

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 17, 2010 AT 8:00 P.M.**

Mr. Karch 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: Karch, Burry, Bennett, Hesslein, Sobieski and Wagar

ABSENT: Yodakis, Farrell and Lewis

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

Approval of Minutes:

Motion to Approve the May 20, 2010 Meeting Minutes:

OFFER: Hesslein

SECOND: Karch

AFFIRMATIVE: Karch, Bennett, Hesslein and Sobieski

NEGATIVE: None

RESOLUTIONS:

ZB844 – Sessa – Block 43, Lots 4 & 5 – 121 Five Point Road

Memorialization of Resolution granting approval to construct a 70' x 120' indoor arena attached to an existing barn in the AG Zone. A variance is required to permit a front setback of 50' where 200' is required and 170' currently exist and a total lot coverage of 10.6 % where 10% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Hesslein

AFFIRMATIVE: Karch, Bennett, Hesslein and Sobieski

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

ZB819 – Savo –Block 51, Lot 2.31 – 1 Air Dancer Lane

Application to construct a new single family dwelling in the AG Zone. Variances are required to permit a building height of 37.96’ where 35’ is the maximum permitted, a spire height of 45.58’ where 43.75’ is the maximum permitted and a total lot coverage of 15.85% where 15% is the maximum permitted.

Four new items were marked as exhibits – zoning review, two Board of Health review letters and revised variance plan. A.J Garito, Engineer – sworn. Mr. Garito explained this is the third time they are back in front of the Board. The house is still the same house they have simply rotated it to eliminate the 90’ rule and variances associated with the 90’ rule. They have minimized the patio around the pool as much as possible (3’) and reduced the driveway width but with the design of the house they are not able to get any closer to the 15%. A series of infiltration chambers is overdesigned (can accommodate 17% lot coverage) to ensure neighbors will not have any problems due to runoff.

The Board was concerned the applicant would not be happy with only a 3’ patio around the pool and be back requesting a variance to increase the patio. Mr. Savo, applicant – sworn. Mr. Savo stated at his current home that is all he has (a 3’ patio surrounding his pool) and he is very happy with that. Open to the public with no comments.

The Board did not have a problem with the height of the house they felt the height is mainly an architectural feature due to the style of the home. Although the house is large, approximately 14,000 s.f. it does not exceed the permissible building coverage. The applicant has made substantial efforts eliminating the 90’ rule variances and the amount of lot coverage they were asking for. The approval is conditioned on the Township Engineer approving the grading plan.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

ZB846 – My NJ Solar, LLC. – Block 41.01, Lot 5.04 – 9 Hambletonian Drive

Application to install 56’ x 60’ ground mounted solar panels in the AG Zone. Variances are required to permit a side setback of 15’ where 50’ is required and a rear setback of 45’ where 50’ is required.

John Giunco, Esq. represented the applicant. Ten new items were marked as exhibits – zoning review, revised plan, report from Landscape Architect and seven photos. Mr. Giunco told the Board solar panels are an inherently beneficial use promoted by the Colts Neck Master Plan and that is a reason the Board can relax the setback requirements.

Dr. Randy Goldberg – sworn. Mr. Goldberg showed photos and explained if the solar panels were placed in the proposed location they will be less visible from the neighbor, street and applicant. This is due to the topography of the property as well as screening that the applicant is proposing. If the panels are placed in a conforming location screening is not required.

Robert Tapper, homeowner – sworn. Mr. Tapper explained he is an Environmental Scientist and feels very strongly about solar energy. Due to the angles and pitch to his roof he was not able to place enough panels on his roof. It is his intent to place the panels in the least intrusive location. Open to the public with no comments.

The Board thought a 15' side yard setback was very close, especially when there were locations the panels could be placed without a variance. Any place you put the panels they would be visible, maybe a little less in the location they were proposing but the Board was not convinced it was a better alternative.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Hesslein

AFFIRMATIVE: None

NEGATIVE: Karch, Burry, Bennett, Hesslein and Sobieski

ZB842 – Magenheim – Block 12, Lot 8 – 74 Cedar Drive

Application to construct a 24' x 36' horse barn in the A-1 Zone. Variances are required to permit a side setback of 78' where 100' is required, a rear setback of 58' where 100' is required and a building separation of 81' where 100' is required.

Four new items were marked as exhibits – revised plan, zoning review, Board of Health comments and a color rendering of the plan with five photos. Adria Magenheim, applicant and AJ Garito, Engineer – both sworn.

Mr. Garito told the Board they have moved the 864 s.f. barn to the rear of the property, 58' from the rear property line which abuts an active horse farm. There is a brook that runs through the neighboring property and they will have to apply for a flood hazard permit. The proposed location is the least visible on the property due to the house location and existing trees. Ms. Magenheim stated she will only have two horses that are her own. She will have a contractor take the manure; they provide you with a closed container for the collection.

Open to the public. Marisol Duffy, 78 Cedar Drive – sworn. Ms. Duffy is the adjoining property owner and stated she had no issue with the horses, that is the reason they moved to Colts Neck. The Board felt it was a little bit of a tight fit but it was designed smart. They understood the applicant is close to horse trails and Bucks Mill Park and in a secluded area. The Board conditioned their approval on the applicant getting a flood hazard permit.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein and Sobieski

NEGATIVE: None

APPLICATIONS: New Business

ZB848 – Amplo – Block 7.26, Lot 16 – 28 Fox Hedge Road

Application to construct a 9’4” x 27’10” addition to the rear of an existing dwelling in the A-1 Zone. A variance is required to permit a side setback of 46.5’ where 57’ is required and 49.6’ currently exists.

Lillian Amplo, applicant and AJ Garito, Engineer – both sworn. Nine items were marked as exhibits – zoning review, application, variance plan, Fire Marshall’s review, Board of Health comments, architectural elevation, tax map, photo board with six photos and color rendering of the variance plan.

Mr. Garito explained the applicant would like to add two bathrooms, each one attaching to an existing bedroom. Since the bathrooms will attach to the bedroom they are limited as to the placement. The house is a ranch that is affected by the 90’ rule. The Amplo’s have two children who are getting older and want to give them each more privacy. Open to the public with no comments.

The Board felt this was a smart design and diminimis.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: None

ZB849 – Feiler – Block 23, Lot 17.01 – 86 Montrose Road

Application to construct a single family dwelling and convert the existing dwelling into a farm labor unit in the AG Zone. Variances are required to permit a building height of 38’6” where 35’ is the maximum permitted, a building separation between the fountain and house of 10’ where 20’ is required, an accessory farm labor unit of 1,882 s.f. where 1,200 s.f. is the maximum permitted, a farm labor unit front setback of 201’ where 400’ is required, a farm labor unit in a front yard where prohibited and a farm labor unit side setback of 54’ where 80’ is required.

Sal Alfieri, Esq. represented the applicant. Nine items were marked as exhibits – zoning review, application, variance plan, Fire Marshall review, Board of Health comments, architectural elevation, tax map, photo board with six photos and a color rendering of the variance plan.

AJ Garito, Engineer – sworn. Mr. Garito told the Board this is a 23 acre parcel that has an existing house, former race track, riding stable, barn and paddocks. The applicant would like refurbish the existing house to look like a carriage house and be used as a farm labor dwelling and build a new house for the applicant. There is no barn proposed, the farm will not be equestrian. Mr. Garito also stated they were aware of the depressed area where the track was needs extensive engineering to eliminate flooding and erosion to this and the neighboring property.

Joseph Costantin, Architect – sworn. Mr. Costantin explained the property owner will require someone to run the farm and rather than build a new structure they would like to convert the existing house. They would keep the house as is and merely strip the siding and have it match the architecture of the new house, giving the appearance of a carriage house. As for the new house, the owner wanted lots of natural light which made the house longer; this scale required the house to get taller to balance the Country French style architecture. The ridge heights are varied and it is only the center part of the

house where the ridge is 38 ½'. The applicant spoke of possibly having a slate roof; the Board requested the applicant get an approval from the Fire Marshall as to the type of material used on the roof. With such a steep pitch on the roof they want to be assured the Fire Department is not hindered in any way.

Abbey Feiler, applicant – sworn. Ms. Feiler told the Board plans are not finalized yet, but she plans on having an orchard which will require a full time worker. Her plans are for the caretaker and his family to live in the front house. When asked by the Board if she would be willing to reduce the total gross area of the house to 1,200 s.f. Ms. Feiler agreed.

Open to the public. How much of the land will be farmed? It is not definite yet but if for any reason the property is not farmed the accessory house will be removed. What is a parking court? The area behind the house where cars can park, basically a driveway. Aaron Feiler, 88 Montrose Road – sworn. Mr. Feiler's is Ms. Feiler's sister and they share a property line that goes through the old race track. This depressed area floods and Mr. Feiler just wants to be assured that his property will not be affected when this area is filled in. Mr. Garito stated they were aware a grading plan would be necessary and approved by the Township Engineer. They will also have to conform to all new Stormwater management plans.

The approval is conditioned on the existing dwelling size being reduced to a maximum of 1,200 s.f. of gross floor area, the ag/labor house can only be inhabited by a fulltime worker of the farm, if the property is not farmed the house will be removed, Fire Marshall's approval for the roof material and Engineer's review and approval of the grading/drainage system.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Burry

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

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Burry 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 June 17, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 15, 2010.

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