

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JANUARY 20, 2011 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: Burry, Hesslein, Bennett, Karch, Sobieski, Yodakis, Farrell and Lewis

ABSENT: Wager

Mr. Karch stated that the Nominating Committee’s recommendation was Don Burry as Chairman, Rob Hesslein as Vice-Chairman, Al Yodakis as Secretary and Ruth Leininger as Assistant Secretary. There were no other nominations from the Board; nominations were closed.

Motion to Adopt a full slate:

OFFER: Lewis

SECOND: Sobieski

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

NEGATIVE: None

ABSTAIN: None

The meeting was turned over to Mr. Burry.

The Board adopted the schedule for meeting dates for the remainder of 2011 at 8:00 p.m. in the meeting room at Town Hall as follows:

February 17, 2011  
March 17, 2011  
April 21, 2011  
May 19, 2011  
June 16, 2011  
July 21, 2011

August 18, 2011  
September 15, 2011  
October 20, 2011  
November 17, 2011  
December 15, 2011

Motion to adopt schedule:

OFFER: Hesslein

SECOND: Burry

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

NEGATIVE: None

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

Motion to Appoint Zoning Board Attorney, Michael B. Steib, Esq.:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

Motion to Appoint Landscape Architect, Julie McGowan:

OFFER: Farrell

SECOND: Burry

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

NEGATIVE: None

Motion to Approve the December 16, 2010 Meeting Minutes:

OFFER: Karch

SECOND: Burry

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

NEGATIVE: None

## **RESOLUTIONS:**

### **ZB857 – Camryn Holdings – Block 54, Lot 5 – 24 Squankum Road**

Memorialization of Resolution denying application to retain farm labor housing accessory dwelling unit that was constructed without municipal approvals. Variances are required to permit a farm labor housing accessory dwelling on a 12.01 acre farm where a minimum of 15 acres is required.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Karch

AFFIRMATIVE: Burry, Hesslein, Bennett, Karch, Yodakis and Lewis

NEGATIVE: None

### **ZB860 – Maiello – Block 50, Lot 5 – 140 Hockhockson Road**

Memorialization of Resolution granting approval to install an inground swimming pool in the AG Zone. A variance is required to permit a front yard setback of 132' where 200' is required.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Yodakis

AFFIRMATIVE: Burry, Hesslein, Bennett, Karch, Yodakis and Lewis

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**ZB858 – Colts Neck Reformed Church – Block 29.1, Lots 13 & 14 and Block 29.13, Lots 6 & 17 – Route 537 West**

Application for Preliminary and Final Approval of a Major Site Plan Approval and Use Variance for Phases I in the A-3 Zone. Phase I consists of converting and enlarging a single family dwelling into a parish house containing classrooms, administrative offices and meeting rooms.

Mr. Burry recused himself from the application and turned the meeting over to Mr. Hesslein. Twelve new items were marked as exhibits – Board of Health letter, two letters from the Fire Prevention Bureau, site plans, architectural plans, review letter from the Township Planner, review letter from the Township Engineer, Township Landscape Architect’s comments, board with architectural and floor plans mounted, board with elevations and aerial view, board with front, rear and side elevations and a color rendering.

Peter Sokol, Esq. represented the church. Mr. Sokol reminded the Board the church is trying to renovate the East House. They have taken comments the Board gave last month and renovated the proposed addition. Ed Gaunt, Architect – sworn. Last month the Board was very concerned that the addition was being added to the side closest to the property line, they now have the addition on the west side of the existing building and have reduced the size approximately 65 s.f. The Board also thought the architecture should resemble the church to give the appearance of a compound. The architecture and materials are all similar including a covered walkway with columns that goes to the driveway and ends at a gazebo.

A.J. Garito, Engineer – sworn. Mr. Garito explained the setbacks remain the same as they exist today since the addition has moved to the other side of the building. Landscaping has been added to tie the structures together with the approval of the Township Landscape Architect. The lot coverage increases slightly but they are removing the existing driveway to the east house, making the total lot coverage less than it is today. Four light poles will be added that will light approximately 24 parking spaces as requested. The Board wanted the Township Engineer to review the Lighting Plan and to make a determination if additional lighting is required. The only variances they are seeking are for conditions that exist today.

Open to the public with no comment. The Board thought the applicant did a good job addressing all of their concerns and those of the neighbors. The project has been downsized, lighting was added and it was given a campus feel. The Board thought it was a positive change and a welcome addition.

The approval is based on the Township Engineer reviewing and approving the lighting plan.

Motion to Approve the Application:

OFFER: Lewis

SECOND: Karch

AFFIRMATIVE: Hesslein, Bennett, Karch, Yodakis and Lewis

NEGATIVE: None

**APPLICATIONS: New Business:**

**ZB861 – Minassian – Block 1, Lot 12 – 47 Mountainside Drive**

Application to construct addition front porch, attic with new roof and patio to an existing single family dwelling in the A-1 Zone. A variance is required to permit a side setback of 40.2' where 62' is required.

Five items were marked as exhibits – zoning review, application, site plan and floor plan, Board of Health review and Fire Prevention Bureau comments. Salwa Minassian, applicant – sworn. Ms. Minassian told the Board the house is not centered on the property and the side of the house closest to the property line is not being touched. The new addition increases the width of the house more than 90' and increases all setbacks by 12'. The construction will update the house and include a front porch, new roof and patio.

Open to the public with no comments. The Board thought this was an improvement to the house. The location of the addition is the only logical place to put it. Although this is a case of the 90' rule it was not changing the distant from the neighbor which is the only variance required. The Board did condition the approval that the second floor can not have a kitchen.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Hesslein

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

NEGATIVE: None

**ZB862 – Garber – Block 29, Lots 9.02 & 10.05 – 2 Blue Bell Road**

Application for Minor Site Plan Approval and Use Variance in the AG Zone. The applicant proposes to consolidate existing Lots 9.02 and 10.05 and retain a basketball court, farm labor unit, Stable B and two single family dwellings on one lot as well as install a field for the training of Polo horses.

Seventeen items were marked as exhibits – application, minor site plan, floor plan of farm labor dwelling, zoning review, Township Planner's review, Board of Health comments, Architectural Review comments, Environmental Commission comments, Fire Prevention Bureau comments, Township Engineer's review, Shade Tree Commission comments, photo of Stable A, floor plan, Landscape Architect's comments, mounted color rendering of site plan, mounted aerial photo and two sided photoboard with a total of ten photos.

Jennifer Krimko, Esq. represented the applicant. Ms. Krimko explained to the Board the applicant had some construction done without first getting permits and received a violation from the Code Enforcement Officer. They were in front of the Planning Board but in an effort to reduce lot converge the property owner purchased the neighboring property with the plan of demolishing the house and the need for a lot coverage variance. After the property was purchased and they went through the home they found it was in very good condition and would like to retain the home as a guest house, however this requires a Use Variance.

William Kurtz, Engineer – sworn. The applicant will remove gravel driveways and regrade the drainage for the polo practice field; it will look like a pasture. The applicant will install plantings to

buffer Stable A that is 29' away from the lot line and built without permits. Stable B was built with permits, however the living area built on the second floor did not receive permits.

Discussion ensued whether they were installing a polo field or if they would be practicing on an open field. Simon Garber, applicant – sworn. Mr. Garber explained they would only be exercising the horses on the field; no competitive shooting would take place. They had been using the field at Bucks Mill but they have been limited to the amount of time they can use it. The Board determined he is not installing a polo field and will not be using the area for anything other than exercising the horses, therefore the request to install a polo field was withdrawn.

Andrew Janiw, Planner – sworn. Mr. Janiw stated the property is located in the agricultural zone and the training of horses is consistent with the Master Plan and neighborhood. The newly purchased house is a viable, sound structure and it would be a lower density if used as a guest home than a single family dwelling. By merging the lots it would ensure that neither lot would have any more lot coverage.

Open to the public. Tom Orgo, Heyers Mill Road – sworn. Mr. Orgo felt the applicant is only using the property 2-3 months out of the year and paying a lot in yearly taxes with no children in the school system and is promoting agriculture – it all seemed like a good thing for the town. Vince Scanelli, 14 Freemont asked how big the guest house is? Approximately 6,000 s.f. Will the trees be remaining where the horses will practice? No. Will the guest house only be used in the summer? Yes. Mr. Scanelli's home abuts this property and he is concerned with the balls being hit into his yard and potentially hitting a member of his family.

Mr. Garber stated he and his family reside in New York, which is where his children go to school. They are only here three months out of the year and polo season is May through September.

The Board did not see any advantage to the public and having two residences on one lot goes against the Master Plan. They were happy the property is being used for agricultural purposes but did not see any compelling reason for granting a Use Variance.

Ms. Krimko consulted with her client and then requested to withdraw the application without prejudice.

Motion to Withdraw the Application Without Prejudice:

OFFER: Karch

SECOND: Hesslein

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

NEGATIVE: None

**ZB853 – Somma/Current Electric – Bblock 30, Lot 13 – 48 Route 537 West**

Application for Preliminary and Final Major Site Plan Approval and Use Variance to convert a single family dwelling into a business office for an electrical contractor in the B-3 Zone.

Mr. Steib, Esq. announced he reviewed service for the applicant and the notices to adjoining property owners were fine, however the notice in the newspaper was flawed. The applicant will publish the notice in the newspaper again however the neighbors will not receive new notice. This application is carried to the February 17, 2011 meeting with no further notice other than the newspaper.

**DISCUSSION ITEMS:**

**2010 Zoning Board Annual Report**

Mr. Anfuso reviewed the Annual Report with the Board. The Board thought the report was well done and Mr. Anfuso did a good job.

Motion to Approve and Memorialize the Resolution:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

**EXECUTIVE SESSION**

Motion to Go Into Executive Session:

OFFER: Sobieski

SECOND: Karch

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

NEGATIVE: None

**MOTION TO ADJOURN**

A motion was made by Mr. Farrell at 10:42 p.m. to adjourn the meeting, seconded by Mr. Lewis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on January 20, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 17, 2011.

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