

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 21, 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, Wagar and Yodakis

ABSENT: Sobieski, Farrell and Lewis

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

Approval of Minutes:

Motion to Approve the March 17, 2011 Meeting Minutes:

OFFER: Wagar

SECOND: Karch

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution denying the installation of 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.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Wagar

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

NEGATIVE: None

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

Memorialization of Resolution denying the 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.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Karch

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: New Business:

ZB868 – Prager – Block 40, Lot 1.03 – 3 Steeplechase Court

Application to construct a covered deck attached to an existing dwelling in the A-1 Zone. Variances are required to permit a rear setback of 45.5' where 54' is required and a total building coverage of 6.53% where 6% is the maximum permitted.

Glenn Prager, applicant and Anthony Conduras, Architect – both sworn. Six items were marked as exhibits – zoning review, application, elevation and floor plan, Fire Prevention Bureau's review, Board of Health comments and Architectural Review Committee's comments. The applicant would like to remove an existing concrete walk and patio and construct a 32' x 14' covered deck with a cooking area on the back of the house for quiet entertaining. The setbacks are increased because of the width of the existing home and only the back corner of the deck encroaches into the setback. The porch has stone walls but does not have any doors or windows, just open archways. There will not be any heat or air conditioning. Open to the public with no comment.

The Board was very hesitant to grant a coverage variance for the porch because it was not something that was open, without side walls. The applicant does have a hardship with the configuration of the lot being pie shaped but the Board still thought the building coverage was excessive. The applicant requested to carry the application to the May meeting so they could reexamine the application. This application is carried to the May 19, 2011 meeting with no further notice.

ZB869 – Gliozzo – Block 7.17, Lot 8 – 46 Mulberry Lane

Application to construct a front porch on an existing dwelling in the A-1 Zone. Variances are required to permit a front yard setback of 72.74' where 86' is required and building coverage of 7.68% and 6.6% is the maximum permitted.

Joseph Gliozzo, applicant – sworn. Seven items were marked as exhibits – zoning review, application, Fire Prevention Bureau's review, Board of Health comments, survey, architectural plans and three photos. Mr. Gliozzo told the Board they would like to remove the exterior porch and replace it with a wrap around porch with a gazebo to add curb appeal and balance the home. They would like to have an area to sit, read and relax. The porch will be open with electric for lighting and a fan. Open to the public with no comments.

The Board thought the porch looked terrific and added a lot to the house aesthetically; however they had concerns over the building coverage. The applicant requested the application be carried to the next

meeting so they could try and reduce some of the coverage. This application is carried to the May 19, 2011 meeting with no further notice.

APPLICATIONS: Old Business

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.

Chairman Burry and Mr. Bennett both recused themselves from the application. Twelve items were marked as exhibits – acoustical analysis, helistop feasibility report, minor site plan, Planner’s review, Fire Prevention Bureau comments, letter from John Maczuga, Planning consistency report, letter form T&M, letter from Colts Neck Police Chief, booklet of PowerPoint presentation, letter from DOT and noise abatement procedures.

Sal Alfieri, Esq. represented the applicant. Raymond Syms, Aeronautical Consultant, expert in heliport design and regulations – sworn. Mr. Syms stated the proposed helistop location is 11,000’ to 12,000’ away from the homes. There will only be lights used for emergency landings. The grass paver landing area and safety comply with FAA safety regulations. The exhibit A25 is a letter from the DOT stating they are compliant with code and requirements. The State can mandate an arrival and departure path that can be made part of the approval. Mr. Syms created an Operations Manual basing the wind study using data from McGuire Air Force Base to develop the flight route. Mr. Syms maintained that you can fly over Earle without any restrictions. He also stated he has never had a problem with geese like some airplanes do and he did not think the noise of a helicopter would affect horses at surrounding farms. There must be a clear area for landing, meaning a clear area for maneuverability. Although the clubhouse is within the transition area it would be ok because it is large and easily visible. The flag is used as a windsock and complies with the intent of the regulation.

Open to the public. Vince Domidion, Revolutionary Road asked if the flight pattern was restricted how would they access the helistop? They would follow either Route 18 or Route 34 depending on the direction they were coming from. Can vegetation such as shrubs be in the clear area? No, grass is ok but shrubs are a problem. Did you check if the conservation easement is part of the clear area? No. Larry Sorsby, Westbury Place asked if anything would prevent the helicopter from flying over today? No. Dominick Sozio, Five Point Road asked if the helicopter is owned by Mr. Trump? Yes but it will only drop him off or pick him up, no maintenance or fueling will be done on site. Kevin Skudera, Kathleen Drive asked if Mr. Syms had any experience with horses and helistops? Yes, he did not think it made any difference whether the helicopter was 1500’ up or to the side, it did not bother the horses. Howard Albert, Comstock Lane stated it is extremely windy blowing across the golf course, will it affect the helicopter? No. Pat Scavelli, Lochwood Run asked if the wind was over 10 knots would the alternate route will be used? Yes. What geographic area was used when the wind study was done? It was undefined. Elaine Mann, Route 34 asked the Board to contact Earle, because she called the Naval Base and was told the base was a “no fly zone”. Sue Bellon, Comstock Lane concurred there is normally a strong west wind blowing and asked if anyone suggested using Allaire Airport. Phil Wilcox, Clover Hill Road asked if there will be SOP’s for ground crew? Yes they will be produced. Vince Domidion, Revolutionary Road asked if the conservation easement can be moved? Mr. Alfieri, Esq. stated they would address that at a later time.

Richard Kimble, Pilot – sworn. Mr. Kimble stated he has been a pilot for 44 years, 22 of which he has been flying for Mr. Trump. The helicopter is kept in Teterboro, no maintenance or fueling would

occur at the golf course. The helicopter can hold six passengers but only five if Mr. Trump is on board. If he were flying in from the north he would follow Route 18 to the airport and if he were south he would follow Route 34, Earle is not a no fly zone. There will not be any maintenance or refueling done at the golf course. If Mr. Trump will be making a short visit he would shut down the helicopter and wait otherwise he would just be making a drop off or pick up. Mr. Kimble would rather have a flag than windsock, a flag can be seen from further away. If the winds were 45 – 50 knots they will not fly. Open to the public. Vince Domidion, asked if he knew the time difference flying to Allaire airport or the golf course? No. Dominick Sozio asked how many helicopters Mr. Trump owned? One. Does he lease? No. Barbara Ryner asked if golfers will be using the helicopter? Not Mr. Trump's. Sue Bellon asked how fast 40 knots was? 55 miles per hour. If Mr. Trump was planning on staying four hours to play golf would you stay and wait? Yes, if it was more than that he would leave and go to Teterboro. Would you ever not use the primary or secondary flight path? No, never.

Mr. Alfieri, Esq. stated he had no more witnesses for this evening. He still has a sound expert, Planner, Mr. Roberts and Ed Russo that will testify and asked to carry the application to May. This application is carried to the May 19, 2011 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Wagar

SECOND: Hesslein

AFFIRMATIVE: Burry, Hesslein, Karch, Wagar and Yodakis

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Mr. Yodakis at 11:50 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 April 21, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 19, 2011.

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