

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 17, 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, Yodakis, Burke and Sullivan

ABSENT: None

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

Approval of Minutes:

Motion to Approve the February 18, 2016 Meeting Minutes:

OFFER: Sobieski

SECOND: Farrell

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

NEGATIVE: None

RESOLUTIONS:

ZB953 – Autovino – Block 5, Lot 1.02 – 18 Eaglenest Drive

Memorialization of Resolution to construct a front porch, 2nd story addition, basement access and rear addition and porch in the A-1 Zone. Variances are required to permit a front setback of 75.5’ where 106.5’ is required and a side setback of 66.9’ where 81.5’ is required.

Motion to Memorialize of Resolution:

OFFER: Bennett

SECOND: Sobieski

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

NEGATIVE: None

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

Memorialization of Resolution granting a Use Variance to establish a Craft Distillery in the B-1 Zone.

Motion to Memorialize of Resolution:

OFFER: Bennett

SECOND: Florek

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

ZONING BOARD OF ADJUSTMENT RULES & REGULATIONS

Mr. Steib, Esq. prepared Rules and Regulations in accordance with requirements of the Municipal Land Use Law N.J.S.A. 40:55D-1 et. seq. The Board reviewed and adopted these regulations.

Motion to Adopt the Rules and Regulations:

OFFER: Farrell

SECOND: Florek

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

NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

ZB955 – Abbud – Block 7, Lot 7.02 – 2 Laredo Drive

Application to install a generator in the AG Zone. A variance is required to permit a front setback of 118' where 150' is required.

The Board accepted the application. Seven items were marked as exhibits – zoning review, application, survey, photo of side, Board of Health review, Fire Marshall's review and Architectural Review Committee's comments.

Ann Abbud, applicant – sworn. Ms. Abbud explained she and her husband have five small children and purchased this home last year. During Sandy, they lived in Wall Township and had a generator which they had to use for a week. After purchasing this property and applying for a permit to install a generator she found out that because she has a corner lot she has two front yards. Therefore a 150' setback is required from both Laredo Drive and Crine Road; if Crine Road was considered a side yard the setback would be met. The location that is being requested is where the electric and all the mechanicals are located.

Open to the public with no comment. The Board felt this was a reasonable request from the homeowner. The generator is setback 118' from Crine Road and is the mostly logical place to put the generator.

Motion to Approve the Application:

OFFER: Florek

SECOND: Karch

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

NEGATIVE: None

ZB950 – Verizon Wireless - Block 31, Lot 25.02 – Route 34

Application for Use Variance and Minor Site Plan Approval to install two wireless communication antennas on the Morello Office Building in the B-1 Zone.

The Board accepted the application. Eighteen items were marked as exhibits – application, authorization contract, disclosure statement, waiver request, visual analysis, RF Emission Study, RF Analysis Report, Site Plan, two review letters from Township Engineer, revised site plan, RF Analysis and Report, Shade Tree Commission comments, 1000' radius map, Township Planner's report, RF Report revised March 11, 2016 and personal contact photo's.

Richard Stanzione, Esq. represented the applicant. Thomas Molnar, Civil Engineer from Maser Consulting - sworn. Mr. Molnar explained Verizon Wireless is proposing to install a Small Network Node (SNN) on the Morello office building. The SNN will consist of two 24 inch tall, 12 inch in diameter antennas. The antennas will be mounted on the roof and will be hidden by fiberglass chimney enclosures. A 70 sq. ft. equipment compound, screened by a 6 foot vinyl fence, is proposed along the structures northerly wall. There will be a generator outlet and space to put a portable generator inside of the fenced area in case of an emergency but a generator will not be permanently installed. One employee in a van will come approximately once a month to service the SNN.

James Shelton, Jr., Director of RF Engineering from VComm - sworn. Mr. Shelton explained these SNN's are becoming more popular due to people having more devices requiring more data usage. By installing a SNN they are able to focus on a limited, specific area that is having a capacity issue. This specific antenna will benefit the Morello Office Building, the adjacent shopping center and bank as well as directly across the street, this will not benefit The Orchard's Shopping Center; it is too far away.

Wireless telecommunication towers and antennas are a permitted principal use in the Business District. The Master Plan states that new antennas should be mounted directly on existing structures that exceed 35' in height. Some Board members felt they should locate the antennas on the existing high tension tower to cover more of an area. They also felt that Huddy's was not in the Colts Neck Shopping center any longer data usage may decline. Although there is an existing electrical transmission tower in close proximity where the antenna could be located Mr. Shelton stated it was not an ideal location because of the heavy vegetation as well as being too far away and losing good coverage to the bank.

Timothy Kronk, Planner – sworn. Mr. Kronk explained an antenna is permitted on the proposed location it is the height that is a problem. The antennas will be concealed inside a chimney which will be a fiberglass material with faux brick to ensure that will match the existing building colors and

material as shown in a photo simulation. The antennas will be less visible on the existing structure than if it were mounted on the electrical transmission tower. There is a public interest because there is an existing coverage deficiency that affects the community. By placing the antennas in a aesthetically pleasing, concealed chimney Mr. Kronk felt this was a better planning alternative.

Open to the public with no comments. Mr. Stanzione concluded by stating with all the new technology ordinances have a hard time keeping up. However this is a need driven issue. They believe this is in an appropriate location in the Business Zone.

The Board agreed that mobile devices improve our lives and more coverage is required. The Board was concerned if approval is granted the building would then be considered a Base Station. However it appears that because of the size of the building it would not be feasible for more antennas to be added. It is difficult to protect the integrity of the town and also provide the services the town requires. Some members were not sure these antennas would be better than installing antennas on the existing tower.

The Board conditioned their approval on this antenna and any future antennas must be enclosed inside a chimney. Any future antennas cannot exceed the height of this approved antenna and all equipment must be located within the approved equipment compound.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Karch

AFFIRMATIVE: Burry, Sobieski, Farrell, Karch and Yodakis

NEGATIVE: Bennett and Florek

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Sobieski at 10:45 p.m. to adjourn the meeting, seconded by Mr. Florek and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on March 17, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 21, 2016.

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