

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 19, 2006 AT 8:00 P.M.**

Mr. Burry 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: Burry, Sobieski, Barnett, Bennett, Karch, Yodakis, Goubeaud and Saavedra

ABSENT: Wagar

Mr. Benett stated that the Nominating Committee's recommendation was Don Burry as Chairman, Ed Sobieski as Vice-Chairman, Pete Wagar as Secretary and Ruth Leininger as Assistant Secretary.

Motion to Adopt a full slate:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

ABSTAIN: None

Schedule of Zoning Board Meetings for 2006 at 8:00 p.m. in Townhall

Motion to adopt schedule:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Barnett

SECOND: Bennett

AFFIRMATIVE: McGarry, Barnett, Bennett, Sobieski, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Motion to Appoint Zoning Board Attorney, Michael B. Steib, Esq.:

OFFER: Barnetti

SECOND: Karch

AFFIRMATIVE: McGarry, Barnett, Bennett, Sobieski, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Motion to Appoint Landscape Architect, Julie McGowan:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch and Yodakis

NEGATIVE: Goubeaud

Approval of Minutes

Motion to Approve the Minutes of December 15 2005:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

RESOLUTIONS:

Application ZB509 – Cowdry Woods – Block 51, Lot 1 - Hockhockson Road

Memorialization of resolution granting a third, one-year extension of time. The extension will begin January 17, 2006 and expire January 17, 2007.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Application ZB693 - Lopes – Block 17.01, Lot 10.19 – 25 Country Club Lane

Memorialization of resolution granting approval to construct a storage shed in the AG Zone. A variance is required to permit a total lot coverage of 15.62% where 15% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Application ZB702 – LoPiccolo – Block 35.04, Lot 17 – 27 Rimwood Lane

Memorialization of resolution granting approval to construct a two story addition in the A-1 Zone. A variance is required to permit a 6.59% building coverage where 6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Application ZB704 – Kiechlin – Block 29.12, Lot 4 – 29 New Street

Memorialization of resolution granting approval to construct an addition to an existing dwelling in the A-3 Zone. A variance is required to permit a 37.13' front yard setback where 75' is required and 42' currently exist.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Application ZB705 – Buono – Block 23, Lot 5.03 – 5 Brittany Drive

Memorialization of resolution granting approval to construct an addition to an existing single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 6.74% where 6% is the maximum permitted and 6.27% currently exists.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Yodakis

AFFIRMATIVE: Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

Application ZB694 – Ciccone – Block 13, Lot 26 – Heyers Mill Road

Application for two story addition to a single family dwelling in the A-1 Zone. Variances are required to permit a side setback of 38.16' where 40' is required. Time to February 28, 2006

Mr. Todd Cohen, Esq. represented the applicant. Two new items were marked as exhibits – revised plans and an updated zoning review. Mr. Cohen explained they presented an application in front of the Board a few months ago that the Board was very uncomfortable with.

Richard Villano, architect – sworn. The applicant has reconfigured and redesigned the addition and added an elevator to accommodate her parents. There is now only one variance that the applicant is seeking. Open to the public with no comments.

The Board appreciated the applicant reducing the amount of variances and felt the one they needed was de minimis.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Saavedra

AFFIRMATIVE: Burry, Sobieski, Bennett, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

APPLICATIONS: New Business:

Application ZB706 – Powell – Block 33, Lot 39 – 17 Holling Road

Application to construct an inground pool in the A-1 Zone. A variance is required to permit a sideyard setback of 20’ where 40’ is required and a building separation of 15’ where 20’ is required.

Christine Saavedra relcused herself from this application. Four items were marked as exhibits – zoning review, application, survey and revised survey amending the location. Joseph Powell, applicant – sworn. Mr. Powell explained that his children are both on the swim team at the local YMCA and they would like to put a pool in their yard. He has changed the shape of the pool to a rectangle and now only requires one variance, the sideyard setback. Even though this property is over two acres, due to the irregular shape of the property this is the only location the pool could go. The applicant stated he would put landscaping around the pool and property line. Open to the public with no comment.

The Board felt due to the irregular shape of the property and steep slope going down to Mine Brook, limits the locations where the pool could be sited and creates a true hardship. The Board stipulated the applicant the applicant must landscape the property line as stated.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Application ZB707 – Aragno – Block 1.01, Lot 18 – 45 Cover Hill Road

Application for an addition to a single family dwelling and the installation of an inground pool in the A-1 Zone. Variances are required to permit a front yard setback of 73’ from The Enclosure and 48’ from Clover Hill Road where 75’ is required for the addition. Variances are required to permit a front yard setback of 57’ from The Enclosure and 97’ from Clover Hill Road where 100’ is required for the pool.

Mr. Steib, Esq. explained that their was a typographical error in the notices that were sent out and the notice was not acceptable. The applicant will renotice for the February agenda and a resolution will be prepared so in the event the Board does approve this application the resolution can be memorialized.

Application ZB708 – Coyle – Block 21.06, Lot 16 – 19 Hialeah Drive

Application for an addition and front porch to a single family dwelling in the A-1 Zone. A variance is required to permit a rear yard setback of 30’ where 43’ is required.

Six items were marked as exhibits – zoning review, application, plot plan, Board of Health review, Architectural Review report and a series of eleven photographs. Diane and Ed Coyle, applicants – both sworn. The Coyle’s explained that they have a very small bathroom off the master bedroom that only has a shower. They would like to enlarge the bathroom to put in a tub. The extension will only be 12’ and only a portion is within the setback. The property is an irregular shape and abuts the reservoir. Open to the public with no comments.

The Board agreed that the applicant had a hardship with the configuration of the rear property line. Given the fact that the addition is a not excessively large and would abut the reservoir the Board did not have a problem granting the variance.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Burry, Sobiesi, Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: None

DISCUSSION ITEMS:

Review of year 2005 Annual Report. Mr. Anfuso explained that the annual Report now recommends that a certification be provided by a licensed professional stating that the size of a structure and setbacks are correct and in accordance with the plans approved by the Building Department. The Board had also wanted to recommend that Township Ordinances be amended to provide an unobstructed laddering landing area pursuant to National Fire Safety Standards completely around a building. However he was not able to get the information as to what the National Fire Safety Standards are from the Fire Marshall and therefore not included at this time.

The Board discussed the fact that the actual water area of a pool is not included in the total lot coverage calculation. It may impact many existing lots, but they felt this should be studied. It was decided that they would like the Annual Report to be amended to add this before they adopt it.

EXECUTIVE SESSION

Motion to go into an Executive Session:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Burry, Sobieski, Karach, Yodakis, Goubeaud

NEGATIVE: Barnett and Bennett

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:10 p.m. to adjourn the meeting, seconded by Mr. Karch 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 19, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 16, 2006.

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

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 19, 2006 AT 8:00 P.M.**

Executive Session

Roll Call

Present: Burry, Sobieski, Barnett, Bennett, Karach, Yodakis, Goubeaud and Saavedra

Absent: Wagar

Also Present: Mike Steib, Esq., Timothy Anfusio, P.P. and Ruth Leininger

Discussion of matters of pending litigation regarding Laura Sheehy. Mr. Steib, Esq. explained to the Board that Ms. Sheehy is in the process of dismissing the case without prejudice because variances that are required have now changed. A new application will then be filed by the applicant.

A motion was made by Mr. Yodakis to go back into Regular Session, seconded by Mr. Sobieski and unanimously carried.

I hereby certify that the above is a true and exact copy of the Executive Session minutes for the meeting conducted on November 17, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 15, 2005.

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