

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 19, 2015 AT 8:00 P.M.**

Mr. Florek 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: Florek, Burry, Bennett, Karch, Burke and Sullivan

ABSENT: Farrell, Sobieski and Yodakis

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

Approval of Minutes:

Motion to Approve the January 15, 2015 Meeting Minutes:

OFFER: Burry

SECOND: Burke

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

NEGATIVE: None

Motion to Approve the February 19, 2015 Meeting Minutes:

OFFER: Burry

SECOND: Bennett

AFFIRMATIVE: Florek, Burry, Bennett and Sullivan

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB903 – Holland Flowers – Block 47, Lot 9 – 250 Route 34

Application for a Use Variance to permit a whole sale floral business in the A-3 Agricultural/Residential Zone.

The Board accepted the application. Seventeen items were marked – application, narrative of operations, survey, Use Variance Plan, report from Township Engineer, elevations/floor plans, report from Township Planner, April 26, 2005 letter from Robert Rothstein, Esq., May 11, 2005 Township Committee meeting minutes, June 8, 2005 Township Committee meeting minutes, comments from Environmental Commission, comments from Architectural Review Committee, comments from Fire Marshall, Board of Health comments, color mounted Use Variance Plan, photoboard with six photos and floorplan and elevation drawing.

Sal Alfieri, Esq. represented the applicant. Mr. Alfieri explained they have bifurcated this application and are only seeking the Use Variance at this time. If the application is approved they will come back to the Board for Site Plan Approval.

Karen Worles, Business Administrator/Corporate Officer of Holland Flowers – sworn. Ms. Worles stated she has been in the floral business since 1995 and with Holland Flowers since 1999. Karen and her partner Johan have been living and running their business from this property for three years. Since purchasing the property they have taken out numerous dead trees, replacing with new trees. They run a wholesale florist business. Ms. Worles stated she goes to pick up flowers from the airport or south Jersey and brings them home to put in the cooler. The next day her partner fills a truck with flowers and goes to various businesses to sell the flowers.

They would like to expand both the garage and business. It is their intent to be able to fit the box truck in the garage, have a large walk-in cooler, storage area, office area, sales area as well as a large greenhouse. They would like to be able to hire two employees, have a box truck make deliveries to the property every other week and to have the ability to sell wholesale from the property.

A.J. Garito, Engineer – sworn. Mr. Garito explained the property is 1.26 acres in the A-3, Village Residential Zone. The applicant has planted numerous trees along the adjoining property lines to buffer neighboring properties. Running a business out of this property is not a permitted use and the applicant is seeking to legalize the business that is currently being run from this property. They do not have permits to run the business but Ms. Worles said she did have a Mercantile License. They are proposing three parking spaces where the ordinance requires ten. Mr. Steib advised the Board that if the Board finds special reasons to grant the Use Variance some of the site plan variances may be subsumed in the approval. Therefore certain site plan issues should be considered in order to determine that the site is particularly suited for the intended use so the Board can be cognizant of all of the variances that will be required by the applicant.

Open to the public. Joseph Margiasso, 40 Leland Road – sworn Mr. Margiasso said he recently purchased his property and thought he had great neighbors. He felt the applicant is trying to improve what they have and he was in attendance to support them.

Tim Anfuso, Township Planner – sworn. Mr. Anfuso clarified for the Board that prior to April 23, 1997 the property was zoned B-1, Business. In 1996 the Planning Board adopted a new Master Plan which recommended this property be rezoned to low density residential. This recommendation identified the existing residential use of the lot and proposed an A-3 Village Residential Zone to discourage nonresidential traffic from traveling on Leland Road. The Township Committee agreed with this recommendation and rezoned the property to A-3 in April 1997.

It should be noted that in April 2005 the Estate of Joseph Martin requested the Township Committee to rezone the site from residential to commercial. The Township Committee considered this request in May and June 2005. The meeting minutes show that the Committee chose not to rezone the parcel in part since it is not unique and there are many residential parcels on Route 34 that would prefer commercial zoning combined with the opinion that Leland Road was primarily a residential street and approval had already been granted for new residential homes on Leland Road associated with Shadow Isle Golf Club subdivision

The Board struggled with the unique property; the portion along Route 34 seems commercial however with the property also fronting Leland Road which has a residential character. The Board asked Ms. Worles if she would be agreeable to abandon the access to Leland Road she said no.

Mr. Alfieri asked the carry the application to the May meeting so they could try to address some of the concerns of the Board. This application is carried to the May 21, 2015 meeting with no further notice.

ZB942 – Dell’Anno – Block 46, Lot 1.01 – 39 Bretwood Drive South

Application to install an inground pool in the AG Zone. A variance is required to permit a front yard setback of 123’ where 150’ is required.

The legal notice was not published in the newspaper in a timely manner; however the applicant did notice surrounding properties within 200’. If the applicant brings in the proof of service they will just have to renounce in the newspaper, otherwise they will also have to renounce property owners within 200’. This application is carried to the April 16, 2015 meeting.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to go Into Executive Session:

OFFER: Burry

SECOND: Bennett

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

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Ms. Burke at 9:30 p.m. to adjourn the meeting, seconded by Mr. Bennett 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 19, 2015 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 16, 2015.

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