

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 17, 2017 AT 8:00 P.M.**

Mr. Sobieski called the meeting to order by reading the following statement: "As Chairman and Presiding Officer of this meeting 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 News Transcript and Star Ledger, 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: Sobieski, Karch, Bennett, Burry (20 minutes late), Farrell, Yodakis and Burke

ABSENT: Florek and Sullivan

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

Approval of Minutes:

Motion to Approve the July 20, 2017 Meeting Minutes:

OFFER: Farrell

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Farrell, Yodakis and Burke

NEGATIVE: None

RESOLUTIONS:

ZB969 – Holland Flowers – Block 47, Lot 9 – 250 Route 34

Memorialization of Resolution to Dismiss the Application Without Prejudice.

Motion to Memorialize the Resolution:

OFFER: Bennett

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett and Burke

NEGATIVE: None

ZB976 – Green – Block 6, Lot 18 – 3 Hillmont Terrace

Memorialize Resolution to construct front porch addition to a single family dwelling in the A-1 Zone. A variance is required for a front yard setback of 73.9' where 75' is required.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett, Farrell, Yodakis and Burke

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

ZB977 – 5 Kids, LLC – Block 34, Lot 11 – 277 County Route 537

Application to demolish existing Mary Ann's Bar and construct a new single family dwelling. Variances are required to permit a front yard setback of 0.59' and 15.78' where 75' is required and principal building coverage of 9.5% where 6.6% is the maximum permitted.

Sal Alfieri, Esq. represented the applicant. Morris Flancbaum, applicant – sworn. Six new items were marked as exhibits – revised zoning review, photoboard with six photos, Health Officer's review, Fire Marshall's review, revised floor plan, elevation drawings. Mr. Flancbaum explained the floor plans for the house were revised to address the concerns of the Board at the last meeting. The front stoop was removed keeping the front of the house out of the right-of-way and moving the garage to the side to ensure a car would not be backing out onto Muhlenbrink Road. Mr. Flancbaum stated he would prefer to move the footprint of the home however the existing footprint is grandfathered in and if he moves the location of the home he would have to conform to all new DEP regulations, there is no guarantee if and where they would grant any exceptions. There are extensive environmental issues under the bar where the oil tank leaked that Mr. Flancbaum will remediate before he builds the new house.

Don Bury arrived. The Board struggled with the fact the front of the house is only six inches from the property line. Although the existing bar is deteriorating and an eye sore that will be removed and remediated with no cost to the Township. Mr. Anfuso confirmed that you have to give a property owner reasonable use for their property.

Open to the public. Anthony Ursino asked if the site has to be cleaned up? Yes it does, it has already been reported and on file with the DEP. Adrian Gubbay, 17 White Oak Drive – sworn. Mr. Gubbay said it was his opinion that the site is an eye sore and although this is not the ideal situation the alternative is that he walks away and nothing happens. He felt there was not much else that could be done and no one else would want to touch this property. Andrew Lotano, 11 Hidden Pine – sworn. Mr. Lotano felt Mr. Flancbaum was willing to clean up the site at his cost and if this was denied the property will just sit, contaminated. He felt the Board should approve the application.

The Board was torn, although the garage entrance was changed and the front steps removed, the front door was still there and it was not made smaller. Any prospective buyer would fully know what they were buying. The Board's approval is contingent on the Zoning Officer's review and stipulations.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Bennett

AFFIRMATIVE: Bennett, Farrell, Yodakis and Burke

NEGATIVE: Sobieski

ZB975 – St. Mary's Catholic Church – Block 29.07, Lot 3 – 4 Williamsburg South

Application for addition and renovations to a single family dwelling in the A-1 Zone. A variance is required for a building separation of 8' where 20' is required.

Mr. Farrell, Mr. Karch and Ms. Burke recused themselves from this application. Six items were marked as new exhibits – Architectural Review Committee's comments, Health Officer's comments, Fire Marshall's comments, rendering and floor plan with pool, photo of attic and photo of the front of the home. Sal Alfieri, Esq. represented the applicant. Mr. Alfieri noted the revised Fire Marshall's letter where he no longer had a concern with the building separation.

Richard Bouchard, architect – sworn. Mr. Bouchard explained he was given direction to enlarge the kitchen and eating area so that it would be a community type space. He was able to put an addition off the kitchen however the only problem was the irregularly shaped pool. There is a small portion of the pool that is only 7' from the house. It was noted the variance they are requesting was for an 8' separation therefore the application was amended. There is only one point of the pool that is within 7' which is why the Fire Marshall stated they would be able to ladder the home easily if required and they will deed restrict the property if the Board so chooses.

Open to the public with no comments. Edwin Sevillano, representative from St. Mary's – sworn. Mr. Sevillano explained Father Jeff was out of town and asked him to come and represent the church and answer any questions the Board may have. This house was recently purchased for the clergy, which is currently Father Jeff, to live in. The house is approximately 50 years old and they just want to make more useable space. There will not be any congregant or services held in the home. The Board inquired if the kitchen could be enlarged without needing a variance. Mr. Bouchard said anything is possible however it would not be cost effective. Mr. Sevillano stated the property will not be used as a parsonage or place of worship and Mr. Alfieri stated they are willing to put a deed restriction on the property stating that.

Open to the public. Anthony Ursino, 15 Joshua Huddy – sworn. Mr. Ursino stated he lives next to the property and does not have a problem with the variance being granted as long as the property is staying residential.

The Chairman stated at the prior hearing there were several neighbors that had concerns about the property staying residential which is the reason they were asking questions to ensure they did not encroach on neighbors. The Board conditioned the approval on the applicant filing a deed restriction stating the property will remain a single family home and not a parsonage or place of worship.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Bennett, Burry, and Yodakis

NEGATIVE: None

APPLICATIONS: New Business

ZB978 – Gubbay – Block 12, Lot 14 – 17 White Oak Drive

Application to construct a detached garage in the A-1 Zone. Variances are required to permit a building height of 18'5" where 18' is the maximum permitted, building separation of 19' where 20' is required, 840 s.f. accessory building footprint where 700 s.f. is the maximum permitted and building volume of 11,600 c.f. where 8,000 c.f. is the maximum permitted.

The application was accepted. Eight items were marked as exhibits – zoning review, application, survey, floor plans, Health Officer's report, Fire Marshall's comments, Architectural Review Committee's comments and 8" x 11" photo of residence.

Adrian Gubbay, applicant – sworn. Mr. Gubbay explained he would like to construct a detached two car garage to allow him to keep separate a 1942 tractor that he has been restoring for several years. This will also allow them to park their cars in the garage that is attached to the home and not being left out. He understood the ordinance was changed in 2013 reducing the size of a garage on smaller lots. However on his street there are several detached garages and would not be out of character.

Open to the public with no comments. The Board felt that prior to the ordinance change the garage would have been permitted and is not out of character for the neighborhood. However they stipulated the garage must be only for personal use - no commercial use permitted.

Motion to Approve the Application:

OFFER: Burke

SECOND: Farrell

AFFIRMATIVE: Sobieski, Karch, Burry, Farrell, Yodakis and Burke

NEGATIVE: Bennett

ZB979 – Tipton – Block 13.01, Lot 1 – 24 Crine Road

Application to install a 5' and 6' PVC lattice fence in the A-1 Zone. A variance is required to permit a 5' and 6' solid fence in the front yard where a 4' open fence is the only type permitted.

The application was accepted. Six items were marked as exhibits – zoning review, application, survey, Fire Marshall's review, Architectural Review Committee's review and five 8 ½" x 11" photos.

William Tipton, applicant – sworn. Mr. Tipton reviewed the photos which depict the color and style of the proposed fence. They wish to replace an existing old wooden stockade fence with a new white with beige center vinyl fence. They are asking for a five foot fence, the current fence is six feet, however since they are a corner lot it will allow them privacy from Crine Road.

Open to the public with no comments. The Board felt this was a reasonable request and they were reducing the nonconforming fence one foot.

Motion to Approve the Application:

OFFER: Burke

SECOND: Karch

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

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Karch at 9:55 p.m. to adjourn the meeting, seconded by Mr. Yodakis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on August 17, 2017 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 21, 2017.



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