

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 17, 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, Farrell, Florek, Reisinger, Taeschler, Lukowitz and Dnistrian

ABSENT: Yodakis (excused) and Burke (excused)

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

Approval of Minutes:

Motion to Approve the September 19, 2019 Meeting Minutes:

OFFER: Dnistrian

SECOND: Lukowitz

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Farrell

AFFIRMATIVE: Farrell, Florek, Taeschler, Lukowitz and Dnistrian

NEGATIVE: None

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

Memorialization of Resolution granting approval 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), 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.

Motion to Memorialize the Resolution:

OFFER: Taeschler

SECOND: Lukowitz

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

NEGATIVE: None

ADMINISTRATIVE:

None

APPLICATIONS: Old Business

ZB1024 Yale – Block 33, Lot 4 – 57 Muhlenbrink Road

Application to construct an inground pool, detached garage, pergola and stoop in the A-1 Zone. Variances are required to permit a pool filter front setback of 94' where 100' is required, a garage side setback of 22.4' where 50' is required, garage rear setback of 14.5' where 50' is required, garage building separation of 16.3' where 20' is required, pergola side setback of 40' where 50' is required, pergola rear setback of 36' where 50' is required, pool rear setback of 14.5' where 50' is required, stoop and pool separation of 17' where 20' is required, terrace and pool separation of 9' where 20' is required and a detached garage volume of 11,000 c.f. where 8,000 c.f. is the maximum permitted. is required.

Mr. Bennett recused himself from the application, turned the meeting over to Mr. Farrell and left the room.

Three new items were marked as exhibits – zoning review, plot plan and garage elevation/floor plan. Kevin Yale, applicant – sworn. Mr. Yale stated the size of the garage has been significantly reduced with a conforming footprint although the volume still requires a variance. The total lot coverage is now conforming and the majority of the other variances are preexisting. Thee pool still requires variances for setbacks however the property it abuts is the reservoir and would not impact any neighbors.

Open to the public with no comments. The Board felt this plan was a significant improvement from what was proposed last month. With the woods and reservoir surrounding the property the Board was comfortable with the application. They felt the applicant gave a good effort to address their concerns and all improvements are now proportionate to the property.

Motion to Approve the Application:

OFFER: Florek

SECOND: Reisinger

AFFIRMATIVE: Farrell, Florek, Reisinger, Taeschler, Lukowitz and Dnistrian

NEGATIVE: None

APPLICATIONS: New Business:

ZB1025 – Lubniewski – Block 39.01, Lot 8 – 104 Galloping Hill Road

Application to install a generator in the A-1 Zone. A variance is required to permit a side setback of 25' where 40' is required.

The Board accepted the application. Seven items were marked as exhibits – zoning review, application, survey and four series of photos. Timothy Lubniewski, applicant – sworn.

Mr. Lubniewski explained they purchased this property earlier this year and the power goes out often. They recently had a baby and would like to get a generator for the frequent power outages. The location they are requesting to install the generator is where the plumber and electrician have recommended because it is on the side of an existing patio next to where the plumbing line goes into the house.

There is a place where a variance would not be required however the generator can not be within 5' of a window which would push it out closer to the new septic. The topography of the property also would make it difficult to place the generator in this location. Although the generator is 25' from the property line, the adjoining property has a conservation easement along that property line and that home is about 100' from the property line.

Open to the public with no comments. The majority of the Board felt the proposed location was better planning because of the proximity of the gas line. They also felt the neighboring house being far away and the conservation easement was justification for the variance.

Motion to Approve the Application:

OFFER: Dnistrian

SECOND: Taeschler

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

NEGATIVE: Lukowitz

DISCUSSION ITEMS:

Mike Steib, Esq. gave a presentation to the Board on meeting procedures. The formality of how a meeting should be run, the legality of procedures and State Statues were all discussed.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Florek at 9:35 p.m. to adjourn the meeting, seconded by Mr. Farrell and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on October 17, 2019 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 21, 2019.



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