ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 15, 2004 AT 8:00 P.M.

Mr. Bennett called the meeting to order by reading the following statement: "As Chairman and Presiding Officer of the Colts Neck Zoning Board, I hereby declare that the notice requirements of the law have been satisfied by prominently posting a notice of this meeting on the Township Bulletin Board, and that here 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: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis, Sobieski, Wagar and Goubeaud

ABSENT: None

Mr. Behrens and Mr. Wagar reported that the Nominating Committee struggled with the correct thing to do. It was felt that a one year term in a new position was not adequate time since the first year you are still learning the position. Mr. Wagar listened to the tapes from last year to be sure that nothing was promised differently. It was recommended that a voluntary two year succession should be in place. The Nominating Committee recommended Bruce Bennett as Chairman, Christina McGarry as Vice-Chairman, Bernie Behrens as Secretary and Ruth Leininger in a new position of Assistant Secretary. This new position will help facilitate the internal workings of the office so that Ruth would be able to sign documents that needed to be signed by the Zoning Board Secretary.

Motion to Adopt a full slate:
OFFER: Barnett
SECOND: Sobieski
AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None
ABSTAIN: None

Schedule of Zoning Board Meetings for 2004 at 8:00 p.m. at Townhall

Motion to adopt schedule:
OFFER: Barnett
SECOND: Behrens
AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None

Motion to Appoint Zoning Board Attorney: Michael B. Steib, Esq.:
OFFER: McGarry
SECOND: Barnett
AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None

Motion to Appoint Township Engineer: Glenn Gerken:
OFFER: McGarry
SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None

Motion to Appoint Landscape Architect: Julie McGowan:
OFFER: Barnett
SECOND: Burry
AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None
ABSTAIN: None

Approval of Minutes

Motion to Approve the Minutes of December 18, 2004:
OFFER: Barnett
SECOND: Wagar
AFFIRMATIVE: Bennett, Barnett, Behrens, Burry, Yodakis, Sobieski and Wagar
NEGATIVE: None

Chairman Bennett welcomed new Board member Diana Goubeaud to the Board.

RESOLUTIONS:

Application ZB626 – Pardee – Block 6, Lot 9.26 – 1 Gaitway Drive
Memorialization of Resolution granting approval to construct a pool cabana (40' x 20') in the A-1 Zone. Variances are required to permit a rear setback of 25.4' where 40' is required.

Motion to Memorialize the Resolution:
OFFER: Wagar
SECOND: Burry
AFFIRMATIVE: Bennett, Burry, Yodakis, Sobieski and Wagar
NEGATIVE: None

Application ZB629 – Vukovich – Block 48, Lots 25.01 & 26 – Route 537 East
Memorialization of Resolution granting a Use Variance for a two family dwelling in the AG Agricultural District.

Motion to Memorialize the Resolution:
OFFER: Barnett
SECOND: Burry
AFFIRMATIVE: Bennett, Barnett, Behrens, Burry, Yodakis, Sobieski and Wagar
NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB582 – Vill – Block 7.22, Lot 2 – 15 Mulberry Lane
Request for a one year extension of time to the approved variance. The extension will begin December 19, 2003 and expire on December 19, 2004.

Mr. Anfuso explained that a variance is only good for one year and the applicant applied for a building permit a week after the variance had expired. The applicant explained that their original contractor backed out and it took them some time to get a new contractor. They now have a new contractor and are ready to start construction as soon as building permits are issued.

Motion to Grant the Extension of Time:
OFFER: Behrens
SECOND: McGarry
AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None

APPLICATIONS: New Business

Application ZB630 – Naddeo – Block 34, Lot 16.09 – 26 Orchard Lane
Application to construct a front porch, two additions and pool cabana. Variances are required to permit a front setback of 98' where 228' is required for a porch and 119' and 102' for the two additions where 228' is required. Proposed side setbacks of 47' and 40' where 54' is required, a proposed building coverage of 7.3% where 5% is the maximum permitted and a total lot coverage of 16% where 10% is the maximum permitted.

Mr. Bill Naddeo, applicant and Mr. Wayne Lerman, architect – both sworn. Nine items were marked as exhibits – zoning review, application, site plan elevation, report from Fire Prevention Bureau, report from Architectural Review Committee, a series of five photos and three photoboards with the floor plans and front and rear elevations. Mr. Naddeo explained that his main concern was that he needed more garage space along with a larger family room. He is proposing a new garage with a second story. He would also like to construct a front porch on the existing home and a cabana. It was explained that he has many large trees on his property and is trying to work around them.

Open to the public with no comments. The Board was very concerned with the building coverage. The applicant stated that they had a hardship due to the fact that this subdivision was created as an A-1 Cluster and had since been changed to an AG Zone. The Board agreed that the home was beautiful but did not feel comfortable in allowing such a deviation. The applicant asked for this application to be carried so that he could revise his plans.

This application was carried to the February 19, 2004 meeting with no further notice.

Application ZB632 – LaLima – Block 29, Lot 1/1 – 152 Bucks Mill Road
Application to install a 6' high fence in the front yard where 4' is the maximum height permitted.

Mr. Peter LaLima, applicant – sworn. Five items were marked as exhibits – zoning review, application, survey, Architectural Review Report and a photo of the residence.

Mr. LaLima explained that he currently has a six foot jerith fence across the front of his property that was installed prior to the change in ordinance. He would like to enclose the remainder of his property with the same fence because he has a built in pool. The current ordinance would not permit the portion of fence from the front of his home forward to be higher than four feet, however the remainder of his property could be six foot in height. The applicant has 5.9 acres.

Open to the public with no comments. The Board felt that this was a unique situation. Since the property along the front of the property already existed legally, they felt that this was a pre-existing condition. It was felt that it was important for the fence to be consistent.

Motion to Approve the Application:
OFFER: Barnett
SECOND: Burry
AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski
NEGATIVE: None

Mr. Behrens excused himself, he had to leave.

APPLICATIONS: Old Business:

Application ZB627 – Thompson – Block 34, Lot 16.08 – 22 Orchard Lane
Application to remove the existing inground pool and pool cabanas and construct a new inground pool and cabana in the AG Zone. Variances are required to permit a cabana rear setback of 15' where 50' is required, a pool to house separation of 10' where 20' is required, a building coverage of 10% where 5% is the maximum permitted, a total lot coverage of 29.71% where 10% is the maximum permitted.

Mr. Jessie Thompson, applicant and A.J. Garito, Engineer both sworn. Three new items were marked as exhibits – an updated zoning review dated January 8, 2004, revised floor and elevations and a photoboard with a color rendering of the variance plan.

Mr. Garito explained that they reduced the cabana by 30% and cut down the porch eliminating both of those variances. They have reduced the lot coverage by 3% and reiterated that the lot is heavily wooded and backs up to a 50' greenway and then another 40' to the reservoir.

Open to the public with no comments. The Board struggled with the total lot coverage. It was explained that in the A-1 Cluster the total lot coverage permitted is 20%. The Board had much discussion and was torn.

Motion to Approve the Application:
OFFER: Barnett
SECOND: Burry
AFFIRMATIVE: Bennett, Burry, Sobieski and Wagar
NEGATIVE: McGarry, Barnett and Yodakis

DISCUSSION ITEMS:

Review Year 2003 Annual Report

Motion to Approve and Memorialize the Annual Report:
OFFER: Barnett
SECOND: Burry
AFFIRMATIVE: Bennett, McGarry, Barnett, Burry, Yodakis, Sobieski and Wagar
NEGATIVE: None

The Board discussed whether they wanted term limits for position and By-Laws. After much discussion, it was felt that it was in their best interest to be able to have the discretion to make decisions as they see fit.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett to adjourn the meeting, seconded by Mr. Yodakis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on January 15, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 19, 2004.

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