ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 17, 2005 AT 8:00 P.M.

Ms. McGarry 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: McGarry, Burry, Bennett, Wagar, Yodakis, Goubeaud and Saavedra

Absent: Barnett and Sobieski

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

Approval of Minutes

Motion to Approve the Minutes of February 17, 2005:
OFFER: Burry
SECOND: Saavedra
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar, Yodakis, Goubeaud and Saavedra
NEGATIVE: None

RESOLUTIONS:

Application ZB663 – Pereira – Block 13, Lot 2 – 60 Crine Road
Memorialization of Resolution granting approval to construct an addition to a single family dwelling on an undersized lot of record in the A-1 Zone. A variance is required to permit a side yard setback of 24' where 27' is required.

Motion to Memorialize the Resolution:
OFFER: Wagar
SECOND: Burry
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar, Goubeaud and Saavedra
NEGATIVE: None

Application ZB668 – Visingardi – Block 33, Lot 9 – 33 Muhlenbrink Road
Memorialization of Resolution granting approval to convert existing single car garage into living space and construct a new garage in the A-3 Zone. A variance is required to permit a building coverage of 7.5% where 6.6% is the maximum permitted.

Motion to Memorialize the Resolution:
OFFER: Wagar
SECOND: Burry
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

<u>Application ZB669 – Mazzola</u> – Block 10, Lot 41 – 23 Partridge Way
Memorialization of Resolution granting approval to construct an addition to a single family dwelling in the A-1 Zone. A variance is required to permit a front yard setback of 77.3' where 81' is required and 77.3' exists.

Motion to Memorialize the Resolution:
OFFER: Burry
SECOND: Yodakis
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar, Yodakis, Goubeaud and Saavedra
NEGATIVE: None

<u>Application ZB670 – Merola</u> – Block 51, Lot 2.39 – 1 Secretariat Drive
Memorialization of Resolution granting approval to construct an inground pool in the AG Zone. A variance is required to permit a front yard setback from Squan Song Lane of 164' where 200' is required.

Motion to Memorialize the Resolution:
OFFER: Wagar
SECOND: Saavedra
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar, Yodakis, Goubeaud and Saavedra
NEGATIVE: None

<u>ADMINISTRATIVE ITEMS:</u>

None

<u>APPLICATIONS: Old Business:</u>

<u>Application ZB666 – Mahoney</u> – Block 22.05, Lot 5.01 – 6 Parkwood Lane
Application to construct a raised patio (34' x 64') in the A-1 Zone. A variance is required to permit a rear yard setback of 48' where 79' is required.

A letter was received from the applicant's attorney stating that they have submitted new plans that were approved by the Zoning Department. Therefore the applicants wish to withdraw the application without prejudice.

<u>APPLICATIONS: New Business</u>

<u>Application ZB672 – Caruso</u> – Block 51, Lot 2.38 – 2 Secretariat Drive
Application to construct a one story addition to an existing single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 120' where 121' is required and to permit side yard setbacks of 62.7' and 85' where 96' is required.

Dennis Collins, Esq. represented the applicant. Seven items were marked as exhibits – zoning review, application, site plan, report from Fire Prevention Bureau, front/side elevations and two photoboards. Carmine Caruso, applicant – sworn.

Mr. Caruso told the Board that he was one of the original owners on this street purchasing the property in 1999 and building a home in 2000. At that time there was a deed restriction that the home could not be more than 5000 s.f. This is no longer valid and his home is one of the smallest. He would like to construct a 1100 s.f. one story addition, which would be a media room. Due to the irregular shape of the lot, the 90' rule comes into play. The septic is in the rear property and the way the home is configured an addition could not go anywhere else without great expense. Open to the public with no comments.

The Board felt the applicant had a hardship with the configuration of the lot, it was irregularly shaped. Even though it was 4.9 acres, the addition could not be placed anywhere else. The home with the addition was in character with the neighborhood and did not exceed either building or lot coverage.

Motion to Approve the Application:
OFFER: Wagar
SECOND: Burry
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar, Yodakis, Goubeaud and Saavedra
NEGATIVE: None

<u>Application ZB673 – Owens</u> – Block 48, Lot 23.22 – 2 Mallet Hill
Application to relocate a hot tub and construct a new 6' fence and entrance piers in the AG Zone. Variances are required to permit a hot tub front setback of 115' where 124' is required and a building separation of 14' where 20' is required. A variance is also required to permit 6' fence in a front yard where 4' is the maximum permitted.

Carolyn Casagrande, Esq. represented the applicant. Six items were marked as exhibits – zoning review, application, report from Fire Prevention Bureau, variance plan, two photos and an architectural drawing.

Jimmy Dumas, Architect and Planner – sworn. Mr. Dumas explained that even though the applicant owns 9 ½ acres, the property has frontage on Mallet Hill, Rancho Polo and Route 537 requiring the hot tub to be set back 124' from the side of the home, Rancho Polo. Although the spa could be moved from the home to meet the required separation, the architecture of the home and layout of the property make the proposed location much more feasible. The request for a six foot fence is due to security and privacy issues.

The Board did not see any benefits of approving a six foot fence, it was felt that the privacy issues could be addressed with landscaping and a four foot fence. The applicant withdrew the request for the six foot fence.

The Board did understand a hardship that the property owner had with the unique shape of the property.

Motion to Approve the Amended Application:
OFFER: Burry
SECOND: Wagar
AFFIRMATIVE: McGarry, Burry, Bennett, Wagar and Saavedra
NEGATIVE: Yodakis and Goubeaud

<u>Application ZB674 – Grillo</u> – Block 22.07, Lot 27 – 79 Carriage Hill Drive
Application to construct an addition and renovate an existing single family dwelling in the A-1 Zone. Variance are required to permit a front yard setback of 75.8' where 90' is required, a side yard setback of 48.4' where 55' is required, a building separation of 5' where 20' is required and a building coverage of 8% where 6% is the maximum permitted.

John Giunco, Esq. represented the applicants. Ten items were marked as exhibits – zoning review, application, Fire Prevention Bureau report, sketch plat with proposal, Architectural Review report, a photoboard of the residence and neighbors, artist rendering, aerial photo and photos of Lot 18.

William Kaufman, Architect – sworn. Mr. Kaufman told the Board that the Grillo's have a growing family and needed more room. The neighborhood is in the process of starting to update the homes but still retaining the charm of the neighborhood. Mr. Kaufman reviewed the architectural plans. Open to the public with no comments.

Andrew Janiw, Planner – sworn. Mr. Janiw explained that the setbacks are not being met due to the 90' rule. The homeowners are not able to put the addition in the rear because that is where the septic is. There is a very dense buffer with mature landscaping between the Grillo's home and the adjoining neighbors. Although they are requesting a building coverage of 8%, approximately 1.31% is an open porch. Mr. Janiw felt that the result of the open porch minimized the impact of the home, so as not to appear as overdevelopment, thus being consistent with the Master Plan.

Open to the public. Andrew Lenza, 83 Carriage Hill Drive – sworn. Mr. Lenza stated that he was the adjoining neighbor that would be most impacted by this addition. He liked the design and felt the plans were very tasteful. Peter Elliott, 87 Carriage Hill Drive – sworn. Mr. Elliott felt the plans were excellent and was very happy with the transformation. Mary Beth Tomaro, 28 Carriage Hill Drive – sworn. Ms. Tomaro was very impressed with the effort the Grillo's made to reach out to all of the neighbors. She felt the renovation still keeps the home in character with the older neighborhood.

The Board agreed that the proposed plans were beautiful but could not get past the fact that they were still asking for a variance to permit building coverage 2% above what is permitted. The Board felt the plans could be reworked.

The applicant requested this application be carried to the April meeting. This application is carried to the April 21, 2005 meeting with no further notice.

<u>DISCUSSION ITEMS:</u>

None

<u>EXECUTIVE SESSION</u>

None

MOTION TO ADJOURN

A motion was made by Mr. Burry at 10:10 p.m. 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 March 17, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 21, 2005.

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