

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 19, 2016 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 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: Burry, Sobieski, Bennett, Farrell, Florek, Karch (45 minutes late), Yodakis, Burke and Sullivan

ABSENT: None

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

Approval of Minutes:

Motion to Approve the April 21, 2016 Meeting Minutes:

OFFER: Burke

SECOND: Florek

AFFIRMATIVE: Burry, Bennett, Florek, Yodakis, Burke and Sullivan

NEGATIVE: None

RESOLUTIONS:

ZB952 – Moldaver – Block 41.01, Lot 5.06 – 1 Messenger Drive

Memorialization of Resolution to construct a detached garage in the AG Zone. Variances are required to permit a front setback of 65.18’ where 150’ is required, a side setback of 42.13’ where 50’ is required.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Burke

AFFIRMATIVE: Burry, Bennett, Florek, Yodakis, Burke and Sullivan

NEGATIVE: None

ZB957 – Sclafani – Block 45.02, Lot 2 – 25 Salem Drive

Memorialization of Resolution to modify and reduce existing side porch in the A-1 Zone. A variance is required to permit building coverage of 7.16% where 6.6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Sullivan

AFFIRMATIVE: Burry, Bennett, Florek, Yodakis, Burke and Sullivan

NEGATIVE: None

APPLICATIONS: Old Business

None

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.

Mr. Steib announced that although the applicant did put the legal notice for this application in the newspaper they did not send the notices to the adjoining property owners. The applicant is scheduled for the June meeting and will both send notices to adjoining property owners and put a new notice in the newspaper. This application is scheduled to be heard June 16, 2016.

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

Application 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 11.5’ where 20’ is required.

The Board accepted the application. Eight items were marked as exhibits – zoning review, application, variance plan, Board of Health comments, two review letters from the Fire Marshall’s, a revised variance plan and a photoboard with six photos.

A.J. Garito, Engineer – sworn. Mr. Garito explained this property is 1.89 acre parcel that is a corner lot with a 75’ conservation easement along Cedar Drive. The house was built 50’ from the rear property line making it very difficult to fit a pool without requiring a variance. The original plan that was submitted has been revised due to concerns from the Fire Marshall. As depicted in the photos, the area where they are seeking the variance is heavily vegetated and screened and will not visually impact the neighbors.

Open to the public with no comments. The Board felt the applicant truly had a hardship by being a corner lot and the existing house being set back so far. The total lot coverage is below what is permitted and the pool is screened from everyone.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Florek

AFFIRMATIVE: Burry, Sobieski, Bennett, Farrell, Florek, Yodakis and Burke

NEGATIVE: None

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. Bennett recused himself from this application. The Board accepted the application. Sixteen items were marked as exhibits – application, concept plan, Engineer’s review letter, floor plans and elevations, description of operations, specification for Sobrite system, letter dated April 8, 2016 from Tameric Car Wash Equipment, Use Variance plan, Planner’s review letter, two letters from Architectural Review Committee, Fire Marshall’s comments, Health Officer’s comments, Environmental Commission’s comments, Shade Tree Committee’s comments, color rendering of the variance plan, six photos mounted and color rendering of the architectural drawing.

Robert K. Marchese, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito explained Mr. Nicoletta is the contract purchaser of this 4.22 acre property on the east side of Route 34 next to the Illmensee shopping center. Although the property is currently vacant the Planning Board did approve a shopping center in 2008 however those approvals have since expired. The applicant is proposing the car wash to be open from 8 a.m. to 6 p.m. and have 15 employees. It is anticipated the car wash will average approximately 100 to 125 customers per day. Water consumption will be approximately 39.6 gallons per car of which 33.6 gallons will be recycled and six gallons of fresh water will be used for the final rinse. All oil for the lube facility will be stored in basement tanks and hauled by a licensed disposal company. Mr. Garito showed the variance plan which will have approximately 200’ for a stacking lane that will have two lanes. Mr. Garito stated it appeared the ordinance prohibited the use because of water usage but with the way the water is recycled not much water is used.

Tim Anfuso, Township Planner – sworn. Mr. Anfuso clarified the car wash is not a permitted use in the B-1 Zone. In addition, a lube facility is defined as a service station and does not meet all conditional use requirements governing service stations and public garages. The lube and detail facility require a “d” variance because the facility has an 850’ separation from the BP service station where 2,500’ is required and the building has an 80’ front setback where 100’ is required.

Dino Nicoletta, applicant – sworn. Mr. Nicoletta explained there would be no appointment required to have your oil changed, this was secondary to the car wash. Mr. Nicoletta currently owns the Asbury Car Wash and recently sold the Shrewsbury Car Wash so he is very familiar with the way the business runs. Office and retail space is very hard to fill right now and he feels a car wash is needed in the area with none close by. He felt he was complying with the Master Plan by keeping the car wash in the Business Zone.

Richard Arzberger, Architect – sworn. Mr. Arzberger explained he tried to create a design to fit the rural character and Master Plan. He tried to make the building look like an agricultural out building by using a fibercement siding that looks like wood. Approximately 1000 s.f. of space under the roof will

have an office/storage area and there will be a basement area to gain access under the equipment of the car wash for maintenance. Open to the public with no comments.

Richard Boudakian, Car Wash Equipment Installer/Owner – sworn. Mr. Boudakian explained the system that will be used is a zero discharge system. Multiple filters allow the water to be used to supply all equipment and chemical applications except for the final rinse and drying agent; fresh water will be used for the final rinse. It takes approximately 50 gallons of recycled water to wash a car and the final rinse will use 6 gallons of fresh water. Four times a year the water/tanks are cleaned and changed. Licensed pump trucks will pump and dispose of the recycled water. The tanks are self contained and not connected to the septic system. Open to the public with no comments.

Mr. Nicoletta stated he has been in the car wash business for 22 years and moved to Colts Neck three years ago. He has been aware of this vacant property and felt with its close proximity to Route 34 and 537 it was a great location for a car wash.

Open to the public. Glen Dalakian, Maplecrest Drive – sworn. Mr. Dalakian stated as both a property and business owner in town he felt a car wash would be a welcome addition to the community. He especially welcomed the development of the vacant property and thought he blended the architecture very well. He has been to Mr. Nicoletta's other car washes and stated they were excellent facilities and felt he will do well. Greg Calderaro, Hialeah Drive – sworn. Mr. Calderaro said he has been a resident for 21 years and felt the business district is struggling and we have to go with the times. He felt this is done in a classy way and he supports the application. Steve Garrett, Route 34 – sworn. Mr. Garrett said he lives across the street from the property and he thinks it is beautiful.

Some of the Board members were concerned that a car wash is something that was specifically prohibited and did not want to go against what the Master Plan envisioned. Although the building is aesthetically pleasing and the town needs to look toward developing the area do they want to go against what the Master Plan envisions? The Board was also concerned about the traffic pattern within the site and with the improvements that are planned for Route 34. Some Board members felt that although it could be a benefit to the town the ordinance specifically prohibits car wash facilities.

Mr. Marchese stated they have listened to the comments and concerns of the Board and asked to carry the application so they would be able to address these items. This application is carried to the June 16, 2016 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

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

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on May 19, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 16, 2016.

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