits.

Three neighbors Rosemary Harris – 7 Wetminister Drive, Karen Moosvi – 28 Crine Road and Mike Bryan – 4 Westminister expressed their concern and questioned the legal notice requirements. Mr. Steib, Esq. explained this to them and invited them to move up closer to the front.

Mr. Vitiello, Esq. explained that they are looking mount cellular antennas on an existing JCP&L power line tower which is currently 123' in height, but their antenna will be placed at 115'. The base of the compound will be 10' x 17'.

Mr. Daniel Penesso, Radio Frequency Engineer – sworn. Mr. Penesso explained that AT&T is obligated by the FCC to provide seamless coverage. This is determined by test driving around and collecting data. Once this data is compiled a diagram is made. The site that is being proposed is collocating on an existing tower that will be unmanned and monitored remotely. Once a month one technician will come out for maintenance. The Board questioned if the antenna could be mounted on a tower on the golf course. No, that would not solve any of AT&T's coverage problems.

Open to the public. Mike O'Brian questioned if next month when they returned they could show the coverage that would be covered by locating on the tower on the golf course. The applicant agreed to do this. Mr. Bob Kane – 55 Crine Road asked the dimensions of the gap of coverage. Mr. Penesso went over the display again and explained that the antenna must be centrally located.

Due to the hour the Board decided to carry this application to the July 17, 2003 meeting with no further notice. The applicant requested a special meeting so that they would be able to have more time in front of the Board without clogging the agenda. The Board agreed that at the July 17th meeting they would have possible dates available.

Application ZB609 – Verizon – Block 13, Lot 49 – Crine Road

Application for Minor Site Plan Approval as well as a Use Variance in the A-1 Zone. The applicant, Verizon Wireless, proposes to mount cellular antennas on an existing JCP&L power line tower. A Use Variance is required to permit a telecommunication facility in the A-1 Zone. Variances are required to permit an antenna height of 130' where 35' is the maximum height permitted, an antenna front setback of 23' where 75' is required and an equipment compound front setback of 15' where 75' is required.

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

DISCUSSION ITEMS:

The Board approved the memorandum that Mr. Anfuso drafted to the Mayor requesting that the Township Committee review the ordinance for agricultural structures.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Behrens to adjourn the meeting at 11:15 p.m., seconded by Mr. Sobieski and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on June 19, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 17, 2003.

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