

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 19, 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, Farrell and Lewis

ABSENT: None

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

Approval of Minutes:

Motion to Approve the April 21, 2011 Meeting Minutes:

OFFER: Hesslein

SECOND: Wagar

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

NEGATIVE: None

RESOLUTIONS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Wagar

SECOND: Farrell

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

NEGATIVE: None

APPLICATIONS: New Business:

None

APPLICATIONS: Old 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 50' where 54' is required and a total building coverage of 6.5% where 6% is the maximum permitted.

A letter was received from the applicant requesting this application be carried to the June meeting to give them more time to amend their application. This application is carried to the June 16, 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 74.2' where 75' is required and building coverage of 7.29% and 6.6% is the maximum permitted.

Three new items were marked as exhibits – zoning review, architectural plans and Architectural Review Committee's comments Joe Gliozzo, applicant and Mike Monroe, Architect – both sworn.

Mr. Gliozzo explained they have reduced the size of the porch as much as feasible. If the Board required it to be any smaller they would abandon the project. Mr. Monroe stated the porch width on the side of the home was reduced to eliminate the problem with the 90' rule. The size of the gazebo was reduced and the width of the front porch was reduced as well. The porch is completely open and adds aesthetically to the home benefiting the neighbors. The home sits low in a valley and is not obtrusive. Several homes in the neighborhood have porches and it is in keeping with the neighborhood.

Open to the public with no comments. Several members thought the applicant did a great job reducing the size of the deck but did feel it should be a stipulation that the porch could not be enclosed. Some members still felt the building coverage was too high.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Karch

AFFIRMATIVE: Burry, Hesslein, Karch, Wagar and Lewis

NEGATIVE: Bennett 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.

Chairman Burry and Mr. Bennett and Mr. Sobieski all recused themselves from the application. Two new items were marked as exhibits – Environmental Commission letter and a mounted neighborhood setting plan.

Sal Alfieri, Esq. represented the applicant stating this is the third hearing for this application. Two experts will be testifying along with the General Manager for Trump National.

Norman Dotti, Engineer/Planner and Acoustical Engineer – sworn. Mr. Dotti explained he set up four monitors to measure the ambient sound February 27, 2011 through March 1, 2011. He was also

present when the helicopter made its test flight on March 2, 2011 and measured those sounds as well. With the information that he gathered as well as published data he compiled a report. Mr. Dotti stated you typically hear a helicopter approximately one minute prior to landing with a 20 second period where you hear the most sound. The maximum sound levels are high 70 to 80 DBA's (most common measurement of sound). He stated this is comparable to sound levels that occasionally are out there now.

Open to the public. Vince Domidion, Revolutionary Road asked if there was a difference between ambient sounds in the city or rural, sounds that are more pleasant? No. Are people more tolerant of pleasant sounds even if they have a higher DBA? It doesn't work that way, for instance HUD regulations state bulk ambient sounds such as traffic at 65 DBA is not suitable without something being done to try and remediate the sound. Howard Albert, 1 Comstock Lane stated there is a pond right behind his home and asked if the noise would radiate because of the water? No. Judy Travis, Leland Road asked if the primary path will be over Earle? That is what was testified to last month by the pilot. Patricia Scavelli, 4 Lochwood Run asked if the weather or environment affect the sound levels? Not really. The fact these tests were done February 28th – March 1st when the trees have the least amount of leaves to buffer the sound doesn't change the results? Not really. Could the ambient sound levels be from equipment on the golf course? It could, he did not know specifically what caused the ambient sound. Steve Sobieski, 8 Bretwood Lane wanted it clarified that Mr. Dotti had no idea what was causing the ambient noise or the spikes? No. Judy Travis asked if all helicopter noise levels were the same? No, however Mr. Trump's helicopter is the largest and that was what was used for the test flight. Fulton Wilcox, 92 Clover Hill Road asked if the test flight was the same sound wise as an actual take off and landing? It was actually louder because the helicopter did not land it only hovered. Mr. Dotti explained that if you had a noise complaint the first thing you should do is note the date and time. He would suggest first calling the golf course. Next he would call the police so there is a record, however it is the FAA that regulates an aircraft when it is in the air.

John Roberts, General Manager of Trump National – sworn. Mr. Roberts explained they were not obligated to notify the neighbors of the helicopter test flight; however as a good neighbor they sent letters to property owners within 200' approximately a week in advance. Unfortunately, the day of the scheduled test flight there was a technical difficulty in New York and it had to be postponed to the following day. It was too late to notify neighbors but Beth Kara from Town Hall was notified and the test was done the following day. Mr. Trump usually visits this golf course about twice a month and stays approximately four to six hours. Typically Mr. Trump is staying at Bedminster and drives himself to Colts Neck. Mr. Roberts did not know of any members of the golf course that owned a helicopter. Elaine Mann, Route 34 asked if Mr. Roberts was a member of the Fire Company? Yes. She felt any Board member that was a member of the Fire Company should recuse themselves as a potential conflict of interest. Mr. Steib, Esq. told the Board that membership in the Fire Company of itself would not cause a conflict unless the member did not feel they could be objective.

George Ritter, Planner – sworn. Mr. Ritter stated although the ordinance prohibits helistops they are asking for a restricted use helistop for the exclusive use of Mr. Trump and his designees, not for the general use of club members. The helistop has no other services and would only be used in daylight hours with the applicant willing to limit usage to an average of four to six occurrences per month. Mr. Ritter thought this site was particularly suited for a helistop with minimum impact to the neighborhood. Mr. Ritter stated there was a change in thinking where helicopters are more common for upscale corporate travel; eight golf courses in New Jersey have helistops. With the primary arrival route over Route 18 and departure over Route 34 he felt the transient type noise that would only last about a minute would not be significant, after ten minutes it would blend in with the traffic. The

primary benefit would be for Mr. Trump to manage his business and bring guest to play golf as well as opening the site to emergency services. It was noted the Environmental Commission feels the helistop is located within the conservation easement and this should be resolved. The Board questioned if "limited use" should play into the justification when the license issued from the State does not place restrictions on a license and a license would run with the land. Mr. Ritter felt the Board could attach restrictions to the variance and the town could enforce what happens on the site. Open to the public. Elaine Mann, Route 34 - Has Mr. Trump ever been unable to visit this site because he was driving? Did not know. You do not feel the adjoining property values will be impacted with a helistop next to them? There would be no substantial impact if the proposed restrictions were enacted. If the helistop was approved and the golf course was sold, the approval goes with the land correct? Yes. Vince Domidion, Revolutionary Road – The Master Plan shows a town's goals for the future? Yes. And that is the reason zoning is put in place? Yes. So if a use is not permitted by ordinance and only benefits one individual how is that justification to grant a Use Variance? The helistop will also be available to emergency services. Monroe Reiner, Hockhockson Road – You say the helistop will be used an average of 5 – 6 times a month. If the golf course and helistop are not used in the winter does that mean it will be used more than 5 – 6 times a month in the summer? It could, that is the way averages work. Howard Albert, Comstock Lane – If the helicopter is next to the flag pole it will be visible to the homes. The helistop is not next to the flag pole, it is on the practice green.

Due to the hour the Board decided to carry the application to the June meeting. Judy Travis stated she has a hearing impairment and is having a hard time hearing testimony. The Board extended an offer for her to sit closer to the table next month. Mr. Alfieri, Esq. granted the Board an extension of time to August 31, 2011 and will send a letter granting same. This application is carried to June 16, 2011 with no further notice.

DISCUSSION ITEMS:

None

MOTION TO ADJOURN

A motion was made by Mr. Wagar at 10:50 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 May 19, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 16, 2011.

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