

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 17, 2011 AT 8:00 P.M.**

Mr. Burry 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, Wagar, Yodakis and Farrell

ABSENT: Lewis

ALSO PRESENT: Timothy Anfusio, P.P., Mike Steib, Esq., and Ruth Leininger

Approval of Minutes:

Motion to Approve the February 17, 2011 Meeting Minutes:

OFFER: Hesslein

SECOND: Yodakis

AFFIRMATIVE: Burry, Hesslein, Bennett, Sobieski, Wagar, Yodakis and Farrell

NEGATIVE: None

RESOLUTIONS:

ZB863 – Savarese – Block 51, Lot 2.34 – 2 Air Dancer Lane

Memorialization of Resolution granting approval to construct a pool cabana in the AG Zone.

Variances are required to permit a 3' separation between the pool and pool cabana where 10' is required and a total lot coverage of 17.86% where 15% is the maximum permitted and a variance was previously granted to permit 17.59%.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Hesslein

AFFIRMATIVE: Burry, Hesslein, Bennett, Wagar, Yodakis and Farrell

NEGATIVE: None

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

Memorialization of Resolution granting 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.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Wagar

AFFIRMATIVE: Burry, Hesslein, Bennett, Sobieski, Wagar, Yodakis and Farrell

NEGATIVE: None

ADMINISTRATIVE ITEMS:

ZB763 – Fierro – Block 12, Lot 30 – 132 Heulitt Road

Request for three retroactive one-year extensions of time to the approved variance. The extensions will begin on November 15, 2008 and expire November 15, 2011.

This item was on the February agenda but the applicant was not in attendance and the Board has questions they wanted to ask. The Board requested Mr. Anfuso send the applicant a letter asking the applicant to attend the March meeting. Mr. Anfuso sent a letter however no one was at the meeting representing the applicant.

The Board stated it was their normal policy to grant one extension and a second warning no more would be granted. Without any justification for them to consider the Board denied the request.

Motion to Approve the Extensions of Time:

OFFER: Wagar

SECOND: Sobieski

AFFIRMATIVE: None

NEGATIVE: Burry, Hesslein, Bennett, Karch, Sobieski, Wagar and Yodakis

ZB866 – T-Mobile Northeast, LLC – Block 53, Lot 12.01 – 81 Obre Road

Review proposal from Douglas Fishman, PMP as Zoning Board Frequency Engineer to advise the Board on an application submitted for Minor Site Plan and Use Variance Approval.

Mr. Anfuso explained he received an application from T-Mobile to install a cellular tower. Anticipating the Board would want an expert to advise them, he researched and received a proposal from Mr. Fishman. The Board was concerned with the finances but Mr. Anfuso explained the applicant's escrow fees would pay for whoever was hired.

Motion to Appoint and Memorialize Resolution:

OFFER: Wagar

SECOND: Karch

AFFIRMATIVE: None

NEGATIVE: Burry, Hesslein, Bennett, Karch, Sobieski, Wagar and Yodakis

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB867 – Spellman – Block 29.02, Lot 9 – 9 Millbrook Lane

Application to install an inground swimming pool and 6' fence. Variances are required to permit a front yard setback of 63' where 100' is required, a side setback of 23' where 24' is required, a building separation of 12' where 20' is required, a total lot coverage of 27.7% where 20% is the maximum permitted, a 6' fence in the front yard where 4' is the maximum permitted and a solid fence in the front yard where prohibited.

Nine items were marked as exhibits – zoning review, application, survey, grading plan, Fire Prevention Bureau comments, Board of Health comments, two photos, grading plan with concrete removed and a letter and a survey from objectors.

Charles Spellman, applicant – sworn. Three years ago Dr. Spellman purchased this property; the house was 52 years old and in disrepair. After extensive repairs on the house they are now ready to start fixing up the outside. This house was the original house prior to the subdivision and is an awkward location; the side of the house faces the road and the front of the house faces the neighbor's home. Dr. Spellman has three young children and would like to install a pool. Due to the hardship of the house location and the fact that the lot is undersized, he is not able to place it in a conforming location. A survey was shown depicting 400 s.f. of concrete that was removed in an effort to reduce lot coverage and the applicant stated he would also line the fence with bushes to appease the neighbors.

Open to the public. Arthur Foley, 13 Millbrook Lane – sworn. Mr. Foley stated the applicant has done a wonderful job improving their property but he is concerned with a solid fence 30' from his home. He also has concerns with the filter in close proximity to his bedroom window and the fact the property slopes in his direction and the potential of getting extra runoff. Sam Penza, 16 Millbrook Lane – sworn. Mr. Penza stated he has lived in Colts Neck 41 years and 31 years on Millbrook Lane. There are no pools in the neighborhood that are visible from the street like this one would and he felt this would have a negative effect on the neighborhood.

The Board felt the applicant should do more to address the lot coverage and other variances as well as address the concerns of the neighbors. The pool would need to be pushed further back or made smaller as well as some type of landscaping around the fence. The applicant stated he wanted the Board to vote on the application as it was submitted.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Hesslein

AFFIRMATIVE: None

NEGATIVE: Burry, Hesslein, Bennett, Karch, Sobieski, Wagar and Yodakis

ZB864 – Trump National – Block 46, Lot 1.52 – 1 Trump National Boulevard

Application for Minor Site Plan and Use Variance approval to construct a helistop in the AG Zone.

Mr. Burry and Sobieski recused themselves from the application. The meeting was turned over to Vice-Chairman Hesslein. Fourteen items were marked as exhibits – application, site plan, Architectural Review Committee's comments, Board of Health comments, Fire Prevention Bureau's comments, Engineer's review letter, Planner's review letter, ordinance review from John Maczuga dated 9/29/99, memo from Christine Spiegle dated 9/17/99, Township Committee meeting minutes

discussing ordinance 99-19, ordinance 1999-19, sheet 2 of site plan mounted, colored sheet 3 of site plan mounted and six mounted photos on photoboard. An email letter from an objector was also received and marked but not given to the Board.

Sal Alfieri, Esq. represented the applicant. Mr. Alfieri explained a Use Variance is required to permit a helistop because it is not permitted by ordinance in any zone. Marc Leber, Two River Engineer – sworn. Mr. Leber showed the location on the site plan that is designated as the helistop. It is a 46' x 46' area that will have grass pavers so it will not be visible when you are outside the area.

Open to the public. Ron Bhom, 2 Westbury Place – sworn. Mr. Bhom asked if the helistop was over or under ½ mile from his home? It is under. Were wind measurements taken? No. Mr. Bhom stated a police officer came to his home because they received a complaint from Mr. Trump that his barking dog was annoying him while he golfed, Mr. Bhom stated the helicopter is louder than his dog and would surely bother him. Paul Linnett, 64 Route 537 was concerned with the safety. Vince Domidion, Revolutionary Road asked what type of soils were in the area of the helistop? No tests were done. Is the conservation easement in that area stipulated as lawn or to be natural? Mr. Leber was not sure but stated that information could be provided. Judy Travis, 56 Leland Road asked if the helicopter pad was the correct size for the helicopter that flew the test flight? Yes. How many passengers does it hold? Mr. Leber did not know. Mrs. Ganz, 62 Five Point Road asked to see the flight pattern. Gilbert Diaz, Hominy Hill Road asked to see the flight path.

Ed Russo, Consultant for Trump National – sworn. Mr. Russo explained he was instrumental with the installation of the helistop at the Bedminster Golf Course prior to Mr. Trump acquiring the property. The original helistop is still in existence and they have added two more. There are no physical changes made to the property when the helistops were created, it a designated location where a helicopter can land. In Bedminster the helistop is used approximately four times a month and in the winter it is even less. There will be no fueling done on site and no overnight storage of a helicopter, usually the helicopter will just drop off and leave. There are portable battery operated lights that are available for emergency services if needed but will never be used for any of their flights. Mr. Trump does not fly at night, the hours of use would be sunrise to sunset. The helistop will only be used by Mr. Trump or someone that he personally approves to use the helistop. The helicopter activity in Bedminster is logged. A windsock will be used but will be put up prior to a landing and taken down when finished.

Open to the public. Ron Bhom, questioned the Bedminster Golf Course has three helistops? Mr. Russo stated there are actually four, however only one is used. Mr. Bhom asked if there were any homes nearby? No. Sue Belon, 6 Comstock Lane asked who would monitor how many landings there are? There is no limit to the amount of takeoffs and landings that are permitted. However they think Colts Neck will be used less than Bedminster. How qualified are the security staff? They are qualified, the front gate is monitored 24/7. Judy Travis asked if the approval is granted can they use the helistop as often as they want and bring as many people as they want? Yes. Ms. Travis stated she was concerned because she heard this was a marketing tool for the golf course. Mr. Russo stated that was not his understanding. Steve Sobieski, 8 Bretwood Drive asked if they have researched the problem with the geese and how that would affect the flight of a helicopter? Mr. Russo stated they were well aware of the geese problem but no study has been done. Reverend Scott Brown, Route 537 asked if the property were sold would a helistop approval go with the land or would it stay with the Trump Organization? Mr. Steib, Esq. stated the approval would run with the land. Abe Ganz asked what the purpose of the secondary route was? Mr. Russo said they would mainly use the primary approach which is from Route 18 but if the wind prohibited that they would use the secondary route. Virginia Amend, Heyers Mill Road asked who from the Township was present when they did their test

flight? Committeeman Russell Macnow, Police Chief Kevin Sauter and Lieutenant Frank Leccese. Vince Domidion, Revolutionary Road asked if the helicopter is coming from New York which is north, how will it get to Route 18? Mr. Russo was not sure, however he stated it would fly at a higher altitude and come in low from Route 18. Mr. Domidion asked if the test flight took place on the date stated in the letter that was sent to residents so they could observe? Mr. Russo did not know. Mr. Domidion asked if the sole purpose of the helistop was for Mr. Trump's use what is the public benefit? Mr. Russo stated there is no public benefit. Is there any limit to the takeoff and landings being proposed? No. Gilbert Diaz, Hominy Hill Road stated he heard the helicopter fly over and it was very loud, he asked what the distance was from Mr. Trump's office in New York to his helicopter. It is about 10 minutes. Mr. Diaz stated it was the same distance as Allaire Airport where a helicopter can land and have a limo waiting.

It was questioned if the applicant would be paying any fees to the Township for the helistop. Mr. Steib clarified the Board can not impose any fees and fees should not be any consideration of the Board. It was noted that there are two other helistops in town that could be used for emergency services and a helicopter is permitted to land anywhere if there is an emergency.

Mr. Alfeiri stated they have several more professionals and asked for the application to be carried. This application is carried to the April 21, 2011 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Lewis

SECOND: Burry

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

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Mr. Hesslein at 10:25 p.m. to adjourn the meeting, seconded by Mr. Farrell and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on March 17, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 21, 2011.

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