

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 17, 2007 AT 8:00 P.M.**

Ms. Barnett made a motion to appoint Mr. Yodakis as Acting Chairman seconded by Ms. Saavedra and unanimously carried. Mr. Yodakis called the meeting to order by reading the following statement: "As Acting 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: Barnett, Karch, Yodakis, Goubeaud and Saavedra

ABSENT: Burry, Sobieski, Bennett and Wagar

Ms. Saavedra stated that the Nominating Committee's recommendation was Ed Sobieski as Chairman, Al Yodakis as Vice-Chairman, Ruth Leininger as Secretary and Bruce Bennett as Assistant Secretary. There were no other nominations from the Board and nominations were closed.

Motion to Adopt a full slate:

OFFER: Barnett

SECOND: Saavedra

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

ABSTAIN: None

Schedule of Zoning Board Meetings for 2007 at 8:00 p.m. in Townhall

Motion to adopt schedule:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

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

OFFER: Barnett

SECOND: Saavedra

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Motion to Appoint Landscape Architect, Julie McGowan:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

RESOLUTIONS:

Application ZB727 – Forefront Homes – Block 38, Lot 15.01 – 321 Lakeside Avenue

Memorialization of resolution denying construction of a single family dwelling in the A-1 Zone.

Variations are required to permit a proposed lot area of 68,161 s.f. where 88,000 s.f. is required, proposed zero lot frontage where 300' is required, proposed lot width of 159' where 300' is required and the issuance of a building permit to a lot that does not have frontage on an improved municipal street.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Karch, Yodakis and Goubeaud

NEGATIVE: None

Application ZB734 – Graziano – Block 23, Lot 23.01 – 29 Lake Drive

Memorialization of resolution granting approval to construct an inground pool in the A-1 Zone.

Variations are required to permit a side yard setback of 35' where 40' is required and a pool and deck separation of 10' where 20' is required.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Barnett, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Application ZB733 – Cappello – Block 50, Lot 21 – 92 Obre Road

Memorialization of resolution granting approval to construct first and second story additions, deck covered porch and detached garage in the AG Zone. Variations are required to permit a frontyard setback of 68' where 200' is required and 59' exists, an accessory frontyard setback of 108' where 200' is required, building coverage of 7% where 5% is the maximum and total lot coverage of 20% where 10% is the maximum.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Application ZB738 – Volk – Block 40, Lot 1.04 – 4 Steeplechase Court

Memorialization of resolution dismissing the application without prejudice.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Saavedra

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Memorialization of Zoning Board 2006 Annual Report

Motion to Memorialize the 2006 Annual Report:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

APPLICATIONS: Old Business

Application ZB730 – LoBraico – Block 45.02, Lot 2 – 25 Salem Drive

Application for a second story and rear additions to a single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7.16% where 6.6% is the maximum permitted.

A letter was received from the applicant who has recently retained an attorney. The attorney has a conflict and was unable to attend the meeting this evening and requested to be carried to the February meeting and gave an extension of time to February 28, 2007. This application is carried to February 15, 2007 with no further notice.

Application ZB736 – Gregorio – Block 23, Lot 5.08 – 3 Talleyrand Drive

Application to construct a second story over one story section and a two story addition to an existing single family dwelling in the A-1 Zone. Variances are required to permit a side yard setback of 45.3' where 45.67' is required, a rear setback of 55' where 55.67' is required and a building coverage of 6.58% where 6% is the maximum permitted and 6.17% exists.

Angela and Robert Gregorio, applicants and Frank Montarello, architect all sworn. Four new items were marked as exhibits – Architectural Review letter, Board of Health Review, survey and zoning review. The Gregorio's explained they tried to incorporate all of the Board members concerns while amending their plans. They have reduced the lot coverage from 6.66% to 6.58%, eliminated variances for the side and rear setbacks and resolved the issue with the Board of Health. Open to the public with no comments.

The Board appreciated the applicant had an irregular shaped lot but they did not think there was a significant enough reduction in coverage from the last meeting. The applicants stated they reduced the addition by 20% and if they reduced it any more it would not be feasible, they asked the Board to vote.

Motion to Approve the Application:

OFFER: Saavedra

SECOND: Barnett

AFFIRMATIVE: None

NEGATIVE: Barnett, Karch, Yodakis, Goubeaud and Saavedra

Application ZB737 – Schoch – Block 6, Lot 10.08 – 9 Berkley Place

Application to convert the existing garage into a recreation room and to construct a new garage. Variances are required to permit a building coverage of 6.54% where 6% is the maximum permitted.

Jim Collins represented the applicants. Jennifer and David Schoch, applicants both sworn. Six new items were marked as exhibits – topographic survey, Architectural Review report, eight letters dated December 18, 2006 signed by neighbors, zoning review, plans and a letter from Brielle Orthopedic.

Mr. Collins explained last month they were requesting three variances. They have changed the plans by adding the garage to the back of the home and eliminated the problem with the 90' rule, thus eliminating the need for a front and side setback variance. Mr. Schoch said the new location is where his current well is, he will go through the expense and drill a new well. The only variance now needed is for building coverage. A letter was marked as an exhibit from Mr. Schoch's doctor confirming that having access to his vehicle via an attached garage would greatly help him due to his severe back condition. Open to the public with no comments.

Mike Steib, Esq. cautioned the Board that personal hardships were not to be considered when deciding on a variance. A hardship is to be considered in the context of the property or that the benefits outweigh the detriments. Mr. Collins explained he was showing the hardship of the property was that there was no other alternative to build an attached garage.

The Board grappled with the idea that a two car garage could be built without requiring a variance at all. They felt they were being asked to grant a variance for storage. Mr. Collins said they went with the comments from last months meeting of eliminating problems with the 90' rule and asked this application be carried to the February meeting.

This application is carried to the February 15, 2007 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB741 – Walenczyk – Block 7.17, Lot 5 – 44 Meadowview Drive

Application to construct a rear addition, deck and second story over the garage and a detached garage. Variances are required to permit a building coverage of 7.2% where 6.6% is the maximum permitted and a 3 ½ story house where 2 ½ stories are the maximum permitted.

Brenda and Bill Walenczyk, applicants – both sworn. Six items were marked as exhibits – zoning review, application, architectural elevation, Board of Health comments, updated zoning review and two photos. Before proceeding, Mr. Steib, Esq. announced that after the applicant had sent out all of their notices, it was discovered that another variance was required. He felt the applicants were protected by the clause “any and all other variances that may be required” but he wanted it on the record.

Mr. Anfuso explained the Walenczyk's currently have a walkout cellar, but by adding the addition in the back and extending out the cellar, the grading changes and it becomes a basement, which counts as a story.

The applicants stated they have three children and are running out of room. The addition that is proposed is 722 s.f., that is 252 s.f. over what is permitted. Photos were shown depicting a steep slope in their back yard. Open to the public with no comments.

The variance for a 3 ½ story home where 2 ½ stories are the maximum seemed more of a grading issue and did not bother the Board as much as the building coverage. The applicant requested to come back next month to try and amend their plans. This application is carried to the February 15, 2007 meeting with no further notice.

Application ZB742 – Bender – Block 8, Lot 6.06 – 7 Fulling Mill Lane

Application to retain existing structures. A variance is required to permit a total lot coverage of 24.9% where 20% is the maximum permitted.

A letter was received from the applicant's attorney requesting this application be carried due to a conflict in his schedule. This application is carried to the February 15, 2007 meeting with no further notice.

Application ZB739 – Romano – Block 35, Lot 22.22 – 14 Rivers Edge Drive

Application to permit a shed/accessory structure of 288 s.f. and remove 305 s.f. of existing patio. A variance is required to permit a side yard setback of 15.3' where 40' is required and a total lot coverage of 48.24% where 20% is the maximum permitted and 48.8 % currently exists.

Mario Romano, applicant and A.J. Garito, Engineer both sworn. Six items were marked as exhibits – zoning review, application, shed elevation, variance plan, photoboard with tax map and four photos and a mounted color rendering of the variance plan. Mr. Steib, Esq. noted that the applicant did not send notices to the utility companies, however it is only required for a subdivision or site plan.

Mr. Garito explained Mr. Romano purchased this property from the original developer and built a sports court prior to lot coverage regulations. Three years ago Mr. Romano was in front of the Planning Board and has received approval for what is currently existing, except for the shed that he is now asking to retain. Mr. Romano is willing to remove existing patio so he does not go over the total lot coverage that he was granted permission to retain. Open to the public with no comments.

Mr. Romano explained he placed the shed in the most nonobtrusive spot. There are currently 6' arborvitaes screening the shed; however he is willing to plant whatever the Board prefers. He needs storage for his outdoor patio furniture and Christmas decorations.

The Board appreciated the applicant's willingness to remove existing coverage and trying to work with a bad situation. The Board was uncomfortable with a 15' side yard setback and felt the applicant could look for a better location for the shed. The applicant asked to come back next month. This application is carried to the February 15, 2007 meeting with no further notice.

Application ZB743 – King – Block 12, Lot 2.05 – 28 Cedar Drive

Application to construct a pool cabana. Variances are required to permit building coverage of 1,368.55 s.f. where 900 s.f. is the maximum permitted and a total floor area of 1,655.25 s.f. where 1,200 s.f. is the maximum permitted.

Lawrence King, applicant – sworn. Four items were marked as exhibits – zoning review, application, architectural elevations and survey.

Mr. King told the Board he wants to build a pool cabana with a 900 s.f. footprint but will also have an open overhang over the patio area to be more aesthetically pleasing and offer more shade. The second floor is not a finished area; it is only for access to the deck. Open to the public with no comments.

The Board appreciated what the applicant was trying to do and agreed it was very nice. The Board also appreciated it was placed in a conforming location. However most members felt they could not justify granting a variance for an architectural feature.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Saavedra

NEGATIVE: Barnett, Karch, Yodakis, Goubeaud

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

If Required

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:30 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 17, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 15, 2007.

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