

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 17, 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, Sobieski, Megerle and Wager

ABSENT: Yodakis

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

Chairman Bennett announced that ZB569, AT&T had requested a special meeting. Dates were discussed and the Board carried both ZB569, AT&T and ZB609, Verizon to a Special Meeting on August 19, 2003 with no further notice.

Chairman Bennett also announced that application ZB608, Pasquale asked to be carried. That application will be carried to August 28, 2003 with no further notice.

Approval of Minutes

Motion to Approve the Minutes of June 19, 2003:

OFFER: Burry

SECOND: McGarry

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution denying an 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: McGarry, Burry and Sobieski

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: McGarry

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

NEGATIVE: None

APPLICATIONS: Old Business:

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.

Kerry Higgins, Esq. represented the applicant. Four new items were marked as exhibits – architectural plans, Architectural Review report, color photoboard and letter from NJDEP stating no further action was required. Ms. Higgins reminded the Board that her client is a tenant of the front portion of the property, not the owner. The owner is very difficult to deal with, but the applicant is attempting to clean up what they can. As a result of numerous conversations with the Health Officer, the applicant is amending the application to “just a convenience store”, no Blimpies or food preparation will take place on the premises.

A.J. Garito, Engineer for the applicant – sworn. Mr. Garito told the Board that it is the applicants intent to convert the mechanic shop to a convenience store, put a new canopy over the existing diesel pump, pave the existing gravel portion, correct the traffic circulation pattern for the diesel area, add curbing, detention basin and landscaping. A new well and septic are proposed. Two facade signs are proposed, one over the convenience store and the other at the office entrance.

Josef Raygorodsky and Sam Raygorodsay, applicants – sworn. They stated that the cars that are on the site are from the mechanic, when he is gone so will the cars. It was also stated that approximately 35% of the customers are purchasing diesel and 65% are gasoline customers. Open to the public with no comments.

Mr. James Higgins, Planner – sworn. Mr. Higgins explained that the gasoline stations with a convenience store is a conditional use, meaning it is something that is allowable with the Board's approval. The site can easily accommodate the store and the applicant has agreed to clean up the site which will be a substantial improvement and will control the traffic. The canopy is needed to cover the existing pumps, which dictates the location, a small portion would be closer than the ordinance requires.

The Board questioned the amount of signs and did not see the need for two facade signs. The applicant agreed to only place one sign, for the convenience store, on the building. The majority of the Board felt that this plan was a vast improvement to the site. The Board stipulated the applicant must verify with the Fire Marshall that the canopy would not be a Fire issue, bollards would be added to the front property, the Sunoco sign would be removed from the building, employees parking would be designated in the front parking spaces, the applicant would install the portion of Highway Access road, no food preparation would be done on the premises and fuel would only be delivered after 6 pm.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Megerle and Wagar

NEGATIVE: Burry and Sobieski

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.

This application was carried to the August 28, 2003 meeting with no further notice.

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.

This application was carried to a Special Meeting on August 19, 2003 with no further notice.

APPLICATIONS: New Business

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.

This application was carried to a Special Meeting on August 19, 2003 with no further notice.

Application ZB613 – Angeliki Morfogen – Block 11, Lot 3.02 – 151 Dutch Lane Road

Application to construct an addition to a single family dwelling. Variances are required to permit a front setback from Boundary Road of 172' where 200' is required and 202' currently exists and to permit 65' from Dutch Lane Road where 200' is required and 54.02' currently exists.

Mr. Jim Collins, Esq. represented the applicant. Six items were marked as exhibits – the zoning review, application, survey, elevations, Architectural Review report and Fire Prevention report. Angeliki Morfogen, applicant – sworn. Mrs. Morfogen told the Board that she appeared in front of them about a year ago for an addition and was denied. She is now requesting a 20' x 30' two story addition to her home. The home is an old home, one that she grew up in and she wishes to add on to rather than tear down and rebuild. Open to the public with no comment.

Matthew Cronin, architect – sworn. Mr. Cronin explained to the Board that the home exists currently within the 200' setback. The only place where an addition could go is where they are proposing – the rear of the property slopes up and has large trees, one side has a septic and the other side you would have to access through a newly renovated kitchen.

The Board felt that the applicant pursued all alternatives and this was the best solution.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: McGarry

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

NEGATIVE: None

Application ZB615 – Marvin – Block 22.07, Lot 1 – 111 Montrose Road

Application to construct a two story addition to side of house (18' x 28') and one story addition to the rear of the existing home. Variances are required to permit a front setback of 76' from Montrose where 83.5' is required and 76' currently exists.

Mr. Megerle recused himself from this application. Mr. James Collins, Esq. represented the applicant. Dr. Jeff Marvin, applicant – sworn. They purchased this home in June 2002 and it fronts on Montrose, Carriage Hill and Westgate Court. They would like to construct a library/study to the side of the home. The width of the addition could not be reduced due to the fact that 12" bookshelves will stick out from each wall and room would be needed for a desk and chairs. The upstairs would be finished to use for storage since there is not a basement in the home. The 90' rule affects this home, if the portico were taken off the home, it would conform.

Open to the public. Which side of the home is the addition going? The Westgate Court side. Joan Sawyer, 60 Carriage Hill – sworn. She stated that the previous owner tried to subdivide this property many times and the actual address of the property is on Carriage Hill. She hoped the Board would take into consideration the neighbors.

The majority of the Board felt that the addition balanced out the home. The fact that the applicant had three front yards was a hardship and the fact that the addition would have conformed if the portico was not there weighed in also.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, and Wagar

NEGATIVE: Sobieski

Application ZB612 – Alan Manzo – Block 21.06, Lot 1 – 2 Saratoga Drive

Application for an interpretation of the Zoning Ordinance to determine if building permits can be issued for a second story addition to the existing single family dwelling without variance approval. In the alternative, the applicant seeks the appropriate variances determined by the Board which may include a front setback of 72’ where 115’ is required, side setback of 46’ where 80’ is required, separation between the pond and addition of 10’ where 20’ is required, building coverage of 9.3% where 6.6% is the maximum permitted and total lot coverage of 28% where 20% is the maximum permitted.

Joseph Youssouf, Esq. represented the applicant. Nine items were marked as exhibits – the zoning review, application, letter from Mr. Youssouf, survey, architectural drawings and elevations, report from Zoning Officer, Architectural Review report, Fire Prevention Bureau report and photo of existing home. Mr. Youssouf, Esq. told the Board that it was his contention that variances were not required, but if the Board felt that they were they were requesting the variances.

Mr. Alan Manzo, applicant – sworn. Mr. Manzo told the Board that they purchased the home in November 2001 and it is a 2500 s.f. ranch. They are a family of four and would like to add a second story of 2000 s.f. keeping the same footprint. Mr. Manzo stated that the koi pond had been removed, thus removing one variance.

Ray Quackenbush, Architect – sworn. The home is an “L” shaped - the garage facing Long Bridge Road connected to the main home by a breezeway, which faces Saratoga Drive. The kitchen and family room were both recently renovated and has vaulted ceilings thus the reason for the addition of the second story over the garage facing Long Bridge Road. The home would be approximately 4500 s.f. and would be stucco, it was his opinion that the home would fit in with the larger home across from Long Bridge Road.

Open to the public with no comments. Mr. Youssouf, Esq. contended that the home is a pre-existing nonconforming home on a corner lot with a unique layout. He stated that the family was experiencing a hardship because they want to expand their home and can not.

The Board empathized with the applicant, however they were very concerned with the building and lot coverage. Both were exceeded by a large percentage. The Board was also very concerned that the home will not fit in with the character and size of the homes on Saratoga.

The applicant asked to be carried to the next meeting so that they can have a chance to address the Boards concerns.

This application is carried to the August 28 2003 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett to adjourn the meeting at 11:25 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 July 17, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 28, 2003.

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