

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 15, 2006 AT 8:00 P.M.**

Mr. Sobieski 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 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: Sobieski, Yodakis, Barnett, Bennett, Burry

ABSENT: Karch, Wagar, Goubeaud and Saavedra

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

Approval of Minutes

Motion to Approve the Minutes of December 21, 2006:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett and Burry

NEGATIVE: None

Motion to Approve the Minutes of January 17, 2007:

OFFER: Barnett

SECOND: Yodakis

AFFIRMATIVE: Yodakis and Barnett

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of resolution denying 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Barnett

AFFIRMATIVE: Yodakis and Barnett

NEGATIVE: None

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

Memorialization of resolution denying 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

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Barnett

AFFIRMATIVE: Yodakis and Barnett

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB674 – Grillo – Block 22.07, Lot 27 – 79 Carriage Hill Drive

Request for a one year extension of time to the approved variance. The extension of time will begin on May 19, 2006 and expire May 19, 2007.

The applicant did not come in to pay their fees and therefore was not deemed complete. The request could not be acted on.

Mr. Steib, Esq. announced there was not a quorum of eligible Board members for three applications that were carried from the January meeting. Application 737/Schoch, 741/Walenczyk and 739/Romano all must be carried to the March 15, 2007 meeting with no further notice.

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.

Rocco and Diana LoBraico, applicants – sworn. Mr. LoBraico explained to the Board while constructing an addition to his home that he did have permits for, he tried to fix a problem he had with the roof lines lining up without getting approval from the Township. He spoke with the Zoning Officer several times but apparently misunderstood that the porch being covered counted toward his building coverage. Mr. LoBraico stated he went back to his architect to try and remedy the situation but nothing worked and he did not know what else to do. Open to the public with no comment.

The Board thought the house was very nice, but when looking at it if it was not already built, they did not feel it was something they would approve. Mr. LoBraico granted an extension of time to March 30, 2007 and asked the Board to carry his application to the March meeting. This application is carried to the March 15, 2007 meeting with no further notice.

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 6.23% where 6% is the maximum permitted.

Mr. Collins, Esq. debated with Mr. Steib, Esq. regarding if this application could be heard. Mr. Collins asked to withdraw testimony from the previous hearing, but Mr. Steib disagreed. Mr. Collins granted

an extension of time to March 15, 2007 and this application is carried to the March 15, 2007 meeting with no further notice.

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 6.92% where 6.6% is the maximum permitted and a 3 ½ story house where 2 ½ stories are the maximum permitted.

There was not a quorum of eligible members to hear this application. This application is carried to the March 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 28.44' where 40' is required and a total lot coverage of 78.29% where 20% is the maximum permitted and 48.8 % currently exists.

There was not a quorum of eligible members to hear this application. This application is carried to the March 15, 2007 meeting with no further notice.

APPLICATIONS: New Business:

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

Application to retain existing raised patio and at grade patio. A variances is required to permit a total lot coverage of 24.9% where 20% is the maximum permitted. Time to April 20, 2007

Brian Harvey, Esq. represented the applicant. Thomas Bender, applicant – sworn. Seven items were marked as exhibits – application, survey, zoning review, Architectural Review report, Township Committee minutes from 11/8/06, six photos and a framed aerial photo of the property.

Mr. Harvey explained Mr. Bender purchased this home and built a portion of the patio in the Conservation Easement. They went in front of the Township Committee and received a conceptual approval to retain 1,634 s.f. and convey 2,086 s.f. to the Township as a conservation easement.

Mr. Bender explained he hired a local contractor to build the patio and pool and thought all permits were taken out and permission was granted for all work. His contractor told him pavers were part of landscaping and did not need permits.

The patio only has a passive use and can not be seen from the street or neighbors. Mr. Bender told the Board he is guilty of being ignorant and naïve, coming from a town that does not have lot coverage. The only way they could conform would be to rip out 2,500 s.f. area.

Open to the public with no comments. The Board felt for the applicant and his situation and again feel the contractor puts the applicant and Board in a bad position. But the fact remains they are 25% above the permissible lot coverage.

Mr. Harvey requested that they come back next month and see what they may be able to do to reduce some of the coverage. This application is carried to the March 15, 2007 meeting with no further notice.

Application ZB726A – Condon – Block 48, Lot 21.17 – One Blossom Hill

Application to Amend Special Condition No. 1 of the Resolution of Approval to permit a 5' fence 60' from Yearling Path where 91.6' is required for a 5' fence.

Jill and Kevin Condon, applicant – both sworn. Five items were marked as exhibits – zoning review, application, survey, Board of Health review and Resolution dated October 19, 2006.

The Condon's explained the Board granted a variance to install a five foot pool fence because they have three front yards in September. However when they received this approval, they did not understand they would have to maintain a 91.6' setback from Yearling Path. They said the fence would be very close to their existing patio making the area very small. Open to the public. Joe Austin, 21 Yearling Path – sworn. Mr. Austin stated the fence is very attractive and astatically pleasing. He appreciates the Condon's concern for safety and supports the application.

The Board stated they gave the applicant what they had requested in September because by not going beyond the house line (91.6') it was not that visible from the street. However the members agreed that if this was what the applicants had requested back in September they would not grant approval for this location.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Barnett

AFFIRMATIVE: None

NEGATIVE: Sobieski, Yodakis, Barnett, Bennett and Burry

Application ZB744 – Reisinger – Block 7.12, Lot 7 – 12 Ridge Road

Application to construct an addition and renovation to an existing dwelling in the A-2 Zone. A variance is required to permit a building coverage of 7.13% where 6.6% is the maximum is permitted.

Jennifer and Jeff Reisinger, applicants – sworn. Seven items were marked as exhibits – zoning review, application, site plan/floor plan, two Board of Health reviews, Architectural Review report and a board mounted floor plan.

The Reisinger's stated they purchased this home with plans to renovate it. After the architect drew the plans he informed them their building coverage was 8.6% and they would have to get a variance. They renovated the plans and thought they were good, 6.6% and then found out that the covered porch also counted, putting them over. Open to the public with no comment.

The Board appreciated the applicant reducing their original plans, however they still thought 7.13% was a little to high. The applicant requested to come back to see what other concessions they could make. This application is carried to the April 19, 2007 meeting with no further notice.

Application ZB745 – Solomon – Block 7, Lot 4.08 – 7 Pacer Court

Application to install a propane generator in the AG Zone. Variances are required to permit a front yard setback of 20' where 200' is required and a side yard setback of 15' where 40' is required.

Marc Solomon, applicant and his contractor Tony Hobun both sworn. Five items were marked as exhibits – zoning review, plot plan, application, Board of Health review and Architectural Review report.

Mr. Solomon explained his property is a corner lot on a cul-de-sac. There is a very steep slope along with an electrical box on this southwest corner where he is proposing the generator be installed. The generator will be put into the side of the existing hill and hidden with landscaping. It was explained they chose this location because they can tie into the existing electrical box. This generator will only be used for emergency purposes. The specifications regarding the noise state it is louder than a normal conversation and below the level of a lawnmower. Open to the public with no comment.

The Board felt the applicant could eliminate the side yard setback. The applicant agreed to maintain a 40' sideyard setback. The Board felt due to the topography of the property, building the generator into the existing slope and adding landscaping made sense. However the Board stipulated the generator is only to be used for emergency use and routine maintenance.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett and Burry

NEGATIVE: None

Application ZB746 – Austin – Block 48, Lot 21.14 – 21 Yearling Path

Application to construct a two story addition in the AG Zone. Variances are required to permit a front yard setback of 85' where 105' is required and a side yard setback of 62' and 60' where 80' is required.

Jill and Jim Austin, applicants – sworn. Eight items were marked as exhibits – zoning review, application, elevation and floor plans, two memos from the Board of Health, Architectural Review report, three photos and a survey showing the nonconforming area.

Jill Austin explained that her sister has MS and it has progressed to the point that she can not live on her own anymore. They want to construct a wheelchair assessable addition to their home so she can move it with them. She also needs access to the garage and she requires a minimum distance of 20' from a vehicle to the wall so she will be able to get into a vehicle. The location of the addition will not be visible from the street. Open to the public with no comment.

The Board felt this was a reasonable request. There really is not any other alternative for the applicant to get what they need to help her sister. They conform to the requirements for both building and lot coverage.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett and Burry

NEGATIVE: None

DISCUSSION ITEMS:

The Board again discussed the ongoing problem of contractors doing work and not getting permits.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:30 p.m. to adjourn the meeting, seconded by Mr. Bennett 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 15, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 15, 2007.

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