

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 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 June 16, 2011 Meeting Minutes:

OFFER: Karch

SECOND: Wagar

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Hesslein

AFFIRMATIVE: Hesslein, Bennett, Karch, Wagar and Yodakis

NEGATIVE: None

ZB835 – Verizon Wireless – Block 43, Lot 1 – 59 Five Point Road

Memorialization of Resolution denying Minor Site Plan and Use Variance to install a wireless communication antennas on a new 130' monopole in the AG Zone

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Hesslein

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

ZB864 – Trump National – Block 46, Lot 1.52 – 1 Trump National Boulevard

Memorialization of Resolution denying Minor Site Plan and Use Variance approval to construct a helistop in the AG Zone.

Motion to Memorialize the Resolution:

OFFER: Hesslein
SECOND: Wagar
AFFIRMATIVE: Hesslein, Karch, Wagar and Yodakis
NEGATIVE: None

ADMINISTRATIVE:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB870 – Bartolomeo – Block 16, Lot 53.18 – 9 Old Stable Way

Application to construct a 12.5' x 29' deck off the rear of an existing single family dwelling in the A-1 Zone. Variances are required to permit a building separation of 17' where 20' is required and a total lot coverage of 23.1% where 20% is the maximum permitted and 23% exists.

Eight items were marked as exhibits – zoning review, application, survey, floor plan, Board of Health comments, Fire Prevention review, Architectural Review comments and a series of twelve photos.

Joseph Bartolomeo, applicant – sworn. Mr. Bartolomeo told the Board they purchased this property three years ago and the deck was built prior to their purchase. They showed pictures stating the deck was built poorly and is structurally unsafe. They would like to rebuild the deck slightly larger (55 s.f.) with a composite material. Open to the public with no comment.

The Board felt that increasing the lot coverage by 55 s.f. was diminimis and the applicant needed to repair a dangerous situation. The Fire Marshall was comfortable with the building separation of the pool and deck stating it would not inhibit ground ladder operations.

Motion to Approve the Application:

OFFER: Wagar
SECOND: Karch
AFFIRMATIVE: Burry, Hesslein, Bennett, Karch, Wagar and Yodakis
NEGATIVE: None

ZB871 – Greco – Block 7, Lot 4.3 – 7 Colts Gait Lane

Application for an addition and renovation to an existing pool cabana to add a garage in the AG Zone. A variance is required to permit a total lot coverage of 11.66% where 10% is the maximum and 11.3% currently exists.

Nine items were marked as exhibits – zoning review, application, variance plan, architectural plans, Board of Health comments, Architectural Review comments, tax map, color mounted rendering of the current site and variance plan and a photoboard with six photos taken today.

A.J. Garito, Engineer and Andrew Greco, applicant – sworn. Mr. Garito explained the applicant has a hardship because the property is in the AG Zone with setbacks created for ten acre lots and the Greco’s property is only 6.1 acres. The property contains a house, pool, pool cabana and tennis court. The applicant wants an 1100 s.f. garage attached to the cabana that will not have heat or water. The foundation has been poured and the driveway added when they realized they were over in lot coverage and needed permits. Open to the public with no comments.

The Board felt the applicant did have a hardship conforming to the total lot coverage due the size of their lot. They conformed to all setbacks and building coverage, they only exceeded total lot coverage. The applicant agreed the cabana/garage would not be used as a living space and they would conform to the recommendations of the Architectural Review Committee by matching the exterior of the structure to that of the main house.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Karch

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

NEGATIVE: None

ZB872 – Loshiavo – Block 51, Lot 2.32 – 3 Air Dancer Lane

Application for an inground pool, cabana, patio fire pit and retaining walls in the AG Zone. Variances are required to permit a building separation of 16’ from the fire pit and 16’ from the hot tub where 20’ is required and a total lot coverage of 17.96% where 15% is the maximum permitted.

Ten items were marked as exhibits – zoning review, application, NJDEP permit plan, architectural plans, Fire Prevention Bureau comments, Board of Health comments, tax map, mounted color rendering of variance plan, six photos mounted taken today, and three aerial photos.

Richard Loshiavo, applicant and A.J. Garito, Engineer – sworn. The Loshiavo’s have lived in Colts Neck for 18 years and purchased this property October of 2010. They would like to have a pool and open air gazebo for shade. A Flood Hazard Permit is required which the applicant has applied for. These types of amenities are similar to other homes on the street and the rear property abuts Due Process Golf Course.

Michael James Monroe, Architect – sworn. Mr. Monroe explained the reason this house was built back further requiring a longer driveway was because of the irregular shape of the lot and the 90’ rule. The aerial photos show that all surrounding homes have these type of amenities. The playground area has been removed and they will remove the fire pit area from the application; this brings the lot coverage to about 17.5%. Open to the public with no comment.

The Board felt it did not fit; it was more than 20% over the maximum permitted. The applicant requested the application be carried so they can look at other options. This application is carried to the August 18, 2011 meeting with no further notice.

ZB865 – Dr. Iorio – Block 8, Lot 5 – 200 Route 34

Application for Preliminary and Final Major Site Plan and Use Variance approval to construct a vestibule as well as expand the parking lot in the A-1 Zone.

Sixteen items were marked as exhibits – application, Stormwater Management Report, letter from Monmouth County Planning Board, lighting plan, site plan, revised site plan, architectural plans, Fire Prevention Bureau comments, Landscape Architect’s comments, survey, plat, elevation plans, Planner’s review, Engineer’s review, Architectural Review Committee’s comments, Board of Health comments, mounted color rendering of site plan and a photoboard with six photos.

Jeff Ferrier, Esq. represented the applicant. A.J. Garito, Engineer and Dr. Louis Iorio, applicant – sworn. Mr. Ferrier explained the applicant was in front of the Board in 2008 and received approval to continue a nonconforming use. He then purchased the building and has been running his practice from it.

Mr. Garito explained Dr. Iorio would like to build a small 110 s.f. vestibule to break the weather when you walk into the waiting room. He would also like to add eight parking spaces, they would grade the stormwater away from the building, which is a problem now, and into a basin. Additional landscaping would be added. Currently there are 12 parking spaces and they would like to keep the current spaces for a total of 21 spaces, which is still less than the required 28 by ordinance.

Dr. Iorio confirmed there would not be a change in use and the intensity will remain as it currently is. He receives many complaints in the winter from patients and staff that when the door opens the weather blows in. The vestibule is merely a barrier from the elements. The new parking spaces are also in response to complaints. The current parking spaces have large pine trees that drip sap onto the staff’s cars when they are parked there all day. The new spaces are behind the building and the staff would park there and patients would park in the front.

Tim Anfusio, Township Planner – sworn. Mr. Anfusio told the Board they should be cautious when approving parking for a nonconforming use. The building is large and could accommodate more exam rooms, the parking is what helps control the use. The building is in a residential area. Mr. Anfusio also stated there are conditions of the prior approval (site improvements) that the applicant never fulfilled. The Board was concerned with the potential of future owners expanding the intensity of use. The applicant withdrew the request to install new parking and asked for site plan waiver for only the vestibule.

The Board felt the vestibule was reasonable and did not require site plan approval since it did not affect the operations of the site and would occupy an area which is currently excess pavement. All other aspects of the application were withdrawn.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Karch

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

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Hesslein

SECOND: Karch

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

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Mr. Burry at 10:20 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 July 21, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 18, 2011.

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