

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 21, 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, Bennett, Burry, Florek, Yodakis and Burke

ABSENT: Karch, Farrell and Sullivan

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

Approval of Minutes:

Motion to Approve the August 17, 2017 Meeting Minutes:

OFFER: Burry

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett, Burry, Yodakis and Burke

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting approval to construct an addition and renovations to a single family dwelling in the A-1 Zone. A variance is required for a building separation of 6’ where 20’ is required.

Motion to Memorize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Burry and Yodakis

NEGATIVE: None

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

Memorialization of Resolution granting approval to demolish existing Mary Ann's Bar and construct a new single family dwelling in the A-3 Zone. Variances are required to permit a front yard setback of 0.59' and 15.8' where 75' is required and principal building coverage of 9.5% where 6.6% is the maximum permitted.

Motion to Memorize the Resolution:

OFFER: Burke
SECOND: Bennett
AFFIRMATIVE: Bennett, Yodakis and Burke
NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorize the Resolution:

OFFER: Burke
SECOND: Yodakis
AFFIRMATIVE: Sobieski, Burry, Yodakis and Burke
NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorize the Resolution:

OFFER: Burke
SECOND: Yodakis
AFFIRMATIVE: Sobieski, Bennett, Burry, Yodakis and Burke
NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

ZB980 – Reisinger – Block 7.12, Lot 7 – 12 Ridge Road

Application to install an inground pool and patio in the A-1 Zone. Variances are required to permit a rear yard setback of 22.5' where 25' is required and a building separation of 16' where 20' is required.

The application was accepted. Ten items were marked as exhibits – zoning review, application, survey, Fire Marshall's comments, Architectural Review Committee's comments, Health Officer's comments, original proposal, revised proposal, email from pool company and an earlier proposed rectangular pool.

Jennifer and Jeff Reisinger, applicants – both sworn. Mr. Reisinger stated he spoke with the Zoning Officer to get the requirements to install an inground pool. He thought the 20' separation from the pool was to the house and not the raised deck. Because of the severe slope in his rear yard he was having a custom manufactured steel pool to fit in the envelope and ordered the pool. When he realized the mistake he decided to take a portion of the pool off to conform with the 20 separation issue and the pool company said that could be done. When the Building Department received the updated specs it was realized the bottom slope of the pool would be affected and the pool could not be reconfigured. Estimates were received to build a retaining wall so the pool location could be moved however the cost was \$28,000 to \$33,000. The property behind their home is 14 acres of green acres open space so the pool would not have an impact on any neighbors.

Open to the public with no comments. The Board noted the Fire Marshall stated the separation distance would not impact the lettering of the home if required and thought the rear setback variance was diminimis with open space behind the home.

Motion to Approve the Application:

OFFER: Burke

SECOND: Yodakis

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

NEGATIVE: None

ZB981 – Vanderbilt – Block 13, Lot88 – 16 Deepwood Lane

Request for a Certificate of Nonconforming Structure pursuant to N.J.S.A. 40:55D-68 or in the alternative a variance to retain a four season room with wrap around deck containing a rear setback of 37' where 64' is required.

The application was accepted. Twenty items were marked as exhibits – zoning review, application, 1989 survey, Fire Marshall's review, Architectural Review Committee's comments, Health Officer's comments, Township Planner's review, application for water system permit with location sketch, application for sewage disposal system with location sketch, affidavit of Arnold Petti, historic aerial 1979 photo of property, real estate listing from 1998 for property, series of four county aerial photos of property, deed from Kingswood Associates to Arnold Petti, Deed from Petti to Vanderbilt, subdivision resolution dated November 20, 1972, report of Colts Neck Health Officer dated September 12, 2017, subdivision plan, survey without setbacks and affidavit of Johnson.

Martin Pflieger, Esq. represented the applicants. Robin and Andrew Vanderbilt, homeowners – sworn. Mr. Pflieger stated they were withdrawing their request for a Certificate of Nonconforming Structure

and just requesting the variance. In the early 1970's this subdivision was created and the filed map clearly shows 50' setback lines. This house was the builders home. The Vanderbilt's have the brochure from when they purchased the home in 1998 showing that the four season room and deck were there when they purchased the home. No structural changes have been made to the home since they purchased it. When they purchased the home the survey they received at closing did not show the setbacks, after closing they received a survey that they just added to their closing documents, not looking at them. Now that they are selling the home and a prospective buyer asked for the survey and they pulled it out, it was noted that the house encroaches in the setback. Mr. Vanderbilt spoke with the builder, Mr. Petti, who gave an affidavit stating he built the home, it is the same footprint and he received all permits that were required. A neighbor, Mr. Johnson, is an original owner from when the subdivision was built also signed an affidavit stating the house is the same footprint as when originally built.

Open to the public with no comments. The Board felt the matter was thoroughly investigated and it seems clear the encroachment has been there since the home was built. The encroachment has not been problematic for anyone and there is open Township property behind the home.

Motion to Approve the Application:

OFFER: Burry

SECOND: Florek

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

NEGATIVE: None

DISCUSSION ITEMS:

None

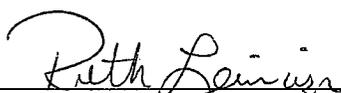
EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Florek at 8:45 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 September 21, 2017 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 19, 2017.



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