

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 16, 2016 AT 8:00 P.M.**

Mr. Sobieski 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 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. I further order that this public announcement be placed in the minutes of this meeting".

Salute the Flag

Roll Call:

PRESENT: Sobieski, Bennett, Florek, Karch, Yodakis and Burke

ABSENT: Burry, Farrell and Sullivan

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

Approval of Minutes:

Motion to Approve the May 19, 2016 Meeting Minutes:

OFFER: Florek

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett, Florek, Yodakis and Burke

NEGATIVE: None

RESOLUTIONS:

ZB960 – Maggs – Block 29, Lot 5 – 2 Pond View Drive

Memorialization of Resolution to install a swimming pool in the A-1 Zone. Variances are required to permit a 16' side setback to the filter and 25' side setback to the pool where 50' is required and a building separation of 11.76' where 20' is required.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Florek, Yodakis and Burke

NEGATIVE: None

APPLICATIONS: Old Business

ZB956 – Nicoletta Car Wash – Block 48, Lot 6 – 297 Route 34

Application for a Use Variance and Preliminary and Final Major Site Plan Approval with variances to permit a car wash with a two bay quick lube and one bay detail facility in the B-1 Zone. The applicant has bifurcated the request and is applying for only the Use Variance at this time.

Mr. Marchese was advised that only five eligible Board members would be in attendance this evening. Therefore he sent a letter requesting this application be carried to the July meeting anticipating a full Board will be in attendance. Mr. Marchese also granted an extension of time to August 31, 2016.

This application is carried to the July 21, 2016 meeting with no further notice.

APPLICATIONS: New Business

ZB959 – Kane – Block 16, Lot 9 – 85 Heyers Mill Road

Application for a Use Variance to permit the expansion of a nonconforming use. The property contains two single family dwellings in the A- 1 Zone. A variance is also required to permit a front setback of 69.5' where 75' is required.

The Board accepted the application. Nine items were marked as exhibits – zoning review, application, architectural plans, Fire Marshall's comments, Health Officer's comments, as-built septic plan, ZB786 Resolution dated July 17, 2008, blow up of area from sheet A-1 and Tax Assessors records.

Martin McGann, Esq. represented the applicant. Mr. McGann explained the Kane's purchased this property five years ago. The main house is approximately 100 years old and according to the tax records the cottage is approximately 60 years old. The Kane's would like to add approximately 500 s.f. off the kitchen in the main house and add a mud room.

Jennifer Kane, applicant – sworn. Ms. Kane stated the existing mud room has no heat, air conditioning or insulation. Because of this the adjoining room, her son's bedroom is very cold in the winter. The kitchen does not have much counter space or a center island, with two young children that is something she is really needs. The existing windows are also very old, they require a key to open which they feel is a safety hazard and want to upgrade all windows. The cottage was on the property when they purchased it and they have not made any improvements to it. The cottage is not used as a dwelling nor do they ever plan on using it as a dwelling, Mr. Kane is a lawyer in New York and uses it as his private study. Open to the public with no comments.

Cathy Zuckerman, Architect – sworn. Ms. Zuckerman stated the Kane's want to keep the charm and integrity of the home they just want to make it work better for their family. The current kitchen is not even nine foot in width and it makes it very difficult to function for a family with young children. By adding an approximately 500 s.f. addition they would be able to rework the space and get a functional kitchen, mudroom with installation and new windows. Ms. Zuckerman worked with the previous owner and confirmed that the cottage is exactly as it was in 2009. Open to the public with no comments.

The Board seemed satisfied that the cottage was being used as a study and not a dwelling. They agreed the kitchen was very small and felt the addition was diminimised and it was to the main house. The

Board was also happy the applicant was not tearing down a historic home but instead they were keeping the character of the home and updating it.

Motion to Approve the Application:

OFFER: Florek

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch, Yodakis and Burke

NEGATIVE: None

ZB954 – GK Distilling, Inc. – Block 46, Lot 17 – 300 Route 34

Application for Preliminary & Final Major Site Plan/Subdivision with Variances and Design Standard Waivers to establish a Craft Distillery in the B-1 Zone.

Mr. Karch recused himself and the Board accepted the application. Twenty items were marked as exhibits – correspondence from Justin McCarthy, Esq., description of operations, application, floor plans, use variance plan, two Township Planner's review letters, Fire Marshall's comments, Health Officer's comments, two Architectural Review Committee's comments, Environmental Commission comments, survey, final plat, environmental impact assessment, operation and maintenance manual, storm water management report, Township Engineer's review letter, color rendering of page 4 of site plan and a color rendering of the architectural plan.

John Giunco, Esq. represented the applicant. Mr. Giunco reminded the Board this application is a follow up to the Use Variance that was recently granted by this Board.

A.J. Garito, Engineer – sworn. Mr. Garito explained that according to the ordinance since this property was previously subdivided it is considered a major subdivision even though they are only creating one new lot which is a commercial lot. The ordinance also requires any "Major Residential Subdivision" to test for pesticides. Although they felt they had no obligation to do so they did the testing and one sample came back high for arsenic on the commercial lot. If the Board felt this requirement applies to this application there is a process the applicant must follow to abate the situation. The NJDEP standard for arsenic is 20 parts per million and the test location that was high is the location of the distillery was 20.7, only .7 over the acceptable level. The distillery will be built where the elevated level of arsenic was located therefore encapsulating the location which is one of the remedies the DEP finds acceptable. There is currently one residential home and after the subdivision there will still only be one residential home. Mr. Steib, Esq. advised the Board they should consider the intent of the ordinance while making this decision. Mr. Anfuso recommended the applicant retain a Licensed Soil Remediation Professional and follow the NJDEP cleanup protocol. After discussing the Board felt the intent of the ordinance was to address the creation of multiple residential lots. If it did apply they felt it was diminimis and the fact that the area will be encapsulated would remedy the situation.

Mr. Garito continued to explain the proposed subdivision and stated they originally had the parking in the front but moved it to the rear of the proposed 5,600 s.f. building for a better connection to the easement for the Highway Access Management Road. However this makes the building closer to the highway and creates the need for a front setback variance. They also want to keep the existing garage with no proposed modifications however it exceeds the permissible 5% lot coverage at 5.8% and requires a variance.

The architectural design of the distillery looks like a barn in an attempt to fit in with the aesthetics of the surrounding properties. The driveway will have 25 parking stalls where 16 are required and will be designed to required standards. There will be an infiltration system constructed for storm water management and they agree to all comments by the Township Engineer. A fire suppression system will be constructed but is not currently designed therefore an 8' x 16' area is depicted where a 6,000 gallon tank will be located. No residual mash or byproduct will go into the septic system and all waste generated from the distilling and equipment washing will go into a floor drain into a holding tank and be taken away by a licensed hauler.

The applicant wants to install a façade sign however it has not been designed yet. The sign will conform to all requirements of the ordinance. They requested to post a performance guarantee for the demo of the existing house while constructing the new home but will demolish the garages prior to recording the Final Plot.

Open to the public. Dr. Anthony Giovine, 310 Route 34 – sworn. Dr. Giovine stated his office is next to this property and when the access easement is open it will connect the two properties. He is concerned because he mostly has women and small children coming into his office and requested the connection be delayed as long as possible and when it is opened to install signs pointing away from the parking lot. Mr. Anfuso explained the improvements to Route 34 will dictate when this would occur however they are currently several years behind schedule so this would not occur any time soon. Bob Lutkewitte, Amsterdam Court – sworn. Mr. Lutkewitte stated he grew up in Colts Neck and moved back with his own family in 2000. He stated this is in the Business District, the area of town where we want to promote business. He also stated this is a unique business using local produce by a resident of town which in his opinion is the best kind.

Although a variance is required the distillery will be set back the same distance as Dr. Giovine's office next door and will look uniform. The Board felt that having the parking in the rear was more desirable and the width of the majority of the property was wide enough and did not look out of character. The Board thought the overall aesthetics of the property was pleasing and fit in with the character of the town.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Florek

AFFIRMATIVE: Sobieski, Bennett, Florek, Yodakis and Burke

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Bennett at 9:45 p.m. to adjourn the meeting, seconded by Mr. Yodakis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on June 16, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 21, 2016.



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