

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 18, 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, Barnett, Yodakis, Sobieski, Wagar and Goubeaud

Absent: McGarry, Behrens and Burry

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

Approval of Minutes

Motion to Approve the Minutes of February 19, 2004:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution dismissing the application without prejudice.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Bennett, Barnett, Yodakis, Sobieski and Wagar

NEGATIVE: None

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

Memorialization of Resolution granting approval to construct a second story on an existing ranch and new front porch. Variances are required to permit a front setback of 76' where 80' is required and to permit a side setback of 36.4' for the second story where 49' is required.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Sobieski

AFFIRMATIVE: Bennett, Barnett, Yodakis, Sobieski and Wagar

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business:

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.

Mr. Steib, Esq. told the Board that a letter was received from the applicant asking for this item to be carried to the April meeting and gave a 30 day extension of time. A motion was made by Mr. Wagar to carry the application and seconded by Mr. Sobieski and unanimously carried. Mr. Steib announced that this application is carried to the April 15, 2004 meeting with no further notice.

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.

Mr. Steib, Esq. told the Board that a letter was received from this applicant asking for this item to be carried to the April meeting. A motion was made by Mr. Sobieski to carry the application and seconded by Mr. Wagar and unanimously carried. Mr. Steib announced that this application is carried to the April 15, 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 66.4' where 75' is required and to allow a building coverage of 7.07% where 6.6% is the maximum permitted.

Four new items were marked as exhibits – an updated zoning review, Architectural Review Committee report, revised plot plan and a letter from architect Ron Rheaum. Mr. Mark Wasco – sworn. Mr. Wasco explained that the home was scaled down and the front porch was reduced, this brought the principal coverage down to 7.07% from 8.14% that they were requesting at the previous meeting. Mr. Wasco stated that they needed the porch so that the home did not look like a colonial. Open to the public with no comments. The Architectural Review Committee was pleased with the new plans and felt that it now fit in with the neighborhood much better. The front of the home is currently nonconforming because it is too close to the street. The Board felt that the applicant made a substantial effort to bring the plans into conformity. Since the porch was open it tended to soften the appearance of the house, the Board found this acceptable.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

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 permitted.

Mr. John Giunco, Esq. represented the applicant. Len Martelli, Architect and Mark Hall, applicant both sworn. Five items were marked as exhibits – the zoning review, application, survey plan and floor plan, report from Board of Health and report from Architectural Review Committee.

Mr. Martelli explained that he was retained to design a three car garage with a home office space on the second story. The existing driveway had to be lengthened to reach the new garage. The exterior of the garage will match the existing home. The garage itself was conforming but by extending the driveway the lot coverage was increased. Mr. Hall explained to the Board that his three children all have cars now and he felt that it was aesthetically much more pleasing to have a matching structure than three cars in the driveway. The home office will have no employees, deliveries, patrons or business invitees coming to the property. Mr. Hall also confirmed that the home office would only be for his own personal use and it would not be converted to living space. There would be a half bath consisting of only a toilet and sink, the area would be heated but would not have air conditioning. Open to the public. Dan Abbatemarco, 14 Brandywine Lane – sworn. Mr. Abbatemarco stated that he lives directly across the street from the Hall's. He felt the plans were pleasing and was confident that it would be done quickly. Mr. Mike Coleman, 13 Brandywine Lane – sworn. Mr. Coleman told the Board that he lives next to the Hall's, on the side where the garage is proposed. He has seen the plans and is in support of the application. He felt with the existing screening it would have no impact on him.

Mike Steib, Esq. wanted it noted on the record that the plans that were turned in to the Zoning office say “unfinished space” on the second story. The notices that were sent out did not specify a home office upstairs, the applicant wished to proceed at their own risk. The applicant agreed to clarify the plans that will be turned in for building permits.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Sobieski

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

NEGATIVE: None

Application ZB637 – Herman – Block 7.07, Lot 8 – 4 Georgetown Road

Application to construct a one story addition to a single family dwelling in the A-2 Zone. A variance is required to permit a front setback of 64' to Maple Drive where 75' is required.

Albert Herman, applicant – sworn. Eight items were marked as exhibits – zoning review, application, narrative, survey, photo of residence, elevation renderings, photo with proposed addition and a photograph showing Maple Drive.

Mr. Herman explained that his purpose in adding onto the home is to increase the size of the kitchen. The proposed plan is to combine the existing kitchen and dining room into one larger kitchen and to add a new dining room. The location of the dining room is limited since it needs to be accessible to the kitchen. Open to the public with no comment.

The applicant has a hardship since the lot is a corner lot and has two front yards. The front yard setback is met from Georgetown Road, but falls short on Maple Drive. If a side yard setback of 40' were required this application would comply. Photos were shown of the side of the yard facing Maple Drive that is well screened and sloped. The Board agreed that this addition was de minimis.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Yodakis

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

NEGATIVE: None

Application ZB631 – Findel – Block 16, Lot 61.01 – 104 Cedar Drive

Application to retain existing entrance walls. Variances are required to permit entrance piers that are 15' in length where 2.5' is the maximum length permitted, entrance piers that are 6.6' and 6.5' in height where 6' is the maximum height allowed for piers that are within 30' of the street and entrance piers that are 10.6' and 10.7' in height where 7' is the maximum height allowed for piers that are 30' or more from the street.

Donna Russo, Esq. represented the applicant. Ms. Russo was in attendance to request a 60 day adjournment of this application and to request an extension of time. She stated that the property had many issues and with the recent change to the ordinance they needed more time to evaluate the situation.

The Board was very concerned that this application was originally deemed complete in November 2003 and placed on the agenda. The applicant had asked to be carried three times and notice was never given to the adjoining property owners. The Board felt that the applicant had adequate time to come before them. Since the applicant never noticed it was obvious that they did not plan on proceeding. The Board dismissed this application without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Sobieski

SECOND: Wagar

AFFIRMATIVE: Bennett, Yodakis, Sobieski, Wagar and Goubeaud

NEGATIVE: Barnett

Application ZB638 – Shapero – Block 35, Lot 35 – 10 Beaver Dam Road

Application to construct a new front portico. A variance is required to permit a front setback of 74' where 80' is required.

Allen Shapero, applicant – sworn. Four items were marked as exhibits – zoning review, application, survey and detail of portico. Mr. Shapero was requesting to construct a portico over his existing front steps. This is a decorative feature that will be open. It will not extend past the existing steps. Open to the public with no comments. The Board agreed that this variance was de minimis in nature.

Motion to Dismiss the Application Without Prejudice:

OFFER: Barnett

SECOND: Wagar

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

NEGATIVE: None

Application ZB639 – Montefusco – Block 34, Lots 16.20 & 16.21 – 43 Orchard Lane

Application for Preliminary & Final Major Subdivision with Variances and Use Variance for a two lot subdivision in the AG Zone.

Rick Brodsky, Esq. represented the applicant who is the contract purchaser. A.J. Garito, Engineer – sworn. Ten items were marked as exhibits – application, survey, minor subdivision plat, report from Township Engineer, report from Township Planner, Shade Tree Commission report, two Township Landscape Architect reports, Environmental Commission report and color rendering sheet one of one.

Mr. Garito explained that Mr. Pancetti owns two adjoining lots on Orchard Lane. One lot is vacant and the other has his home and a pool. Since this street is now in the AG zone, both of these lots are now considered undersized and have the same ownership, by ordinance they have merged. They wish to resubdivide the properties and reestablish the property line. Variances are required to retain Mr. Pancetti’s existing home and pool which do not conform to the AG zoning regulations. Variances are being requested for the vacant lot so that a home could be built conforming to the A-1 cluster provisions.

Mr. Anfuso clarified that the Master Plan that was recently adopted by the Planning Board recommended that Orchard Lane be rezoned to A-1 cluster. The process is that the Township Committee would have to adopt an ordinance to do so. This process would include having a draft ordinance that would have to be introduced at the Township Committee meeting and heard again at the following meeting. This process could take a month or two depending on the outcome of discussions. Mr. Brodsky reminded the Board that his applicant was the contract purchaser and they were not sure if they had the luxury of that much time. The Board was very reluctant to grant so many variances when this problem could solve itself by the ordinance changing. Mr. Brodsky asked for this application to be carried to the next meeting.

This application is carried to the April 15, 2004 meeting with no further notice.

DISCUSSION ITEMS:

Chairman Bennett requested that the outcome of the Board’s decisions be passed on to the Code Enforcement Officer.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:00 p.m. to adjourn the meeting, seconded by Mr. Yodakis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on March 18, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 15, 2004.

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