

171.02, Lot 32 in the R-80 zone

The Applicant is seeking bulk variance relief to retain the existing paved driveway encroachment onto adjoining Lot 31. It should be noted that an easement agreement has been prepared between the subject property owners and recorded with the Monmouth County Clerk's Office dated November 2, 2017. Counsel for the Applicant, Andrew Pelman, Esq. explained that the Applicant owned a piece of property served by a driveway that straddled the property line. Mr. Pelman stated that the Applicant was seeking variance relief to permit the driveway to be too close to the property line on both lots. Mr. Pelman further stated that the owners of both properties had executed an easement agreement permitting the encroachment.

Mr. Pelman noted that the following pre-existing non-compliant conditions exist on Lot 32: Section 220-35D (22) - No septic tank, cesspool or septic tank tile field or any part thereof shall be constructed closer to any property line than 20 feet; the existing septic system disposal field appears to be located within 20 feet of the rear property line. Section 220-48C (Table I) - The minimum required lot area is 80,000 sq. ft.; 24,199 sq. ft. is provided to the centerline of Crine Road. Section 220-48C (Table I) - The minimum required lot frontage is 250 feet; approximately 117.0 feet is provided. Section 220-48C (Table I) - The minimum required lot width is 250 feet; 117 feet is provided. Section 220-48C (Table I) - The minimum required lot depth is 300 feet; approximately 180 feet is provided. Section 220-48C (Table I) - The minimum required side yard setback is 50 feet; approximately 21 feet is provided along the northerly side property line and approximately 28 feet is provided along the southerly side property line. Section 220-48C (Table I) - The minimum required ground floor area is 1,200 sq. ft.; 1,173 sq. ft. appears provided. Section 220-48C (Table I) - The maximum percentage of total permitted lot coverage is 15%; approximately 17.5% appears provided utilizing the computed lot area to the Crine Road right-of-way line. Section 220-140D(1)(Table III) - The maximum permitted coverage for a principal building within an R-80 Zone is 5%; approximately 5.6% is provided utilizing the computed lot area to the Crine Road right-of-way line. Mr. Pelman further noted that variance relief from the following section was required for the location of the driveway on both lots: Section 220-35C (4) - No paved terrace shall be permitted closer than 5 feet to any side or rear property line; the existing paved driveway is located within 5 feet of the southerly side property line and encroaches over said property line onto adjoining Lot 31.

PUBLIC – *Jonelle Williams of 144 Crine Road confirmed that the driveway was a pre-existing non-compliant condition. There were no other members of the public expressing an interest in this application.*

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 9 (Mr. Solon, Mr. Viridi, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Powers, &
Mr. Yozzo)

Nays: 0

Second: Ms. DiGrande Absent: 0

Z.B. 18-6640 Michael Volpe - Public Hearing for a Bulk variance to keep a 12' x 16' shed that too large for subject property and built in second front yard, located at 17 Appletree Ct., Block 199, Lots 18 in the R-20 zone

Michael Volpe was sworn in and gave testimony. Mr. Volpe testified that he is Applicant, and he is seeking bulk variance relief in order to retain the existing accessory shed constructed within the front yard area along front yard setback along County Route 520 which exceeds the permitted building area allowed for accessory shed structure. Mr. Volpe testified that in November 2005, he had a 12 foot x 16 foot shed installed on the property which he believed the contractor had secured permits. Mr. Volpe stated that he had now learned the shed was constructed in violation of the ordinance and without permits and that he was seeking to legitimize the existing situation.

Mr. Volpe specifically testified that the following variance relief was required for existing conditions: **Section 200-56C (Table I)** - The minimum required front yard setback is 40 feet; 39.7 feet is indicated as provided from the Appletree Court right-of-way line. **Section 200-95A(7)(b)[2] (Table I)** - For lots with frontage on more than one street, excluding corner lots, fences within the designated rear yard must be a 6-foot high wooden, PVC or Jerith fence; a 54-inch Jerith aluminum fence is depicted onsite. Mr. Volpe further testified that was seeking the following new variance relief: **Section 220-140E(1)** - Accessory structures in second front yards shall be setback the same distance from the street line as the principal building is required to be setback, whereas 40 feet is required; 20 feet is indicated as provided to the accessory shed structure from the County Route 520 right-of-way line. **Section 220-140E(2)(b)** - Sheds shall not be larger than 150 sq. ft. and not taller than 11 feet in height and shall be setback a minimum of 5 feet from side and rear property lines on lots which are equal to 20,000 sq. ft. but equal to or less than 40,000 sq. ft. in size; the existing accessory shed structure is indicated to be 192 sq. ft. in area (12 feet x 16 feet) on the approximate 37,200 sq. ft. property. The height of the existing shed structure must be verified with the Board.

Mr. Volpe confirmed that the shed was not served by electricity and would not be served by electricity in the future. Mr. Volpe also stated there was no plumbing in the shed. Mr. Volpe also stated that the shed was not particularly visible from the street. It was buffered by a six (6) foot fence and twenty (20) white pine trees. Mr. Volpe further stated that he believed an easement which was in favor of the municipality traversed the property. Mr. Volpe further testified that in the event the easement needed to be modified, such modification would be sought from the Township Governing Body.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative

Offered: Chairman Shapiro Ayes: 8 (Mr. Solon, Mr. Viridi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Mr. Powers, & Mr. Yozzo)

Nays: 1 (Dr. Adler)

Second: Mr. Zwerin Absent: 0

Z.B. 17-6639 Harry Rarig - Public Hearing for Bulk variance approval to add a covered porch to existing house on undersized lot located at 29 Reids Hill Road, Block 143.10, Lot 3 in the LC zone

Harry Rarig was sworn in and gave testimony. Mr. Rarig testified that he is the Applicant and he proposes to remove the existing deck and rebuild same with a proposed covered porch/deck approximately 8 feet x 24 feet in size on the existing undersized property. There are no additional site improvements proposed. Mr. Rarig testified that he was seeking to construct a covered porch. Mr. Rarig stated that there will not be any change to the drainage on the site and noted that the covered porch and other improvements would help to address snow drifts on the property. Mr. Rarig testified that the following existing non-compliant conditions exist on the property: **Section 220-47C (Table I)** - The minimum required lot area is 5 acres; 2.4 acres is provided. **Section 220-47C (Table I)** - The minimum required lot width is 400 feet; approximately 397 feet is provided. **Section 220-47C (Table I)** - The minimum required lot depth is 500 feet; approximately 276 feet is provided. **Section 220-47C (Table I)** - The minimum required rear yard setback for an accessory structure is 40 feet; approximately 25 feet is provided to an accessory shed. **Section 220-165C** - Each lot must front upon an approved public street at least 50 feet in width; Reids Hill Road appears to provide a 33 foot wide right-of-way along the subject site frontage.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative

Offered: Chairman Shapiro Ayes: 9 (Mr. Solon, Mr. Viridi, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Powers, &
Mr. Yozzo)
Nays: 0
Second: Mr. Zwerin Absent: 0

Z.B. 17-6635 Dante & Dawn Hadley - Public Hearing for a Bulk variance to construct an in-ground swimming pool, associated patios, fence and future parking pad within 100 feet of top-of-bank of stream or body of water, located at 41 Lloyd Road, Block 118, Lot 19 in the R-30/20 zone

The subject site contains 37,000 sq. ft. with 351 feet of frontage along the north side of Lloyd Road at the intersection of Nolan Road within the R-30/20 (Residential) Zone District. The subject site is currently improved with a one-story dwelling with associated walks, and a paved drive along the Lloyd Road frontage. The rear property line is also traversed by a portion of Watson Creek.

Dante Hadley was sworn in and gave testimony. Mr. Hadley testified that he is the Applicant, and he is proposing to construct an in-ground swimming pool and paver patio within the rear yard which will be within 100 feet of the top of bank of Watson Creek. The Co-Applicant, Dawn Hadley, was sworn in and testified that she was also seeking a parking pad on the site which would be constructed of asphalt and was permitted as of right. She stated that the parking area would be 30 feet x 40 feet. In consultation with the Board, the Applicants agreed that the proposed patio would be pulled back to the existing concrete area and replaced by pavers. This is the eastern most corner of the existing concrete area on the site. Mrs. Hadley testified that the following were existing non-compliant conditions:

Section 220-54C (Table I) — The minimum required lot depth is 150 feet; less than 150 feet exists.

Section 220-54C (Table II)— The minimum rear yard setback is 50 feet; approximately 30 feet exists. Mrs. Hadley further stated that the following new variances were required as a result of the in-ground swimming pool: **Section 220-35D(1)(a)** - No structure shall be built within 100 feet from the top of bank of a stream; approximately 28 feet is proposed from the top of bank to the pool, and approximately 3 feet appears proposed to the retaining wall along the patio area. **Section 220-35D(24)(e)** - The maximum grade for lawns more than 5 feet from a building shall be 25%(4:1); 33% (3:1) is proposed around the pool.

The Board members had concern with the patio being too close to the stream, and requested that the patio be setback 3 to 5 feet from proposed location. Mrs. Hadley agreed to the Boards request.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes: 9 (Mr. Solon, Mr. Viridi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Powers, & Mr. Yozzo)
		Nays: 0
Second:	Mr. Zwerin	Absent: 0

Z.B. 17-6636 Ronald & Patricia Lukach - Public Hearing for Use variance approval to conduct

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Landscaping Business that is not a permitted use in the CS zone and this is additional to the mixed residential and business irrigation uses, located at 394 Route 79, Block 153, Lot 31 in the CS zone

Robert Burdick, P.P., P.E. was sworn in.

Mr. Cucchiaro asked for clarification on prior Resolutions for subject property.

Dante Alfieri, Esq. gave a brief history on the subject property. Mr. Burdick described the structures noted in the Resolutions. Mr. Cucchiaro requested additional information to clarify what was previously approved in the resolutions.

Glenn Wells (Son in-law of the Applicant) was sworn in. Mr. Cucchiaro read the description from the 1988 resolution, regarding the Barn, which is going to become the location of the Irrigation Business. He continued to read that there is another existing structure where the Applicant's son resides, as well as a proposed structure. Mr. Cucchiaro asked "was a new building going up in 1988." Mr. Wells responded "yes, the new building was going up in 1988." Mr. Cucchiaro identified the structures, "the barn, there would be the existing house, and then there would be a new third structure". Mr. Wells responded "no, the existing barn was removed at that time, and a new structure was constructed." Mr. Cucchiaro stated that the resolution is incorrect. The resolution should've stated that the existing barn was to be taken down and a new structure was going to be built and used for the business. The Applicant was in agreement with Mr. Cucchiaro.

Mr. Alfieri asked Mr. Burdick to orient the Board of the site, and address Ms. Neumann's report. Mr. Burdick stated that after a few years, the older home became less and less habitable. The Applicant went back to the Board in 1995, and received approval to convert the second floor of the new structure into a residence, and abandon the residential use of the existing house. Mr. Alfieri asked what the old house was being used for. Mr. Burdick stated that it's being used for storage. Mr. Burdick stated that the Applicant wishes to sell the subject property to an individual that would like to continue the residential use and conduct a lawn-care business from the subject property. Mr. Cucchiaro asked if the lawn-care business was replacing the irrigation business, or if it was in addition to the irrigation business. Mr. Burdick stated that the lawn-care business would be replacing the irrigation business. Mr. Burdick stated that both businesses are very similar in nature, and is well suiting for the proposed use.

Mr. Yozzo asked what is the proposed use of the north portion of the property (old house), for the new owner. Mr. Burdick stated that it would be used for storage only. Mr. Weilheimer asked where will fuel be stored. Mr. Burdick stated no additional fuel will be stored on site other than in the equipment and vehicles. Chairman Shapiro asked how they are going to fuel the equipment? Mr. Alfieri stated that they will be fueling the equipment at gas stations only, and that no fuel will be stored on site. Mr. Weilheimer asked for if the equipment would be stored outside and not inside the storage building. Mr. Burdick stated that the equipment would be stored on the trucks, and in the trailers. Mr. Yozzo asked if the lawn-care company would be storing the grass clippings, and leaves on the site. Mr. Burdick stated they would be disposing of the clippings and leaves at a proper disposal facility daily, but on occasion they may stay on the trucks overnight, and be properly disposed first thing in the morning.

Mr. Burdick stated that the hours of operation will be 7:00am. to 7:00pm., with five to six employees, with the ability to have eight to ten employees. No night time work or second shift will be scheduled. No deliveries to the site other than FedEx, or something similar, and no retail sales. Mr. Alfieri asked the number of trucks to be stored on site. Mr. Burdick stated that they now have five vehicles, but would like to have seven or eight in the future. Ms. Paris (Zoning Board Administrative Officer) asked if the lawn-care company would be doing snow removal in the winter. Mr. Alfieri stated "no, not at this time."

A motion to adjourn was offered by Chairman Shapiro, seconded by Dr. Adler.

Respectfully submitted

Jennifer Bajar