

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 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, Burry, Karch, Wagar, Goubeaud and Saavedra

ABSENT: Barnett and Bennett

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

Approval of Minutes

Motion to Approve the Minutes of February 15, 2007:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Yodakis and Burry

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of resolution denying 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis and Burry

NEGATIVE: None

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

Memorialization of resolution granting approval to install a propane generator in the AG Zone. A variance is required to permit a front yard setback of 20' where 200' is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Yodakis and Burry

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis and Burry

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.

This is the first extension request for this application. Mr. Anfuso confirmed there have not been any zoning changes that would effect this application and also told the Board the applicant has turned in plans for an addition that are totally conforming. It is his understanding that although he has approved their plans they do not have building permits yet and they do not want to let their variance protection go until they have building permits in hand.

Motion to Approve the Extension of Time:

OFFER: Wagar

SECOND: Karach

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB676 – Colts Neck Reformed Church – Block 29.01, Lots 13 & 14 & Block 29.13, Lots 6, 8, & 17 – 66 Route 537 West

Request for a one year extension of time to the approved variance. The extension of time will begin on April 20, 2007 and expire April 20, 2008.

Bill Perkinson spoke on behalf on the Reformed Church when the Board asked the reason they required an extension of time. Mr. Perkinson stated there was some confusion regarding fulfilling all of the conditions of approval. At this time they are waiting for the Township Engineer’s approval as well as county approval which they anticipating shortly. Mr. Anfuso confirmed there have not been any zoning changes that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Wagar

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB728 – Sheehy – Block 8, Lot 9 – 60 Conover Road

Request for a six month extension of time to remove the second floor of the interior of the structure and record a deed restriction that restricts the garage from having a second interior story. The extension of time will begin on March 16, 2007 and expire September 16, 2007.

John Giunco, Esq. represented the applicant. Mr. Giunco stated the applicant came to him a few weeks ago stating they were not able to get a contract underway due to the weather and they required an extension of time. When asked the status of the deed restriction – it has not been filed.

The Board felt that even if the weather prohibited the construction the deed restriction still could have been filed. Mr. Giunco explained they would like to request a deviation of the approval but this is something that requires notice, and they have not done. The Board granted a two month extension requiring the applicant to appear in front of them at the April meeting.

Motion to Approve the Extension of Time:

OFFER: Wagar

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Wagar, Goubeaud and Saavedra

NEGATIVE: None

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.

Mr. LoBraico was not in attendance yet; the Board pushed this item to the end of the agenda.

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. represented the applicant. Two new items were marked as exhibits – revised plans and revised zoning review. Mr. Collins explained the applicant has eliminated the original front and side yard set backs that were being requested and have reduced the building coverage from 6.54% to 6.23%. Open to the public with no comments.

The Board appreciated the applicant working with them and substantially reducing the variances.

Motion to Approve the Application:

OFFER: Burry

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Goubeaud and Saavedra

NEGATIVE: None

Application ZB741 – Walencyk – 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.

Brenda and William Walenczyk, applicants – both sworn. Three new items were marked as exhibits – elevation drawings, Architectural Review letter and a revised zoning review. The Walenczyk’s explained they currently have a walkout basement. They have reduced the sized of their proposed addition which brings down the requested building coverage from 7.2% to 6.92%. The addition will go over an existing deck that is larger than what they are proposing and will be completely removed. Open to the public with no comments.

The Board felt the applicants have a unique problem with the grading of their property and they did a good job reducing the coverage.

Motion to Approve the Application:

OFFER: Saavedra

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Goubeaud and Saavedra

NEGATIVE: None

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 47.29% where 20% is the maximum permitted and 48.8 % currently exists.

A letter was received from the applicant’s Engineer stating he had a conflict and was not able to attend the meeting this evening. This application was carried to the April 19, 2007 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB747 – Vukovich – Block 48, Lots 25.01 & 26 – Route 537

Application to retain an accessory structure that requires a variance to permit a building height of 31’8” where 25’ is the maximum height permitted in the AG Zone. Time to May 31, 2007

John Giunco, Esq. represented the applicant. Seven items were marked as exhibits – zoning review, application, site plan, elevation/floor plan, Board of Health Review, Architectural Review comments and a photoboard with six photos on one side and six photos and two aerials on the other side. Jack Wright, Polo Builders Architectural Designer and Andrew Janiw, Planner both sworn.

Mr. Wright explained to the Board that the current owner purchased this property in 2002 with the main house and accessory structure in question both constructed. There were many problems with the house that they addressed first and then they had the fire. Now that they have turned their attention to the accessory building they found that it exceeds the permissible building height. It is Mr. Wright’s opinion that the height of the building was inkeeping with the scale of the main house that is 47’ in height.

Mr. Janiew testified the structure is unobtrusive to neighbors and can not be seen behind the main house that is on a 63 acre farm. The applicant also owns the 100 acre farm that is adjacent. The accessory structure is 260’ from the closest lot line. Open to the public with no comments.

The Board felt the height of the structure is proportionate with the property and house and suits the property. The Board did want to make sure that the Fire Marshall did not have any comments and restrict the use of the second floor to only attic space.

Motion to Approve the Application:

OFFER: Wager

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB748 – Ivanicki – Block 7.21, Lot 27 – 28 Provincial Place

Application to construct a front and rear addition in the A-2 Zone. A variance is required to permit a 72' front yard setback where 75' is required.

Lisa and Robert Ivanicki, applicants – both sworn. Six items were marked as exhibits – zoning review, application, Board of Health comments, survey, elevations and Architectural Review comments.

Lisa Ivanicki explained they are adding an addition to gain living space which does not require a variance. However the home is a Cape Cod style and they wish to add a front porch. By adding the porch they encroach 3' within the permissible front yard setback. Open to the public with no comments. The Board felt the porch was de minimis.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB749 – Constantinou – Block 34, Lot 16.23 – 31 Orchard Lane

Application to construct a rear addition and reconstruct a pool patio in the A-1 Zone. A variance is required to permit a building separation of 17.5' where 20' is required.

This applicant did not notice for this application. The applicant will have to notice for the April 19, 2007 meeting.

Application ZB751 – Scannelli – Block 51, Lot 6 – 39 Water Street

Application to add a second story to an existing single family dwelling and construct a two story addition in the A-1 Zone. A variance is required to permit a 45' front yard setback where 75' is required and 45' currently exist and a 20' side yard setback where 34' is required.

Vince and Gina Scannelli, applicants – both sworn. Six items were marked as exhibits – zoning review, application, photo, site plan/floor plan, Board of Health review and Architectural Review report.

Mr. Scannelli explained the current home is an old one story ranch that is on a half acre lot. They wish to add a 10' x 27' addition out the back addition along with a second floor making the home about 2700 s.f. There is a creek that runs behind the property further restricting the building envelope. Open to the public with no comments.

The Board felt that due to the hardship of the odd shape of the lot, the current location of the existing home and the restraint of the wetlands the application was reasonable. The house would still be a modest size and would not overwhelm the property.

Motion to Approve the Application:

OFFER: Saavedra

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch, Wagar, Goubeaud and Saavedra

NEGATIVE: None

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.

Mr. LoBraico met with Mr. Anfuso and had a plan he wanted to present in front of the Board this evening. Due to time restraints the Board was forced to act on this application. The Board felt something unforeseen must have happened and dismissed the application without prejudice granting 30 days for the applicant to reinstate the application.

Motion to Dismiss the Application Without Prejudice:

OFFER: Goubeaud

SECOND: Saavedra

AFFIRMATIVE: Yodakis, Burry, Goubeaud and Saavedra

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Burry at 9:30 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 15, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 19, 2007.

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