

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 19, 2004 AT 8:00 P.M.**

Chairman 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, Burry, Yodakis, Sobieski, Wagar and Goubeaud

Absent: Behrens

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

Approval of Minutes

Motion to Approve the Minutes of January 15, 2004:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

RESOLUTIONS:

Application ZB582 – Vill – Block 7.22, Lot 2 – 15 Mulberry Lane

Memorialization of Resolution granting a one year extension of time to the approved variance. The extension will begin December 19, 2003 and expire on December 19, 2004.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application ZB627 – Thompson – Block 34, Lot 16.08 – 22 Orchard Lane

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Bennett, Burry, Sobieski and Wagar
NEGATIVE: None

Application ZB632 – LaLima – Block 29, Lot 1/1 – 152 Bucks Mill Road

Memorialization of Resolution granting approval to install a 6' high fence in the front yard where 4' is the maximum height permitted.

Motion to Memorialize the Resolution:

OFFER: McGarry

SECOND: Sobieski

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business:

Application ZB628 – Afonso – Block 35.02, Lot 16 – 64 Beaver Dam Road

Application to construct an inground pool in the A-1 Zone. Variances are required to permit a rear setback of 10' where 30' is required and to permit a 12' separation between the pool and the house where 20' is required.

Mr. Anfuso told the Board that he spoke with the applicant and they decided to withdraw the application.

Motion to Dismiss the Application Without Prejudice:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

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. Time to March 20, 2004

A letter was received from the applicant requesting this application be carried to the March meeting. The applicant is working on revised plans but they are not complete yet. Mr. Steib, Esq. announced that this application is carried and will be heard during the March 18, 2004 meeting with no further notice.

APPLICATIONS: New Business

Application ZB635 – Hall – Block 35, Lot 1.09 – 11 Brandywine Lane

Application to construct a two story detached garage. A variance is required to permit a total lot coverage of 21.6% where 20% is the maximum.

Mike Pane, Esq. is representing the applicant. Mr. Pane stated that the architect was unable to make the meeting this evening and they asked to be carried to the March meeting. Mr. Steib, Esq. announced that this application is carried to the March 18, 2004 meeting with no further notice.

Application ZB633 – Wasco – Block 13.01, Lot 3 – 12 Crine Road

Application to construct a second story addition, front porch and rear addition. Variances are required to permit a front setback of 74.4' where 75' is required and to allow a building coverage of 8.14% where 6.6% is the maximum permitted.

Sal Alfieri, Esq. represented the applicant. Six items were marked as exhibits – application, zoning review, plot plan, plot plan with elevations, Architectural Review report and Board of Health review. The applicant wants to renovate an old farm ranch. Ronald Rheume, Architect – sworn. After the addition the home will be approximately 3,800 s.f. which includes a 10' wide wrap around front porch. The home currently has a nonconforming front setback, however the porch exacerbates the problem. Nicoletta Wasco, applicant – sworn. Mrs. Waso explained that they designed the home around the front porch, it was very important to them. Open to the public – Geraldine Villa, Ann Street asked how many windows were in the rear upstairs? Seven How high is the home? 34' Doris Shivloski, Ann Street – sworn. Are they planning on taking out any of the bushes along the property line? They do not have a current landscaping plan, but they have no intention of removing anything, only cleaning up and enhancing the landscaping. Victor Batista, Vic's Landscaping – sworn. Mr. Batista stated that he is the applicants brother and would assure the neighbors that he would provide any landscaping/screening that is required.

The Board felt the home was beautiful, however this is an undersized lot and they were asking for substantial relief of the building coverage. The Board was also very concerned with the front setback and being so close to a busy road. The applicant asked to be carried to the March meeting so that they could try to revise their plans. Mr. Steib, Esq. announced that this application is carried to the March 18, 2004 meeting with no further notice.

Application ZB634 – Faupel – Block 12.2, Lot 5 – 34 Acorn Place

Application to construct a second story on an existing one story ranch and new front porch. Variances are required to permit a front yard setback of 76' where 80' is required and to permit a side yard setback of 36.4' for the second story where 49' is required and 36.4' currently exists for the first story.

Todd Cohen, Esq. represented the applicant. Five items were marked as exhibits – application, zoning review, plot plan, Board of Health review and Architectural Review Committee report.

Ronald Rheume, Architect – sworn. The applicant wants to put a second story over the existing home. The footprint will stay the same, except for a small portico entrance. It is only the steps of the portico that require the front setback variance. The home currently has a nonconforming side setback, since the house is brick you can not step it back. Open to the public with no comments.

The Board felt that the variances being requested were de minimus in nature. As a condition of approval it was required that Board of Health approval must be granted.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

Application ZB636 – Papetti – Block 12, Lot 2.02 – 1 Bellaire Court

Application to construct a detached garage and inground swimming pool. Variances are required to permit a side setback for the swimming pool of 13' where 50' is required and to construct a 1819 s.f. garage where 900 s.f. is the maximum permitted.

Sal Alfieri, Esq. represented the applicant. Five items were marked as exhibits – zoning review, application, site plan with elevations, photoboard with color rendering of site plan with photo and tax map on the back and a photoboard with elevations and seven photos.

A.J. Garito, Engineer – sworn. Mr. Garito explained that the applicant has a hardship due to the configuration of his lot. The property is a corner lot with one conservation easement and one landscape easement which severely limits his buildable envelope. The applicant collects classic cars and is seeking to build a garage to house them. He would be permitted to build two separate 900 s.f. garages without any variances, but they feel it is better planning to build one large structure blending aesthetically with the existing home.

Alfred Papetti, applicant – sworn. Mr. Papetti explained to the Board that he has four children and two are severely autistic. They would like to put in a pool and needs to be visible from the home to ensure the safety of all of his children. Open to the public with no comment.

The majority of the Board felt the pool did not seem to fit on the property. Although the applicant would be permitted to construct two 900 s.f. accessory buildings, they felt that approving an 1819 s.f. garage was much to large. The applicant asked to carry this application to the next meeting so that he could try and rework his plans. Mr. Steib, Esq. announced that this application is carried to the March 18, 2004 meeting with no further notice.

DISCUSSION ITEMS:

The Board discussed the idea of limiting testimony to one hour as is done in several other towns. The Board ultimately felt it should be left to the Chairman of the meeting to run each meeting as they saw fit.

Mr. Steib, Esq. advised the Board that the Bracco case that was appealed was now dismissed. The applicant and their neighbor reached an agreement.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

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

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on February 19, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 18, 2004.

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