

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 16, 2019 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 News Transcript and the Star Ledger, and that a copy is on file in the office of the Township Clerk. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all time. I further order that this public announcement be placed in the minutes of this meeting”.

Roll Call

PRESENT: Yodakis, Bennett, Farrell, Reisinger, Lukowitz and Dnistrian

ABSENT: Burke, Florek (excused) and Taeschler (excused)

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

Approval of Minutes:

Motion to Approve the April 18, 2019 Meeting Minutes:

OFFER: Lukowitz

SECOND: Reisinger

AFFIRMATIVE: Yodakis, Bennett, Farrell, Reisinger, Lukowitz and Dnistrian

NEGATIVE: None

RESOLUTIONS:

ZB1008 – Gaglio – Block 13, Lot 76 – 26 Westminster Drive

Memorialization of Resolution granting approval to construct additions and rehab a single family dwelling, detached garage and relocate shed. Variances are required to permit a front setback of 77.5’ where 87’ is required, a rear setback of 39.3’ where 62’ is required, an accessory structure separation of 19’7” where 20’ is required is required and a total lot coverage of 22.5% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Reisinger

SECOND: Lukowitz

AFFIRMATIVE: Yodakis, Bennett, Reisinger and Lukowitz

NEGATIVE: None

ZB1011 – Scholze – Block 13, Lot 1 – 68 Crine Road

Memorialization of Resolution granting approval to remove an existing shed and construct a detached garage and deck. Variances are required to permit a front yard setback of 64’ from Crine Road and 66’ from Heulitt Road where 75’ is required for the deck, an accessory structure front yard setback of 66’ from Heulitt Road where 100’ is required, an accessory structure side yard set back of 10’ where 15’ is required and a total lot coverage of 26.4% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Lukowitz

SECOND: Reisinger

AFFIRMATIVE: Yodakis, Bennett, Reisinger and Lukowitz

NEGATIVE: None

ZB1012 – Clifton – Block 38, Lot 10 – 220 Swimming River Road

Memorialization of Resolution granting approval to construct a front porch, portico and pergola. Variances are required to permit a side setback of 19’ for the porch and 11’ for the pergola where 30’ is required, a 6’ porch rear setback where 15’ is required and a building coverage of 10.1% where 10% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Reisinger

SECOND: Bennett

AFFIRMATIVE: Yodakis, Bennett, Reisinger and Lukowitz

NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB1009 – Chillemi – Block 7.11, Lot 1 – 1 Provincial Place

Application to retain 6 foot open wire fence in the front yard where the maximum height permitted is four feet in the A-2 Zone.

Mr. Bennet and Mr. Reisinger both recused themselves from this application. The Board accepted the application. Five items were marked as exhibits – zoning review, application, survey, photo of hedges and a survey with yellow highlights.

Michael Chillemi, applicant – sworn. Mr. Chillemi stated he has lived in this home for 34 years and raised four children in Colts Neck, he loves this town. His property is on the corner of Provincial Place and Ridge Road and there is very high traffic of deer going through his property. About 25 years ago he installed a four foot deer fence in front of the arborvitaes where the deer would come onto his property. A few months ago he was away for several weeks and when he returned the fence was completely destroyed and trampled from the deer. Not aware that he needed a permit to replace the fence he installed the identical fence, in the same location however the new fence is six feet in height. Mr. Chillemi felt he had a hardship because the deer were completely destroying his property.

Open to the public with no comments. The Board felt the fence was in the same location for 25 years and there were no complaints and the fence is flush with the arborvitaes, not very noticeable.

Motion to Approve the Application:

OFFER: Dnistrian

SECOND: Farrell

AFFIRMATIVE: Yodakis, Farrell, Lukowitz and Dnistrian

NEGATIVE: None

ZB1010 – Goldenberg – Block 2.09, Lot 10 – 7 Princeton Lane

Application to retain a principal building side setback of 81.7' where 82.52' is required in the AG Zone. Time to June 29, 2019

Mr. Steib, Esq. announced the applicant did not notice in time to be heard this evening. The applicant granted an extension of time to July 31, 2019. This application has been rescheduled to June 20, 2019 with no further notice.

ZB1013 – Seip – Block 13, Lot 88 – 16 Deepwood Lane

Application to remove lower deck and install an inground pool in the A-1 Zone. Variances are required to permit a rear yard setback of 33' for the filter and 35.7' for the pool where 40' is required and a building separation of 12.5' where 20' is required.

The Board accepted the application. Five items were marked as exhibits – application, variance plan, Fire Marshall's comments and a series of nine photos.

Janice and James Seip, applicants – both sworn. The Seip's explained they have a shallow backyard that is heavily treed; unable to be seen from neighboring properties. There is also a steep slope in the rear yard that limits where a pool could be placed. The Fire Marshall was not concerned with the building separation because the pool location would not jeopardize laddering of the home in case of a fire. Open to the public. Elizabeth Bohem, 20 Westminster Drive – sworn. Ms. Bohem lives behind the Seip's and was concerned with her trees that hang over onto the Seip's property and felt that they would continuously trim the trees because they would shade the pool. Ultimately she is concerned that the constant trimming may damage her trees. Ms. Bohem was also concerned where the backwash would be drained, Ms. Seip explained they were putting a drain in the driveway that would take the water.

The Board felt the pool was modest in size and the location was restricted due to the topography of the rear yard. The Board also noted the applicant had the right to trim trees which overhang their property with or without a pool. The Board stipulated the deck must be removed prior to the issuance of building permits.

Motion to Approve the Application:

OFFER: Reisinger

SECOND: Farrell

AFFIRMATIVE: Yodakis, Bennett, Farrell, Reisinger, Lukowitz and Dnistrian

NEGATIVE: None

ZB1016 – Quiet Winter Farm – Block 23, Lot 15 – 114 Montrose Road

Application to construct a front porch in the AG Zone. A variance is required to permit a front setback of 80' where 200' is required and 84' currently exists.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, survey, elevations and floor plans, Health Officer's comments and a survey depicting the porch location.

William Wilson, Esq. represented the applicant. Mr. Wilson told the Board the applicant would like to add a dormer to the rear of the house and a front porch. The whole house is within the front setback and a variance is required for any construction to the home.

J. Parker Thompson – sworn. Mr. Thompson explained he is now the owner of the property that was previously his grandfathers, he took over the operation of the farm in December 2018. There is currently a concrete slab where he would like to build a porch on top of. He feels the dormers and porch will improve the dimension and aesthetics of the existing home. He will continue using the property as a horse farm, his family plans on staying on the property.

Joseph Orrico, 210 Richdale Road – sworn. Mr. Orrico is a realtor in Colts Neck. It is Mr. Orrico's opinion that the improvements being requested along with the improvements Mr. Thompson has already made (fence and additional trees) will enhance the home and entire street.

Open to the public with no comments. The Board felt there was no detriment and agreed the improvements being made enhance both the applicant's property and surrounding neighborhood.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Lukowitz

AFFIRMATIVE: Yodakis, Bennett, Farrell, Reisinger, Lukowitz and Dnistrian

NEGATIVE: None

ZB1018 – Sela – Block 16, Lot 53.04 – 6 Magnolia Lane

Application to retain a circular driveway and walkway and construct a detached garage in the A-1 Zone. Variances are required to permit a building separation of 10' where 20' is required and a total lot coverage of 24.4% where 20% is the maximum permitted.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, survey, schedule of limitations/elevation drawings, Fire Marshall's comments and Health Officer's comments.

Luan Sela, applicant – sworn. Mr. Sela stated he purchased this property in October 2017 and wanted a circular driveway to help with the functionality of his home. He would also like to construct a detached garage to store all of his tools and equipment to maintain the property. Mr. Sela stated he is a very "hands on" person and does all of his work himself, therefore he has a lot of tools and equipment that need to be stored. The proposed garage would be built on top of the existing driveway, not taking up any new lot coverage and would also be used as a pool house. There will be a bathroom for everyone to use while outside but no cooking.

Open to the public with no comment.

The Board was very concerned with the lot coverage and felt it was very high. They also noted the applicant had a fence on Township property and stated it had to be removed. It was also noted the Fire Marshall did not say the building separation was okay, this needed to be clarified. The Board ultimately felt the coverage was too high and there was no hardship.

The applicant requested to carry the application so he could try and rework his plan and also meet with the Fire Marshall.

This application is carried to the July 18, 2019 meeting with no further notice.

DISCUSSION ITEMS:

None

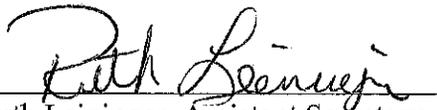
EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Bennett at 9:50 p.m. to adjourn the meeting, seconded by Mr. Reisinger and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on May 16, 2019 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 20, 2019.


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