

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 20, 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, Karch, Burry, Sobieski, Wagar, Goubeaud and Hesslein

ABSENT: Barnett and Yodakis

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

Approval of Minutes

Motion to Approve the Minutes of July 16, 2009:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski and Hesslein

NEGATIVE: None

ABSTAIN: None

RESOLUTIONS:

Application ZB749 – Constantinou – Block 34, Lot 16.23 – 31 Orchard Lane

Memorialization of Resolution for a second, one year extension of time to the variance approval. The extension will begin May 17, 2009 and expire May 17, 2010.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Sobieski

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB820 – Cammarata – Block 23, Lot 13.04 – 18 Deerpath Lane

Memorialization of Resolution to construct a detached garage. A Variance is required to permit a total lot coverage of 21.5% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Karch

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski and Hesslein

NEGATIVE: None

ABSTAIN: None

ADMINISTRATIVE ITEMS:

Application ZB756 – Pagliano – Block 38, Lot 13 – 240C Swimming River Road

Request for a second, six month extension of time to the variance approval. The extension will begin August 21, 2009 and expire February 21, 2010.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski, Wagar, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB751 – Scanelli – Block 51, Lot 6 – 39 Water Street

Request for a second, one year extension of time to the variance approval. The extension will begin April 19, 2009 and expire April 19, 2010.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski, Wagar, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB783 – Kasler-Pihl – Block 16, Lot 9 – 85 Heyers Mill Road

Request for a one year extension of time to the variance approval. The extension will begin July 17, 2009 and expire July 17, 2010.

Motion to Approve the Extension of Time:

OFFER: Sobieski

SECOND: Karch

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski, Wagar, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

The Chairman announced application ZB815, Trump National at Colts Neck will not be heard this evening. The applicant requested the application be carried to the September meeting. This application is carried to September 17, 2009 with no further notice.

APPLICATIONS: New Business:

Application ZB822 – Romano – Block 11.01, Lot 6 – 23 Fairway West

Application to install an aluminum sunroom on an existing deck. A variance is required to permit a building coverage of 7.8% where 6.6% is the maximum permitted and 7.3% currently exists.

Seven items were marked as exhibits – zoning review, application, survey, architectural plans, Health Officer’s report, Architectural Review Committee’s report two photographs of the existing patio area. Geraldine Romano, applicant – sworn.

Ms. Romano told the Board her property is an undersized lot that currently has a slate patio. She is unable to use the patio due to severe allergies to mosquitoes and would like to install a sunroom enclosed with glass and screen slider doors. The slate patio will be removed and will be replaced with grass. The room is prefabricated so Ms. Romano can not change the size; there will not be any plumbing in the room.

The Board felt the applicant had a hardship due to the fact her property is an undersized lot. The addition conforms to the setbacks and the total lot coverage. The addition being mostly glass will not make the home look to large and out of character with the neighborhood.

Motion to Approve the Application:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski, Wagar, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB818 – Crispy – Block 10, Lot 1.03 - 7 Wyndcrest Court

Application to construct a single family dwelling in the AG Zone. Variances are required to permit a building height of 39’ 10” where 35’ is the maximum permitted and an architectural feature width of 22’8” where 19.5’ is the maximum width allowed.

Ten items were marked as exhibits – zoning review, application, variance plan, architectural drawings, two Architectural Review Committee reports, letter from applicant, mounted color rendering of site plan, six photos of site on board and a photoboard.

Sam Crispy, applicant and A.J. Garito, Engineer – sworn. Mr. Garito explained 2/3 of the property is surrounded by the reservoir and a conservation easement. Between the adjoining properties there is a natural buffer. The foundation has been poured for the house but that is all that is currently on the lot. Open to the public. David Harris, 8 Wyndcrest Court – sworn. Mr. Harris stated he is the adjoining property owner and has lived in Colts Neck over 20 years and on this property 10 years. He stated the grade is five feet higher than his property and Mr. Crispy has built it up another nine feet. He feels this is excessive and allowing the variance will destroy the character of the neighborhood.

David Feldman, Architect – sworn. Mr. Feldman explained the home is a French country manor design and allowing the height for the tarots in stepped increments of height gives a better proportion to the roof. The center portion of the roof is 42’ in height and is approximately 15’ x 24’ the next step is 39’ than 37’ and down to 35’. The portion of the home closest to the neighbor is conforming in

height whether the variance is granted or not. This is totally an aesthetic issue, there will not be any living space; the roof is being built with a truss system. Mr. Feldman also testified the roof pitch is very steep, not walkable. Open to the public. Mr. Harris asked the width of the house – it is 215’.

The Board understood the house could be built without requiring variances but it would not be as aesthetically pleasing. They have granted variances for height in the past but they were for larger lots in excess of 30 acres and without a neighbor objecting. The Board agreed the house was architecturally beautiful but they were also sensitive to the neighbors concerns. They also wanted to see the Fire Marshall’s opinion.

The applicant requested this application be carried to the September meeting so they can try and rework their plans. This application is carried to the September 17, 2009 meeting with no further notice.

Ed Sobieski left the meeting.

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.

Six new items were marked as exhibits – Construction Official cost evaluation, memo from Mike Steib, Esq., correspondence from Mr. Harvey to Mr. O’Neill, garage structure assessment, correspondence from Construction Official to Mr. Meicke, letter from Mr. O’Neill stating availability, before/after photos. Brian Harvey, Esq. represented Mr. Meicke. Mr. Harvey told the Board Mr. O’Neill was not able to attend this evening however they felt it best to move forward with the application and hopefully complete the application next month.

Mike Steib, Esq. clarified for the Board the garage is an existing nonconforming structure. The Land Use Law does not give a formula to calculate “partial” destruction; however Colts Neck’s Ordinance gives a number of 50%. Case law states you must look at each individual case.

Reed Wyman, Esq. representing the neighbor Sarah Bandy told the Board this process has been going on for almost two years. They were upset Mr. O’Neill was not going to be in attendance and felt this was a delay tactic.

James Meicke, applicant – sworn. Mr. Meicke explained he grew around the corner from this property and was fortunate enough to be able to purchase it nine years ago with the plans of renovating the property. The renovation proved to be much more than he anticipated thus taking much longer. Of course the renovation process started with the home, saving the garage for after he was able to move in. He has had enough in renovating the house; he plans to pay someone to renovate the garage. The original garage had a dirt floor. He saved a significant amount of material and feels it could be completed within a few months.

Henry Salerno, Colts Neck Construction Official – sworn. Mr. Salerno stated he was asked to reviewed the documents from both architects and evaluate them. He stated they had different square

footage so he took the average of the two. When asked if Mr. Salerno saw the saved lumber, he did not. Mr. Salerno stated the reconstruction has to be done to code. He was asked to review the two documents and it was his opinion that Mr. O'Neill's was more complete.

Ray Preblich, Architect/Planner – sworn. Mr. Preblich is the architect who wrote the other cost evaluation. Mr. Preblich stated he went to the site and evaluated the garage, foundation and reviewed the salvaged materials. It was his opinion there was 70% of the structure remaining. When asked if complying with his report the structure would be to code, Mr. Preblich stated yes. Mr. Anfuso asked if his replacement cost included building the structure new, no it did not he did not take it to that level.

Mr. Wyman asked where the ordinance said you could use materials laying around to count towards the structure? Mr. Harvey stated Mr. Meicke saved with the intent to use it.

Ellen Krupa, 245 Heyers Mill Road – sworn. Ms. Krupa stated she has lived in town for 47 years and that restoration is very important. Mr. Meicke has done a fantastic job on the house and she is sure he will do the same with the garage.

Virginia Amend, 248 Heyers Mill Road – sworn. Ms. Amend has lived here for 51 years and appreciates the renovation Mr. Meicke has done to the house. This retains the spirit of Vanderburg Village.

Mr. Harvey granted an extension of time to October 31st and asked for the application to be carried to next month when Mr. O'Neill will be able to attend. This application is carried to the September 17, 2009 meeting with no further notice.

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.

The applicant requested this application be carried to the September meeting. This application is carried to the September 17, 2009 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Burry at 10:50 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 August 20, 2009 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 17, 2009.

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