

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 17, 2011 AT 8:00 P.M.**

Mr. Burry 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: Burry, Hesslein, Bennett, Sobieski, Wagar, Yodakis, Farrell and Lewis

ABSENT: Karch

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

Approval of Minutes:

Motion to Approve the January 20, 2011 Meeting Minutes:

OFFER: Karch

SECOND: Burry

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

NEGATIVE: None

RESOLUTIONS:

**ZB858 – Colts Neck Reformed Church – Block 29.1, Lots 13 & 14 and Block 29.13,
Lots 6 & 17 – Route 537 West**

Memorialization of Resolution granting Preliminary and Final Major Site Plan Approval and Use Variance for Phases I in the A-3 Zone. Phase I consists of converting and enlarging a single family dwelling into a parish house containing classrooms, administrative offices and meeting rooms.

Motion to Approve the Resolution:

OFFER: Hesslein

SECOND: Yodakis

AFFIRMATIVE: Hesslein, Bennett, Yodakis and Lewis

NEGATIVE: None

ZB861 – Minassian – Block 1, Lot 12 – 47 Mountainside Drive

Memorialization of Resolution granting approval to construct addition, front porch, attic with new roof and patio to an existing single family dwelling in the A-1 Zone. A variance is required to permit a side setback of 40.2’ where 62’ is required.

Motion to Approve the Resolution:

OFFER: Hesslein

SECOND: Farrell

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

NEGATIVE: None

ZB862 – Garber – Block 29, Lots 9.02 & 10.05 – 2 Blue Bell Road

Memorialization of Resolution Dismissing the Application Without Prejudice.

Motion to Approve the Resolution:

OFFER: Hesslein

SECOND: Yodakis

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

ZB763 – Fierro – Block 12, Lot 30 – 132 Heulitt Road

Request for three retroactive one-year extensions of time to the approved variance. The extensions will begin on November 15, 2008 and expire November 15, 2011.

The Board has questions regarding the length of the extension of time no one was in attendance representing the applicant. A letter will be sent to the applicant requesting they attend the March meeting. This matter will be scheduled for the March 17, 2011 meeting.

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB863 – Savarese – Block 51, Lot 2.34 – 2 Air Dancer Lane

Application to construct a pool cabana in the AG Zone. Variances are required to permit a 3' separation between the pool and pool cabana where 10' is required and a total lot coverage of 18.03% where 15% is the maximum permitted and a variance was previously granted to permit 17.59%.

Fourteen items were marked as exhibits – zoning review, application, architectural plans, development drawing, ZB787 Resolution, floor plan, plot plan, Fire Marshall comments, Board of Health comments, Architectural Review Committee comments, photo of existing pool, photo showing location, photo of outdoor kitchen and an aerial photo.

Peter Carnesale, III homeowner and Michael Savarese, architect – both sworn. Mr. Carnesale told the Board when he received the lot coverage variance for his pool he stated he did not want a pool house. His children were older and did not require a bathroom nearby, but since that time he has a two year old son. He would like to have a small pool house (16' x 29') to have a bathroom, playroom and bar area in close proximity to the pool. There will not be any heat in the building and 160 s.f. of the area

will have a trellis and not be covered. The architect placed the poolhouse as close as possible to utilize some of the patio that already exists.

Christine Cafone, Planner – sworn. Ms. Cafone stated she felt a variance for 507 s.f. for the cabana was not substantial. They are removing 261 s.f. of decking and building a very modest sized poolhouse that will be blocked from view by the house. The building coverage is under what is permitted and having a poolhouse in this neighborhood is consistent with the established character of the neighborhood as is the type of driveway. The house is 206' from the front property line requiring a longer driveway and more coverage, this neighborhood was established prior to the lot coverage requirements.

Open to the public with no comments. The Board agreed the poolhouse was situated well on the lot but felt that 18.03% was still excessive. The applicant requested that the variance be reduced to 17.86% with the actual design to be approved by the Zoning Officer. The plans will clearly depict the additional area to be removed. The approval is also conditioned that there will be no heat in the pool house and all demolition will take place prior to building permits being issued.

Motion to Approve the Application:

OFFER: Hesslein

SECOND: Wagar

AFFIRMATIVE: Burry, Hesslein, Bennett, Wagar, Yodakis and Farrell

NEGATIVE: Sobieski

ZB853 – Somma/Current Electric – Block 30, Lot 13 – 48 Route 537 West

Application for Preliminary and Final Major Site Plan Approval and Use Variance to convert a single family dwelling into a business office for an electrical contractor in the B-3 Zone.

Thirteen items were marked as exhibits – application, site plan, floor plans, survey, Board of Health comments, Fire Prevention Bureau comments, Shade Tree Commission comments, Architectural Review Committee's comments, Planner's review letter, Engineer's review letter, blowup of tax map, mounted color rendering of landscape plan and six photos mounted.

Ralph Somma, applicant and AJ Garito, Engineer – both sworn. Mr. Garito reminded the Board that previously there was an application in front of the Board for a real estate office in this location that the Board denied because they thought it was too intense of a use for this site. This applicant is an established electrical contractor that is proposing to remove part of the structure and reconstruct a one story garage for the storage of his two vans and electrical supplies. Seven parking spaces are required but they are proposing five spaces. A handicap ramp is required by law and can only be placed where they are proposing it which is abutting the General Store's parking lot. The site is more appropriate for a business use than residential, is surrounded on three sides by businesses and is in the Business Zone. There will be three 14' light poles and one 3' x 5' ground sign.

Mr. Somma explained to the Board the site does not require a dumpster because he does not generate that much trash. At least 95% of the jobs he works on have a dumpster where he discards put any garbage generated from the job in. He has two employees that work for him and he may have a part time secretary, currently he uses an accountant in Tinton Falls. The building has four rooms, the kitchen will be removed. The Board discussed restricting the use for an electrical contractor but Mr. Somma stated he would like to keep his options open because he may want to rent out an office as

some point. It was explained he could come back to amend his application if he found a tenant but by restricting the use the Board could be assured a high intensity use would not go into the building.

Open to the public. Joan Phillips, New Street asked how long will the lights be on? Mr. Somma stated he will turn them off when he leaves or would like to have them on a timer as well as a motion detector. Randy Mayer, New Street asked where the garbage will be kept? The garbage will be small and kept in the garage and put out for pickup like you do for residential. Tom Orgo, Heyers Mill Road asked if the Board restricted the use and Mr. Somma wanted to come back to amend his approval would he have to pay all new fees? Usually an amended application requires half the fees of the original application.

The Board thought the applicant was cleaning up the site nicely and it will not make a big impact on the residential neighbors. The building is a complement to the community and the proposed electrical contractor's office is a low intensity use that fits well on the site. The Board conditioned the approval on the applicant deed restricting the building to an electrical contractor that would require Board approval to change, the garage can not be converted to office space, no outdoor storage and that a trash removal service is required as well as compliance with the Planner's, Engineer's and Landscape Architect's review letters.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Lewis

AFFIRMATIVE: Burry, Hesslein, Bennett, Sobieski, Wagar, Yodakis, Farrell and Lewis

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Lewis

SECOND: Burry

AFFIRMATIVE: Burry, Hesslein, Bennett, Sobieski, Wagar, Yodakis, Farrell and Lewis

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Mr. Farrell at 10:10 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 February 17, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 17, 2011.

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