

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 18, 2016 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 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, Burke and Sullivan

ABSENT: Karch and Yodakis

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

Approval of Minutes:

Motion to Approve the January 21, 2016 Meeting Minutes:

OFFER: Burke

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek, Burke and Sullivan

NEGATIVE: None

RESOLUTIONS:

ZB948 – Kubeck – Block 50, Lot 2.02 – 108 Hockhockson Road

Memorialization of Resolution to construct a one-story addition to a single family dwelling in the AG Zone. Variances are required to permit a front setback of 238’ where 315’ is required and 238’ currently exists and a side setback of 106’ where 155’ is required and 156’.

Motion to Memorialize of Resolution:

OFFER: Sobieski

SECOND: Farrell

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek and Burke

NEGATIVE: None

ZB951 – Tormey – Block 7.25, Lot 1 – 4 Mulberry Lane

Memorialization of Resolution to remove circular driveway and construct a second story addition, front porch and rear deck in the A-2 Zone. Variances are required to permit a front setback of 67.3' where 75' is required, a side setback of 39.6' where 40' is required, building separation of 6.3' where 20' is required and building coverage of 6.7% where 6.6% is the maximum permitted.

Motion to Memorialize of Resolution:

OFFER: Sobieski

SECOND: Farrell

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek and Burke

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

ZB952 – Moldaver – Block 41.01, Lot 5.06 – 1 Messenger Drive

Application to construct a detached garage in the AG Zone. Variances are required to permit a front setback of 65.18' where 150' is required, a side setback of 42.13' where 50' is required and a footprint of 746 s.f. where 900 s.f. is the maximum permitted. Time to May 24, 2016

The applicant advised they did not send out the legal notices and requested the application be rescheduled to the April meeting. This application is rescheduled to April 21, 2016 and the applicant will notice.

ZB953 – Autovino – Block 5, Lot 1.02 – 18 Eaglenest Drive

Application to construct a front porch, 2nd story addition, basement access and rear addition and porch in the A-1 Zone. Variances are required to permit a front setback of 75.5' where 106.5' is required and a side setback of 66.9' where 81.5' is required. Time to June 1, 2016

The Board accepted the application. Five items were marked as exhibits – zoning review, application, comments from the Fire Marshall, Board of Health review and site plan with architectural plans. Rick Autovino, applicant and Mike Monroe, Architect – both sworn.

Mr. Monroe told the Board he designed this home about 20 years ago which was prior to the 90' Rule. Mr. Autovino is the contract purchaser of this home and would like to construct a cover over the existing front porch for protection from the weather when you are entering the home. He would also like to enlarge the upstairs bedroom over the existing one story breakfast room to create a new master closet. The additions keep the house within the original setbacks although not the enhanced setbacks from the 90' Rule.

Open to the public with no comments. The Board agreed the addition makes the house look more symmetrical and still complied with both building and total lot coverage.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Farrell

AFFIRMATIVE: Burry, Sobieski, Bennett, Farrell, Florek, Burke and Sullivan

NEGATIVE: None

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

Application to establish a Craft Distillery in the B-1 Zone. A Use Variance is required as well as Minor Subdivision and Preliminary and Final Major Site Plan Approval with Variances and Design Standard Waivers. The application has bifurcated the request and is applying for only the Use Variance at this time. Time to June 7, 2016

The Board accepted the application. Fifteen items were marked as exhibits – zoning review, application, elevation and floor plans, description of operations, Fire Marshall's comments, Board of Health comments, Engineer's review, Planner's review, mounted aerial and tax map and a series of six photos depicting the inside of a working distillery.

John Giunco, Esq. represented the applicant. Geoff Karch, applicant – sworn. Mr. Karch explained he would like to open a Craft Distillery and have it open to the public so that people can come and experience, taste and learn the process of distilling bourbon and gin. The building will be a simple pole barn that will architecturally have a farm theme.

James Kyle, Planner – sworn. Mr. Kyle explained Craft Distilleries became legal in New Jersey in 2013 therefore it is not a permitted use in the Ordinance. The applicant is proposing to move the existing home on the property to the rear of the property and subdivide the property so the distillery and single family home will be on two separate lots. Since this is a Business Zone the single family dwelling is currently a nonconforming use and the creation of a new smaller lot will exasperate the nonconformity thus requiring a Use Variance to retain the home. If the Use Variance is granted the applicant will return for a Subdivision and Site Plan.

Restaurants, tea rooms, wine and liquor stores are a permitted uses in the Business Zone. By relocating the house to the rear of the property it will be out of prominence of Route 34 and away from traffic. The applicant plans on utilizing locally grown ingredients to produce his products as much as possible. The Master Plan wants the rural character of the area preserved and promotes small unique businesses. This use falls into that criteria by only having four employees and much lower traffic than other permitted uses. His opinion was this use is consistent with the Master Plan and does nothing to upset the goal of the surrounding properties and does not have a substantial detriment.

Open to the public with no comments. Geoff Karch explained he will purchase local grain for the whiskey's and botanicals for the gin. He will also blend and recast purchased whiskey into different flavor barrels such as sherry or port that will be bottled after several months. There will be three employees besides himself and he plans to be open Wednesday through Sunday.

The distillery will have three distinct areas – a work area, tasting area and barrel storage area. Tours of the distillery will be available with a tasting included. The tasting bar area will offer samples as part of

the tour; you must take a tour to have the tasting. Cocktails will be for sale as well as bottles of the products that are distilled.

Open to the public with no comments. The Board agreed the majority of businesses in town are unique such as The Tack Shelter, Folio Art Glass and Delicious Orchards and this seemed to fit that mold. The Board was glad that you must take a tour in order to do a tasting. They were also happy the applicant wants to use locally grown products as much as possible and thought it fits the character of the area with a small quaint business with cute décor. It was also a benefit to move the residents off Route 34 and to the back of the property. The approval was conditioned upon the applicant receiving NJDOT approval, conforming to the Highway Access Management Plan, receiving a Treatment Works Permit and abiding by New Jersey Craft Distillery Law.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Burke

AFFIRMATIVE: Burry, Sobieski, Bennett, Farrell, Florek, Burke and Sullivan

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Bennett at 9:40 p.m. to adjourn the meeting, seconded by Ms. Burke 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 18, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 17, 2016.

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