

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 21, 2016 AT 8:00 P.M.**

Mr. Sobieski 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 June 16, 2016 Meeting Minutes:

OFFER: Florek

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch, Yodakis, Burke and Sullivan

NEGATIVE: None

RESOLUTIONS:

ZB959 – Kane – Block 16, Lot 9 – 85 Heyers Mill Road

Memorialization of Resolution for a Use Variance to permit the expansion of a nonconforming use. The property contains two single family dwellings in the A-1 Zone. A variance is also required to permit a front setback of 69.35' where 75' is required.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch, Yodakis and Burke

NEGATIVE: None

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

Memorialization of Resolution for Preliminary & Final Major Site Plan/Subdivision with Variances and Design Standard Waivers to establish a Craft Distillery in the B-1 Zone.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Bennett, Florek, Yodakis and Burke

NEGATIVE: None

APPLICATIONS: New Business

ZB961 – IAS Investments – Block 7.16, Lot 2 – 8 Meadowview Drive

Memorialization of Resolution to retain a front porch and second story addition over garage in the A-2 Zone. Variances are required to permit a front setback of 64' where 76' is required and a total lot coverage of 21.06% where 20% is the maximum permitted.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, floor plans/site plan, Health Officer's comments, Architectural Review Committee's comments and Fire Marshall's comments.

Timothy McGinn, Esq. represented the applicant. Jack Scilla, homeowner – sworn. Mr. Scilla stated he was in the process of renovating his home; he had approved plans and an open building permit. During construction the porch ended up being larger than what was approved but it was not realized until the Building Inspector came out. The original porch was nonconforming and this new construction exasperates the nonconformity requiring a variance. All construction has stopped. The portion of the porch that encroaches on the setback is 4' x 10' or 40 square feet and the applicant agreed that it will not be enclosed.

Open to the public with no comment. The Board felt 40 s.f. was diminimis and the porch enhanced the aesthetics of the home and conditioned their approval that the porch would not be enclosed.

Motion to Approve the Application:

OFFER: Florek

SECOND: Karch

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

NEGATIVE: Burry, Farrell and Florek

ZB962 – Investors Bank – Block 31.01, Lot 9 – 360 Route 34

Application to remove and replace the existing freestanding sign. Variances are required to permit a 47.13 s.f. sign where 15 s.f. is the maximum permitted, a sign height of 17.25' where 8' is the maximum permitted and an internally illuminated sign where only externally illuminated signs are permitted.

The Board accepted the application. Ten items were marked as exhibits – zoning review, application, color rendering, color rendering modification, elevation rendering, Health Officer's comments, Fire Marshall's comments, Architectural Review Committee's comments, series of 19 photos, two night photos.

Mike Bruno, Esq. represented the applicant. Gene DeJong, Assistant Vice President of Investors Savings – sworn. Mr. DeJong stated this location has been a bank since 1981 and at that time the sign in its present location worked well for them. However he has been meeting with representatives of the State DOT who plan on widening Route 34 and eventually installing a barricade between the north and southbound lanes in front of the bank. The sign that currently exists along with the flag pole must be relocated. Mr. DeJong presented a photo of the sign that all Investor’s branches now have where only a low light shines through where the letters are on the sign and stated this is the sign they wish to install.

Open to the public with no comments. Dennis O’Hara, NW Sign Industries – sworn. Mr. O’Hara explained the current sign is 35 years old and cannot be moved when Route 34 is widened, it must be rebuilt. The bank is set back and when the southbound traffic is backed up at the traffic light as it very often is, the northbound traffic is not able to see the current sign or bank. Photos were presented depicting the signs for Sun Bank, PNC Bank, Colts Neck Inn, Brock Farms, The Orchards at Colts Neck, the Towne Plaza which are in close proximity to Investors and all exceed the height limitations and are internally illuminated and he stated the proposed sign is consistent with signs in the area. They are requesting a 17.25’ sign so that if you were driving in the northbound lane you would be able to see over a tractor trailer driving in the southbound lane.

Open to the public with no comments. The Board was conflicted; this is a reasonable request when Route 34 is eventually widened however they did not feel this would be in the near future. The current sign is internally illuminated and the proposed sign is not offensive. The applicant agreed to provide landscaping to soften the look of the stanchions that will be reviewed and approved by the Township Engineer. The property is unique because of its shape and the applicant is put in an awkward position from the DOT. The Board conditioned their approval on the applicant providing landscaping that is approved by the Township.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Karch

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

NEGATIVE: Yodakis

APPLICATIONS: Old Business

ZB956 – Nicoletta Car Wash – Block 48, Lot 6 – 297 Route 34

Application for Use Variance to permit a car wash with a two bay quick lube and one bay detail facility in the B-1 Zone.

Mr. Bennett recused himself from the application. Seven new items were marked as exhibits – Township Planner’s review letter, Township Engineer’s review letter, color rendering of revised site plan, Use Variance Plan, Water Usage Projection, google map of commercial car wash facilities and a letter from John Sadlow.

Robert Marchese, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito told the Board they took in account the concerns they had at their last meeting and shifted the building back to

100' (it was 75') and made the exit lane three lanes where it was one lane and elongated the stacking lane to fit 20 cars.

Mr. Nicoletta, applicant – sworn. Mr. Nicoletta stated that although the site is now designed to accommodate 25 cars stating the maximum this would happen would be ten times a year. The peak time for the car wash is normally 8:00 – 9:30 am and 4:30 – 6:00 pm. The busiest time of year is when there is salt on the ground and the busiest day of the week is Saturday. Open to the public. Ken Rogers asked why the Board is entertaining this application. Mr. Steib, Esq. explained any property is allowed to apply for an application. Nancy Walton asked if the building is proposed 100' from the road or property line? The property line. Ralph Pisano asked if is designed to hold 25 cars and not block any access points? Yes. Dennis Carletta asked if the stacking is two lanes and 25 cars total? Yes

Rich Arzberger, Architect and Planner – sworn. Mr. Arzberger felt the property is particularly suited for the car wash because there are no residential homes in the surrounding properties they are all commercial uses in an established business area. The property is a vacant parcel of land is approximately four acres in size on State Highway 34 in close proximity to County Route 537 in the Business Zone. The car wash will serve a valuable service to the residents and the water treatment system will minimize pollutants promoting the general health and welfare. It was his opinion the current ordinance excludes car washes because at the time the ordinance was written the technology was not as sophisticated as it is now where virtually all of the water is recycled to minimize water runoff impacts.

Open to the public. Audra Carletta asked if he knew there was a Day School adjacent to the car wash? No. Is it healthy for them? Mr. Arzberger said that would have to be evaluated there are too many factors for him to give an answer. Bob Lutkewitte, 3 Amsterdam Court – sworn. Mr. Lutkewitte stated he grew up in town and he is familiar with Mr. Nicoletta's car wash in Asbury Park. He felt it was run very well and he was excited at the prospect of having a thriving business to support in town. The site is currently vacant, it is the Business Zone and will be an asset to the town. Audra Carletta, 64 Tulip Lane – sworn. Ms. Carletta felt this would be a detriment with the Country Day School right next door. She felt the fumes from cars idling would be unhealthy to the children who play outside daily. Ralph Piscano, 5 Concord – sworn. Mr. Piscano said he always has to go to other towns for everything and would like to support a business in town. The fact that the water is recycled and filtered was an asset. Diane Gilmore, Country Day School Director – sworn. Ms. Gilmore stated she is the Director of the Day School which has 52 children enrolled ages 6 weeks to six years of age. The school has been at this site for ten years and the children go outside every day and walk around the property. Ms. Gilmore felt the approval of a car wash adjacent to the school would be unhealthy for the children and negatively affect her business. John Grabowski, Phalanx Road – sworn. Mr. Grabowski visited Mr. Nicoletta's other car washes for an hour at each site. All were pristine and he felt would be an asset to Colts Neck. Jessica Gaeta, 27 Pilgrim Way – sworn. Ms. Gaeta stated she enjoyed the visual look of Route 34 as it is currently and did not think a car was a good fit, there is a reason people speak highly of Colts Neck. Paul Walsh, Tulip Lane – sworn. Mr. Walsh wished there would be more businesses in Colts Neck and welcomed the car wash. Lisa Aldrige, 43 Orchard Lane – sworn. Ms. Aldrige said she welcomes new business but this is not what the Master Plan envisioned for Colts Neck. Lisa Claps, 12 Victorian Way – sworn. She felt Colts Neck could do better. Nancy Walton, 33 Stoney Creek Lane - sworn stated she was concern for the children at the Day Care because of the emissions. Phil Anderson, 49 Tulip Lane - sworn. This is in contradiction of what the Master Plan envisioned for Route 34. Mr. Carletta, 64 Tulip Lane – sworn. Mr. Carletta stated this application was legally insufficient, he did not feel they met the Medici standards. Without any study

or test on the effects of the emissions to the children at the Day Care or any other adjoining businesses he didn't feel the Board could approve the application. Although it is the Business Zone, he felt you needed the right business in the right area.

The Board felt very conflicted. The car wash provides a needed service and is aesthetically pleasing retaining the character of the town. The town does need business to thrive but this use does not comply with the Neighborhood Commercial District envisioned by the Master Plan. Drive through services as well as car washes are not permitted and they did not feel the applicant did not present adequate testimony as to why the variances should be granted. The Board also had concern as to whether the emissions from the cars would have any effect on the neighboring Day School.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Burke

AFFIRMATIVE: Sobieski, Karch, Yodakis and Burke

NEGATIVE: Burry, Farrell and Florek

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Burke at 11:20 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 July 21, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 15, 2016.



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