

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 17, 2008 AT 8:00 P.M.**

Mr. Sobieski 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 have 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 Asbury Park Press, and that a copy is on file in the office of the Township Clerk."

Roll Call

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

ABSENT: Wagar and Saavedra

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

Motion to Adopt a full slate:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

ABSTAIN: None

Mr. Yodakis took over the meeting.

Schedule of Zoning Board Meetings for 2008 at 8:00 p.m. in Townhall

Motion to adopt schedule:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

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

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

Motion to Appoint Landscape Architect, Julie McGowan:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

RESOLUTIONS:

Application ZB776 – Strack – Block 5, Lot 1.05 – 13 Eagle Nest Road

Memorialization of resolution granting approval to construct a pool cabana in the A-1 Zone. A variance is required to permit a front yard setback of 30.5' where 150' is required and a side setback of 40' where 50' is required.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Bennett, Barnett, Burry, Karch and Sobieski

NEGATIVE: None

2008 Zoning Board Annual Report

Memorialization of a Resolution approving the 2008 Zoning Board Annual Report

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB732 – Wilson – Block 9, Lot 23 – 23 Blackbriar Drive

Application for a one year extension of time to the approve variance. The extension of time will begin December 21, 2007 and expire December 21, 2008.

Motion to Approve the Extension of Time:

OFFER: Sobieski

SECOND: Barnett

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

NEGATIVE: None

APPLICATIONS: Old Business

Application ZB756 – Pagliano – Block 38, Lot 13 - 240C Swimming River Road

Application to retain an addition and new second floor to a 34' x 24' detached garage. Variances are required to permit a front yard setback of 14.9' where 100' is required, a total floor area of 1,386 s.f. where 1,200 s.f. is the maximum permitted and to allow the issuance of a building permit to a lot that does not front on a municipal street.

Mr. Pagliano clarified with the Board; he did plan on having an attorney represent him. He met with an attorney but ultimately felt he should represent himself. Mr. Pagliano reviewed the tapes from each of the meetings he attended and stated he felt he had a better understanding of what the Board wanted.

He proposed to seal off two walls and only leave a closet for himself upstairs and he took out the storage area downstairs. He can not take the floor joist out because it would compromise the structure, he is only 48' from the active railroad tracks. There is no running water, bathroom or kitchen in the structure.

Open to the public. Robert Adler, Swimming River Road – sworn. Mr. Adler stated he is very pleased with the improvement to the structure and has no objections. He stated Mr. Pagliano is very honest and gives so much to the community, he hoped the Board would approve it.

The Board sympathized with the applicant but felt he came in good faith when he realized there was a problem. The neighbor felt the structure was an improvement over the way it previously looked. Although it is considerably over in coverage, the lots are very small in that area. The Board agreed that Mr. Pagliano could work with the Zoning Officer and make 401 s.f unusable space and place a deed restriction on the property.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Yodakis, Bennett, Barnett, Burry and Goubeaud

NEGATIVE: None

Application ZB774 – Mavica – Block 12.01, Lot 12 – 37 Acorn Place

Application to demolish the existing dwelling, except garage foundation, and construct a new single family dwelling in the A-1 Zone. A variance is required to permit a 3 ½ story dwelling where 2 ½ stories is the maximum permitted.

The applicant has revised plans that do not seem to require a variance. Mr. Anfuso has sent the plans to the Engineer for his review and approval. No comments have been received as of yet, therefore the applicant has requested this application be carried. The application is carried to the February 21, 2008 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB778 – Ioia – Block 51, Lot 14 – 139 Hockhockson Road

Application for a Use Variance to permit two single family dwellings on one lot where a maximum of one dwelling is permitted in the AG Zone.

The applicant retained a lawyer this week and asked for this application to be rescheduled. Mr. Steib, Esq. reviewed service and announced this application is carried to the March 20, 2008 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

If Required

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:30 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, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 21, 2008.

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