

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 15, 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, Yodakis, Farrell and Lewis

ABSENT: Sobieski and Wagar

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

Approval of Minutes:

Motion to Approve the June 15, 2010 Meeting Minutes:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Bennett and Hesslein

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Bennett and Hesslein

NEGATIVE: None

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

Memorialization of Resolution denying the installation of a 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Bennett and Hesslein

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Burry

AFFIRMATIVE: Karch, Burry, Bennett and Hesslein

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Bennett and Hesslein

NEGATIVE: None

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

Memorialization of Resolution granting approval 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, 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Bennett and Hesslein

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

ZB847 – East Coast Pool Concepts – Block 39, Lot 7 – 16 Deborah Drive

Application to retain existing inground swimming pool and 2,000 s.f. concrete patio. A variance is required to permit a rear setback of 38.46' where 50' is required.

Four items were marked as exhibits – application, pool variance, zoning review and a series of ten photos. George Prutting, Esq. represented the applicant. Rob Krayton, owner of East Coast Pool Concepts – sworn.

Mr. Krayton told the Board they mismeasured the placement of the pool. There is a fence they thought delineated the property line but is actually five feet off, the pool however is 11.54' from the property line. Mr. Krayton told the Board it was an honest mistake, he has been in business for twelve years and built many pools in Colts Neck and nothing like this has ever happened. The adjoining property is a large horse farm that is in farmland preservation and can not be further subdivided and the house is approximately 300' away. The pool is a free form pool with rocks in the back making a waterfall giving it a natural setting. The pool has been installed and been used for approximately three years without any complaints from the neighbors. Mr. Prutting told the Board the pool does not create any detriments or adverse impact.

Open to the public with no comments. When asked how the situation would be remedied if it were denied Mr. Krayton said the whole pool would have to be removed because it is a concrete pool and would devastate his business.

The Board was very conflicted. It seemed like it was merely a mistake but if this were a new application they would not approve the pool in this location. They were very concerned with setting a precedent of approving things just because they were already built. Mr. Prutting asked to carry the application to the September meeting to try and gather more information for the Board.

This application is carried to the September 16, 2010 meeting with no further notice.

ZB845 – Lalima – Block 29, Lot 1 – 135 Bucks Mill Road

Application to retain two existing arbors attached to the pool cabana. Variances are required to permit a rear setback of 48.5' where 50' is required, a building separation of 7.76' in between the arbor and hot tub where 10' is required, an accessory structure building footprint of 2,704 s.f. where 900 s.f. is the maximum permitted, an accessory structure total floor area of 3,605.85 s.f. where 1,200 s.f. is the maximum permitted and a total lot coverage of 20.19% where 20% is the maximum permitted.

Six items were marked as exhibits – zoning review, application, variance plan, Architectural Review report, photo board with six photos and two 8 ½" x 11" sheets with four photos. Peter Lalima, applicant and AJ Garito, Engineer – both sworn.

Mr. Garito showed the layout of the property, there are two detached garages and a cabana. Mr. Lalima constructed an open arbor connecting the structures that has greenery growing. The arbors

connect the structures making them larger than the maximum permitted size of 900 s.f. The sole purpose of the arbors are to hold the greenery to complete the design which is for aesthetic purposes. Open to the public with no comments.

The Board felt they are open air structures with no sides and they must remain open. The Board conditioned their approval on a favorable response from the Fire Marshall to be assured there were not any fire related issues. They also conditioned the approval on the fact that the cabana can not be used for living purposes.

Motion to Approve the Application:

OFFER: Lewis

SECOND: Farrell

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

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

A motion was made by Mr. Karch at 9:20 p.m. to go into an Executive Session, seconded by Mr. Burry and unanimously carried.

MOTION TO ADJOURN

A motion was made by Mr. Burry at 9:34 p.m. to adjourn the meeting, seconded by Mr. Lewis 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 15, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 19, 2010.

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