

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 15, 2019 AT 8:00 P.M.**

Mr. Bennett 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: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler and Dnistrian

ABSENT: Yodakis (excused) and Lukowitz (excused)

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

Approval of Minutes:

Motion to Approve the July 15, 2019 Meeting Minutes:

OFFER: Dnistrian

SECOND: Burke

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler and Dnistrian

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution 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 21.3% where 20% is the maximum permitted.

Motion to Approve the Resolution:

OFFER: Taeschler

SECOND: Reisinger

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger and Taeschler

NEGATIVE: None

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

Memorialization of Resolution granting approval to retain a principal building side setback of 81.7' where 82.52' is required in the AG Zone.

Motion to Approve the Resolution:

OFFER: Reisinger

SECOND: Farrell

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger and Taeschler

NEGATIVE: None

ZB1014 – Schatzle – Block 29.12, Lot 7.01 – 45 Heyers Mill Road

Memorialization of Resolution granting Use Variance approval to convert a recreation building into a single family dwelling on a lot where only one dwelling is permitted and a side setback of 21' where 30' is required in the A-3 Zone.

Motion to Approve the Resolution:

OFFER: Florek

SECOND: Burke

AFFIRMATIVE: Bennett, Burke, Florek, Taeschler and Dnistrian

NEGATIVE: None

ZB1023 – Scholze – Block 13, Lot 1 – 68 Crine Road

Memorialization of Resolution granting approval to construct a shed in the A-1 Zone. Variances are required to permit a front setback of 41' where 100' is required and a side setback of 10' where 15' is required.

Motion to Approve the Resolution:

OFFER: Burke

SECOND: Taeschler

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger and Taeschler

NEGATIVE: None

ADMINISTRATIVE:

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

Request for three one-year extensions of time to the approved variance. The extension of time will begin September 21, 2018 and expire September 21, 2021.

Dante Alfieri, Esq. represented the applicant. Mr. Alfieri explained there were issues with the DEP that took time, however the tavern has recently been demolished. The variance expired in 2018 so they are requesting one year retroactive and two more years which brings them to September 2021.

Motion to Approve Extension of Time:

OFFER: Reisinger

SECOND: Farrell

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler and Lukowitz

NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB1020 – Quaglia – Block 29, Lot 9.02 – 8 Freemont Lane

Application to retain three run-in sheds and three sheds in the AG Zone. Variances are required to permit run-in shed 1 front setback of 140' where 200' required (Bluebell), run-in shed 1 front setback of 140' where 200' is required (Freemont), a run-in shed 2 front setback of 143' where 200' required.(Bluebell), shed 1 front setback of 144' where 200' required (Bluebell), shed 2 front setback of 195' where 200' required (Bluebell), shed 3 front setback of 185' where 200' required (Bluebell), run-in shed 2 and shed 1 separation of 5' where 20 required, and shed 1 and shed 2 separation of 3' where 20' is required.

Mr. Steib advised the applicant missed one property owner within 200' when sending out notices, all other notices and the newspaper were fine. This application is carried to September 19, 2019 with no further notice except the one property owner that was missed.

ZB1021 – Hurley – Block 7.20, Lot 7 – 44 Laurelwood Drive

Application to retain a rear porch that was constructed without municipal approvals in the A-2 Zone. A variance is required to permit a building separation of 19" where 20' is required and 7.6% building coverage where 6.6% is the maximum permitted.

Mr. Bennett recused himself from this application. Since Mr. Bennett was overseeing the meeting Ms. Burke nominated Mr. Farrell to preside over this application, seconded by Mr. Florek and unanimously carried.

The application was accepted. Nine items were marked as exhibits – zoning review, application, variance plan, three photos, Health Officer's comments, Fire Marshall's comments, Architectural Review Committee's comments, a color rendering of the variance plan and six mounted photos of the property.

Brian Hurley, applicant and A.J. Garito, Engineer – both sworn. Mr. Hurley stated he sold the property last month but the homeowner is aware of the issue and is the audience; Mr. Hurley agreed to apply for a variance and make the situation right. Vincent Amadeo, new homeowner, stated he understood the application and gave his consent for the application to proceed.

Mr. Hurley explained he purchased this home in May 2011. Soon after purchasing they realized the southerly exposed backyard and felt they needed some shade while outside enjoying the pool. This open porch was constructed without municipal approval.

Mr. Garito reviewed the variance plan with the Board and stated the rear yard is heavily treed and porch cannot be seen by adjoining neighbors.

Open to the public with no comments. The Board was very conflicted. They appreciated the applicant wanted to make the situation right however they did not see a hardship and felt 7.6% building coverage was very high. They understood the use of the structure and might accept if it was placed somewhere else on the property and conditioned that it could not be enclosed. Some also felt the lot is fairly small and the porch is behind the home where it cannot be seen and not excessive.

The applicant asked for the application to be carried so they could look into some alternatives. This application is carried to September 19, 2019 with no further notice.

ZB1022 – Vanderbilt – Block 16, Lot 13 – 2 Green Hill Road

Application to construct a front porch in the A-1 Zone. A variance is required to permit a front yard setback of 69.5' where 75' is required. Time to October 19, 2019

The application was accepted. Daniel Vanderbilt, applicant – sworn. Seven items were marked as exhibits – zoning review, application, survey, elevation of porch, photos of front of home, Health Officer's comments and Architectural Review Committee's comments.

Mr. Vanderbilt said he purchased this home in March, the home is an original 1967 house that has never been updated. They are currently changing the windows and making some much needed updates, they have not moved in yet. The existing porch is ready to fall down and they would like to replace it with a wider porch with some character that would not be any closer to the street than the existing porch.

Open to the public with no comments. The Board felt the porch did not change the setback and agreed it would be a very nice improvement to the home.

Motion to Approve the Use Variance:

OFFER: Burke

SECOND: Taeschler

AFFIRMATIVE: Bennett, Burke, Florek, Taeschler, Lukowitz and Dnistrian

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Reisinger at 8:50 p.m. to adjourn the meeting, seconded by Mr. Florek and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on August 15, 2019 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 19, 2019.


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