

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 21, 2012 AT 8:00 P.M.**

Mr. Yodakis 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: Yodakis, Sobieski, Bennett, Burry (five minutes late), Florek, Karch, Lewis and Karchar (10 minutes late)

ABSENT: Farrell

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

Approval of Minutes:

Motion to Approve the April 19, 2012 Meeting Minutes:

OFFER: Karch

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Sobieski, Bennett, Florek and Karch

NEGATIVE: None

Motion to Approve the May 17, 2012 Meeting Minutes:

OFFER: Florek

SECOND: Bennett

AFFIRMATIVE: Yodakis, Bennett and Florek

NEGATIVE: None

RESOLUTIONS:

ZB890 – Bonanno – Block 34, Lot 16.30 – 3 Orchard Lane

Memorialization of Resolution granting approval to construct a three car garage addition with a room above in the A-1 Zone. A variance is required to permit a side yard setback of 44.73’ where 50’ is required and 44.73’ currently exists.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Karch

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Chairman Yodakis asked the Board members to notify the Zoning Board office if they are not able to make a meeting as soon as they find to assure the Board will have a quorum.

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB891 – Kelly – Block 30, Lot 1 – 37 Heyers Mill Road

Application to install an inground pool in the A-3 Zone. A variance is required to permit a pool front yard setback of 40’ and a filter front yard setback of 45’ where 100’ is required.

Five items were marked as exhibits – zoning review, application, survey, Board of Health comments and Architectural Review Committee’s comments.

Thomas Kelly, applicant sworn. Mr. Kelly explained he has a pie shaped property with two front yards and no other place to put a pool. Last year he relocated his septic system to allow an area to install a pool. He would like to install a 14’ x 25’ inground pool with a small patio. Open to the public with no comments.

The Board felt the applicant has a hardship due to the irregular shaped lot. The pool is placed as far away as possible from New Street. This application was scheduled to be heard in April but due to problems with his service it was not heard. Mr. Kelly had asked for a resolution to be prepared so that it could be memorialized if the application was approved.

Motion to Approve Application and Memorialize the Resolution:

OFFER: Burry

SECOND: Lewis

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

NEGATIVE: None

ZB892 – Bryan – Block 19, Lot 11.01 – 45 Phalanx Road

Application to install a generator as well as retain existing driveway entrance piers that were constructed without proper municipal approvals in the AG Zone. A variance is required to permit a generator front yard setback of 250’ where 400’ is required and an entrance pier setback of 25.8’ where 30’ is required and a pier height of 14’2” where 7’ is the maximum permitted.

Ten items were marked as exhibits – two zoning reviews, application, plot plan, Board of Health comments, Fire Prevention Bureau comments, Architectural Review comments, blowup of page 3.04 of tax map, photoboard with six mounted photos and mounted color rendering of the variance plan.

Ed McKenna, Esq. represented the applicant. This is a 12 acre parcel that the owner has owned since 1989. Recently the applicant tore down his house and a new home was built and he would like to have

a backup generator. There was a miscommunication between the homeowner and the applicant; the contractor reinstalled the entrance piers while the applicant was on tour.

A.J. Garito, Engineer – sworn. Mr. Garito explained the house is approximately 700’ back from the street. The property has a steep slope and is heavily vegetated therefore it will be very hard to see the piers and gates. The house is approximately 700’ from the road and sits up on the hill. The applicant would also like to install an emergency generator next to an existing utility building. This is the most appropriate place to install the generator because all the utility lines run into this building and it would be nestled into a hill. There are areas behind the house that would not require a variance, however there is a geothermal system in this area and there is also an environmentally sensitive area. If the house was closer to the road on the setback line (200’) the generator would be conforming. The problem is that it is in front of the house and is required to be further back.

David Bryan, applicant – sworn. Mr. Bryan explained the piers are 400 year old French stanchions that complement the style of the new house they just built and they were given to them as a wedding gift. They are dry laid, without any cement and had to be put in place with a crane. The gates across the street from his home are 10’ and they had no idea these were too high. He would like to attach iron gates for security issues that frequently arise. Open to the public. Jim Goedeke asked if they looked into ways to reduce the decibel reading from the generator and what was the decibel reading? Yes they have however Mr. Bryan did not know what the reading was.

The Board thought the location of the generator was logical, being placed next to the utility building where all the mechanicals were located. They felt that due to the size and couture of the property as well as the explanation of the safety issues the height and setbacks of the pier and gate were reasonable and well thought out. The Board only had a concern that if Phalanx Road was ever widened it would be too close. The applicant agreed that if the closest point was ever 45’ or less from the edge of pavement he would move the entrance pier and gate back.

Motion to Approve Application:

OFFER: Florek

SECOND: Burry

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

NEGATIVE: None

ZB893 – RTG One, LLC. – Block 19, Lot 1 – 199 Route 34

Application for a Use Variance to construct a 30 seat Brick Oven Pizza Restaurant in the A-1 Zone.

Fifteen items were marked as exhibits – application, concept plan, architectural plans, Zoning Review, Board of Health comments, Fire Marshall’s review, Architectural Review comments, Environmental Commission’s comments, photo sheet, color rendering of Concept Plan 2, photoboard with six photos of existing conditions, blowup of sheet 3.04 of the tax map, photoboard with six photos of the surrounding area, plan of 1991 approval and a photoboard with three renderings of proposed site.

Sal Alfieri, Esq. represented the application. Mr. Alfieri explained they were bifurcating the application. They are only seeking the Use Variance, if the application is approved they will come back with a site plan.

Richard Giordanella, applicant – sworn. Mr. Giordanella explained he and his wife have opened and ran several restaurants in the past. They have been looking throughout New Jersey for an authentic,

historic neighborhood and found Colts Neck. They wanted a stand alone building with character and land to grow produce for their restaurant. The pizza is cooked in a 5' round brick oven and is best when fresh out of the oven, it does not travel well therefore he does not envision any carryout business for the pizza. They will only be selling custom pizza, salad, produce and natural soda.

A.J. Garito, Engineer – sworn. Mr. Garito explained this site was a farm market for many years. They feel this is a reasonable use for the property which is in a quasi commercial area. Although it is zoned residential there are several commercial uses in the surrounding area. The original farm stand was approved in 1991 and was approved for a 2,000 s.f. building, including the covered porches, which are less than what is there today and 27 parking stalls where they will only request 17. The applicants want the property to look like a farmstand; this is an important aspect of their operation. They will close the curb cut open to Laird Road and do not want a sign.

Michael Ryan, Architect – sworn. Mr. Ryan stated they would like to put recycled wood siding over the current metal exterior and paint the garage doors red to grab your eye.

Carmine Casola, property owner – sworn. Mr. Casola stated his family sold produce from this site but it has been vacant for the last three years. Farmers and farmstands are a dying breed and he has been unable to rent the space.

Dana Cirlincione, Realtor – sworn. Ms. Cirlincione stated she has listed this property since March 2011 for lease. The only people interested in the property are those who want it for a commercial use. Open to the public. Vince Domidion asked if it was a difficult commercial market? Every building has its pros and cons but they market the property on their website and advertise by postcards and magazines.

Marc Leber, Planner – sworn. Mr. Leber said he reviewed Colts Neck's Master Plan and zoning code which general purpose is to preserve the location and rural character of the town. He felt this application was an adaptive reuse of the property that would preserve a developed property. He stated the property is less than one acre and on the corner of a major highway where no one wants to build a residential home and if they did variances would still be required. Mr. Leber felt this was a unique use that would help agricultural use that is encouraged as well as a local food establishment. This application supports the goals and flavor of the town and it would be a good transitional use.

Open to the public for questions. Dorothy Smith asked how this is a farm? They will be growing basil, thyme, etc. and have organic farmers retained so their products can be sold. Doris Song asked how they are supporting local farmers? By bringing people into town, this will be a positive thing. What about neighbors if they are open until 10 p.m.? They did not think this would effect the neighbors, but if it did they want you to approach him and they will work it out. What about the Colts Neck Pizzeria right up the street? This is totally different. John Festa asked if the parking lot will be lit 12 months? Yes. Noreen Leer asked if traffic will enter/exit on both Laird Road and Route 34? No, only Route 34. If they hope to have eight employees, they will not have enough parking. They hope to make arrangements with Casola Farms for excess parking. And there will be no signs? No. Jim Goedeke asked if the stove is EPA compliant? Yes. Tom Clark asked if the similar restaurant they said that was in Princeton was located in a farm area? It is in a similar neighborhood in a residential zone. Vince Domidion asked what would happen to the parking agreement if Casola sold? They would get a contract with the new owner. Joyce Allision asked if the Use Variance is for this business or the property? It runs with the land, but in this situation the approval would be tailored to

this specific type of business. Chuck Allison asked if there were restrictions on vehicles? No, this is only an application for the Use Variance, if this is approved they will be back for a site plan.

Due to the hour it was decided this application will be carried to the July meeting. This application is carried to July 19, 2012 with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Florek at 10:40 p.m. to adjourn the meeting, seconded by Mr. Karch and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on June 21, 2012 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 19, 2012.

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