

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 17, 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, Barnett, Burry, Sobieski, Yodakis, Goubeaud and Hesslein

ABSENT: Wagar

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

Approval of Minutes

Motion to Approve the Minutes of August 20, 2009:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Bennett, Karch, Burry, Sobieski and Hesslein

NEGATIVE: None

ABSTAIN: None

RESOLUTIONS:

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

Memorialization of Resolution 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: Hesslein

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

NEGATIVE: None

ABSTAIN: None

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

Memorialization of Resolution 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, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

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

Memorialization of Resolution 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: Karch

SECOND: Burry

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

NEGATIVE: None

ABSTAIN: None

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

Memorialization of Resolution 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.

Motion to Approve the Application:

OFFER: Hesslein

SECOND: Sobieski

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

NEGATIVE: None

ABSTAIN: None

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.

A letter was received from the applicant requesting this application be carried to the October meeting. This application is carried to the October 15, 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.

A letter was received from the applicant requesting to withdraw this application without prejudice.

Motion to Withdraw the Application Without Prejudice:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Barnett, Burry, Sobieski, Yodakis, 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 38' 10" where 35' is the maximum permitted and an architectural feature width of 25" where 19.5' is the maximum width allowed.

Five new items were marked as exhibits – zoning review, two reports from the Fire Marshall, revised architectural plans, front elevation plan showing line of sight. A.J. Garito, Engineer – sworn. Mr. Garito told the Board he did not make a new exhibit because the revisions done to the house had to do with height and are not reflected on the engineering plans. The only other thing he has revised is the driveway; he made the turns wider so be assured all emergency vehicles would have easy access.

Mr. Feldman, Architect – sworn. Mr. Feldman told the Board they are still seeking two variances however the amount has been reduced. The spires have not changes but the height of the roof has been reduced 10". The two side roofs have been reduced to 35'. The Fire Marshall is comfortable without installing a sprinkler system as long as certain building requirements were met.

Open to the public. Mr. David Harris, Wyndcrest Court – sworn. Mr. Wyndcrest had an exhibit marked O1. The exhibit was a photoboard containing five photos taken from his property line. Mr. Harris stated there are five houses on the street, all between 7,000 and 10,000 s.f. He felt this house is much larger and taller and will be out of character for the neighborhood. He did not feel tall buildings were what Colts Neck was about. His exhibit showed how you could see Mr. Crispi's property from his property line and requested if the variance were granted to have a landscape easement to buffer his sight.

Mr. Anfuso clarified for the Board that the Stormwater Management Regulations were changing so if there was more than ¼ acre of impervious surfaces there would be a 300' setback. This would basically leave the lot unusable. These regulations went into effect February 9, 2009 and Mr. Crispy had to pull a building permit before that date in order to fall under current regulations. Mr. Crispy's architect rushed to get the plans in so he would be able to get a building permit.

Sam Crispy, applicant – sworn. Mr. Crispy told the Board the house is a French chateau style and although it exceeds the height limitation it is not the entire roof, only a small portion. He met with the Fire Marshall and made all the changes that were requested. Mr. Crispy also stated he was willing to put a 3' berm along the property line that abuts Mr. Harris's property with 6' of landscaping.

The Board appreciated that of the applicant made all of the changes the Fire Marshall had requested and reduced the height and giving up some architectural features. Regardless of whether the application was approved or denied there is going to be a huge house built. The neighbor was opposed to the variance being granted but their property is naturally lower making any house look taller. The house is a genuine French chateaux style and by denying the variances it loses much of the character. The Board was happy the applicant offered to install a landscape buffer and felt the landscape plan should be approved by the Township Landscape Architect.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Karch, Barnett, Burry, Goubeaud and Hesslein

NEGATIVE: Bennett and Sobieski

ABSTAIN: None

APPLICATIONS: New Business

Application ZB834 – Carroll – Block 13, Lot 81 – 9 Westminster Drive

Application to retain existing shed and inground pool. Variances are required to permit a front setback of 68' for the shed where 100' is required and a side setback of 35' for the pool where 40' is required.

Seven items were marked as exhibits – zoning review, application, Board of Health comments, photo of shed, survey, blowup of tax map and a photoboard with a color rendering and four photos and six photos on the rear.

Sal Alfieri, Esq. represented the applicants and told the Board the applicants purchased this property June 30, 2009 with these two encroachments that were installed 6 – 7 years ago. A.J. Garito, Engineer – sworn. Mr. Garito told the Board the property is 1.25 acres with 500' of frontage, the property is pie shaped. A building permit was issued for a pool in a conforming location. Unfortunately that was not where the pool was installed. Mr. Garito was not able to find any permits for the shed. The property is heavily wooded and you are not able to see the shed from the street.

Sarah Carol, applicant – sworn. Ms. Carol stated she found out about this situation two days before their scheduled closing. Their home was sold so they were not able to postpone the closing. They are here because they want to bring the property into conformance so they will not have any problems down the line. Open to the public with no comments.

The Board felt the applicant had a hardship due to the shape of the property. It is only a small portion of the pool that encroaches in the setback, very de minimis. The shed is in an extremely wooded area and the property is very secluded.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, Karch, Barnett, Burry, Sobieski, Yodakis and Goubeaud

NEGATIVE: Bennett and Sobieski

ABSTAIN: None

Application ZB823 – Weiss – Block 48, Lot 23.05 – 19 Rancho Polo

Application to construct a patio, arbor, bench and BBQ structure bar area. A variance is required to permit an arbor side setback of 40’ where 50’ is required and a total lot coverage of 18.09% where 15% is the maximum permitted.

Seven items were marked as exhibits – zoning review, application, variance plan, Township Engineer’s review, Board of Health comments, mounted blowup of tax map with six photos on the back and a color rendering of the variance plan.

A.J. Garito, Engineer – sworn. Mr. Garito told the Board the Weiss’ have a building permit for a pool which is under construction but they wanted to add some amenities and came to him. When he was doing his calculations he found they currently exceed the maximum 15% of total lot coverage. When he added the arbor, BBQ area and patio around the pool it comes to 18.09%. They are proposing a drainage system to alleviate any drainage problems due to the excess coverage.

Dr. Maurice Weiss, applicant – sworn. Mr. Weiss stated when he entered the contract for the pool it was presented that there would be 500 s.f. of patio and they thought this would be fine. The pool is 62’ long and when they realized they would only have 1’ of concrete around the pool they knew this would not be feasible. Open to the public with no comment.

The Board understood what the applicant was saying but felt that a variance for 3.09% over total lot coverage was way too much. The Board thought the applicant should look at ways of possibly reducing some of the current coverage and revise the plan.

The applicant requested the application be carried. This application is carried to the October 15, 2009 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Yodakis at 9:35 p.m. to adjourn the meeting, seconded by Mr. Karch and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on September 17, 2009 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 15, 2009.

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