

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 16, 2010 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: Karch, Burry, Bennett, Hesslein, Wagar, Yodakis and Lewis

ABSENT: Sobieski and Farrell

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

Approval of Minutes:

Motion to Approve the November 18, 2010 Meeting Minutes:

OFFER: Karch

SECOND: Hesslein

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

NEGATIVE: None

RESOLUTIONS:

ZB855 – Huntley – Block 35.03 – Lot 6 – 41 Beaver Dam Road

Memorialization of Resolution granting approval to construct a second floor addition over an existing on story house in the A-1 Zone. Variances are required to permit a front yard setback of 77.97' where 79' is required and a building coverage of 7.1% where 6.6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Hesslein, Yodakis and Lewis

NEGATIVE: None

ZB859 – Tempera – Block 22.05, Lot 1.01 – 137 Montrose Road

Memorialization of Resolution granting approval to construct a 14' x 24' shed in the front yard. A variance is required to permit a front yard setback of 75' where 150' is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein and Yodakis
NEGATIVE: None

ADMINISTRATIVE ITEMS:

Review 2011 meeting dates and adopt January 2011 meeting date.

The proposed dates for 2011 were reviewed and January 20, 2011 was approved for the January meeting date.

Motion to Approve the January 2011 meeting date:

OFFER: Wagar

SECOND: Hesslein

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

NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

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

Application to construct additional 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.

Mr. Steib, Esq. advised that the legal notice did not appear in the newspaper ten days prior to the hearing and must be published again. The notices that were mailed out were fine and will not be resent but the applicant must publish a new legal notice. This application is carried to the January 20, 2011.

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

Application 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. Time to March 21, 2011

Five items were marked as exhibits – zoning review, application, Board of Health comments, survey and Fire Marshall review.

Michael Maiello, applicant – sworn. Mr. Maiello told the Board he and his wife purchased this home in 1999, they have three children and would like to have a pool. Although the property is approximately seven acres it is an undersized lot because it is in a ten acre zone that requires a 200' front yard setback. The property has a very unique shape to it; it looks like it has a long tail which is very wooded and has a stream running through it. The house is about 100 years old and was refurbished in 1952, it is only 60' from the street. If the pool were setback 200' it would be in the wetlands and far from the house.

Open to the public with no comments. The Board recognized the house is in a pre-existing nonconforming location without any apparent detriments. The applicant does have a very unique shaped lot causing a hardship and the pool location is behind the existing home. The applicant will have to get a NJDEP Flood Hazard Permit by Rule and adhere to the Health Officer's comments.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: None

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

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 and a farm labor housing accessory dwelling unit in a front yard where prohibited.

Sixteen items were marked as exhibits – zoning review, application, floor plans, survey, 1997 GIS photo, 2003 GIS photo, 2006 GIS photo, zoning review, amended application, Board of Health comments, Architectural Review comments, Google aerial photo, 1980 construction permit, property record card, series of 16 photos and 16 photos of the garage apartment.

Martin McGann, Esq. represented the applicant. It was clarified that the farm labor accessory dwelling does not require a variance for being in the front yard; it is one foot behind the main house. The ordinance requires a property must be at least fifteen acres to have an accessory farm labor dwelling; this property is only 12.01 acres.

Anthony Mecca, Camryn Holdings, LLC – sworn. Mr. Mecca said he works for the property owner who resides at another farm on Willow Brook Drive. This farm was purchased in 2005 with all structures, including the apartment already built. The Building Department did not have copies of any permits for the apartment; the applicant made improvements to the garage and apartment without permits.

Timothy Anfuso, Township Planner – sworn. Mr. Anfuso explained the Code Enforcement Officer brought the property owner in for the violation. When speaking with Mr. Mecca they reviewed aerial maps from the county for 1997, 2003 and 2006 which showed that the garage structure was there prior to their purchase in 2005. Mr. Anfuso also clarified that a property must be a minimum of fifteen acres to have an accessory farm labor dwelling, however the dwelling can only be inhabited by a worker of the farm.

Mr. Mecca explained the property owner owns two farms and resides at the Willow Brook Drive location. The farm laborer Miguel works at both properties; he lives in the main house with his wife and two children. The farm labor accessory dwelling is inhabited by a veterinarian and her husband who takes care of the horses at both locations. There is currently one horse at this location and six horses at the Willow Brook Road location. They have researched the feasibility of trying to purchase the additional three acres but it is not cost effective.

Open to the public. It was asked how the town would know who lived in the accessory dwelling. It must be reported yearly.

In looking at this application as a new application, they did not feel the property was large enough for two dwellings. They felt if they were closer to the guidelines they may be able to grant some relief, however they did not think the farm was large enough to warrant a farm accessory and they did not see it as a benefit to the public.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: None

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

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 and II. Phase I consists of converting and enlarging a single family dwelling into a parish house containing classrooms, administrative offices and meeting rooms. Phase II consists of an 11,430 s.f. multipurpose building connecting the church to the parish house.

Fifteen items were marked as exhibits – letter from Reverend Scott Brown, application, transmittal from Two River Engineering, survey, Site Plan Phase I, Site Plan Phase II, letter from Engineer, Environmental Commission comments for Phase 1, Environmental Commission comments for Phase II, Planner’s review, color rendering of Site Plan Phase I, two sided photo board with 12 photos, color rendering of Site Plan Phase II, architectural plans of the East House and proposed 2nd floor plan.

Peter Sokol, Esq. represented the applicant. Mr. Sokol advised the Board that the Phase II concept is not funded and is not an application in front of this Board; it is merely for informational purposes. The application is only for Phase I.

A.J. Garito, Engineer and Reverend Scott Brown – both sworn. Reverend Brown told the Board the church was established in 1856 with the adjoining cemetery and they have been consistently worshipping at this location since 1966. The site contains a sanctuary, educational building, cemetery, two residential dwellings and ancillary maintenance buildings. The membership is now over 900 with two services being held on Sunday’s. In 2005 additional parking was added. They have recently acquired the East House and they would like to enlarge and convert it from a residential home and use it for administrative offices and classrooms. A new walkway and ADA parking stalls to access the structure are also proposed.

The basement of the educational building is currently home to the nursery school as well as offices for the church employees. The rooms are also used for church groups to meet, bible study groups, youth fellowship and confirmation classes. The nursery school has five employees and the church has six employees, this will remain the same. Parking will not be an issue because the intensity will not be increased, they are simply bringing their current facilities up to date. The nursery school would like to be able to have an indoor play area and the office workers would like to have individual offices instead of three people sharing an office in a copy room.

Edwin Gaunt, Jr., Architect – sworn. Mr. Gaunt reviewed the architectural plans. The new footprint will be 3,457 s.f. and the second floor will be 3,000 s.f. The existing home is close to 100 years old

and was built as a residential home therefore a lot of interior work will need to be done to upgrade it for a commercial use. The foundation will remain as will some sheeting and siding.

Open to the public. Robert Gamers, 10 Village Lane asked if they were doubling the size of the existing house? Yes. The foundation is 100 years old, how can it hold that? Mr. Garitio stated they will be testing to be sure they can use it; they will also be constructing a new addition to the structure. Mr. Garito also explained that they will be adding two handicap parking spaces, landscaping and lighting along the driveway. They will not be adding any new parking, just restriping. They feel they do not need any new parking because they are just making a better facility so they are not as cramped, not adding more employees. The water and septic usage is calculated the same for a four bedroom house as it is for an office building of this size.

Open to the public. Fred Lesta, 36 Village Lane – sworn. Mr. Lesta’s only concern was Phase II, he has no problem with this application. Martha Cowles, 21 Village Lane – sworn. Ms. Cowles does not have a problem with Phase I of this application, the church has been a good neighbor. She would prefer if the addition to the house would be added to the west side if possible. Bill Perkinson, 36 Village Lane – sworn. Mr. Perkinson advised he is a member of the church and has been on the Planning Committee. He just wanted to make note that they are using low flow toilets and trying to be more efficient with their water usage.

The Board thought the applicants had good planning but liked the idea of putting the addition of the west side of the home if feasible. They were also concerned with lighting; it seemed that some type of lighting should be installed for the safety of those walking in the parking lot. Another concern was that there should be more landscaping that would tie all of the properties together.

The applicant appreciated the comments and asked to carry the application so they can address the concerns. This application is carried to the January 20, 2011 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Bennett at 11:00 p.m. to adjourn the meeting, seconded by Mr. Hesslein and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on December 16, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on January 11, 2011.

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