

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 20, 2008 AT 8:00 P.M.**

Mr. Yodakis 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: Yodakis, Bennett, Barnett, Burry, Karch, Sobieski (5 minutes late), Wagar and Goubeaud

ABSENT: Saavedra

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

Approval of Minutes

Motion to Approve the Minutes of February 21, 2008:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Yodakis, Bennett, Barnett, Burry, Karch, Wagar and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB774 – Mavica – Block 12.01, Lot 12 – 37 Acorn Place

Memorialization of resolution Dismissing the Application Without Prejudice

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Barnett, Burry, Karch, Wagar and Goubeaud

NEGATIVE: None

Application ZB779 - Abramova – Block 17.01, Lot 17 – 35 Country Club Lane

Memorialization of resolution to install a 5' pool fence. A variance is required to permit a 5' fence in the front yard where 4' is the maximum height permitted.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Yodakis, Bennett, Barnett, Burry, Karch and Wagar

NEGATIVE: None

Application ZB784 – Welsh – Block 45.01, Lot 3 – 96 Hominy Hill Road

Memorialization of resolution to construct a two story addition in the A-1 Zone. A variance is required to permit a front setback of 72’ where 75’ is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Yodakis, Bennett, Barnett, Burry, Karch and Wagar

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

Application ZB775 – Skudera – Block 41, Lot 26 – 25 Kathleen Drive

Application to construct two additions and a front porch to an existing home in the A-1 Zone. A variance is required to permit a front yard setback of 72’ where 78’ is required and a building coverage of 7.6% where 6.6% is the maximum.

Five new items were marked as exhibits – zoning review, revised plan, revised architectural plan, two photos and a letter to the Board of Health. Jeff Gale, Esq. represented the applicant. Mr. Gale explained the applicant has reduced the addition as much as is feasible. The adjoining property owner is pleased with the plans. The property is an undersized lot and the applicant would be permitted to build two accessory garages. Mr. Gale said the applicant is willing to deed restrict the property that they would not add 800 s.f.

Kevin Skudera, sworn. Mr. Skudera stated the house does not have a basement so they are looking for storage, garage and a 72 s.f. front porch. They have reduced the depth of the front porch and garage by one foot. They have also satisfied the Health Officer.

Open to the public with no comment. The Board appreciated the time and effort the applicant put into reducing the house, however they still thought it was excessive.

Mr. Gale, Esq. asked to bifurcate the application. They are only requesting a variance for the 72’ front setback to construct a 7’ x 28’ front porch and are withdrawing the other variance.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Bennett

AFFIRMATIVE: Bennett, Barnett, Burry, Karch, Wagar and Goubeaud

NEGATIVE: None

APPLICATIONS: New Business:

Application ZB782 – Doyle – Block 51, Lot 2.14 – 30 Deputy Minister Drive

Application to construct a great room addition, porches and rear patio to an existing home in the AG Zone. A variance is required to permit front yard setback of 81’ where 87’ is required and 81’ currently exists.

Five items were marked as exhibits – zoning review, application, site plan, Architectural Review comments and two photos. Leigh Doyle, applicant and Joe Visciano, builder both sworn. Ms. Doyle stated her home is the smallest home on the street and she wants to make it beautiful. Since her home is rotated on the property the 90’ rule comes into play and increases all of her setbacks. Open to the public with no comments.

The Board felt the addition was strictly to the rear of the home and did not impact the front at all. The homes are all very large and well maintained on this street and this will be an asset to the property.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

Application ZB778 – Ioia – Block 51, Lot 14 – 139 Hockhockson Road

Application for a Use Variance to permit two single family dwellings on one lot where a maximum of one dwelling is permitted in the AG Zone.

Sixteen items were marked as exhibits – zoning review, application, survey, 13 photos, survey, Board of Health comments, Fire Prevention comments, Planner’s report, Resolution accepting performance guarantee, affidavit from Mr. Ioia, Architectural Review comments, correspondence from Mr. Giunco, Esq., Historical Preservation Committee comments, letter from Historian Gail Hunton and two photoboards each with two photos.

John Giunco, Esq. represented the applicant. Joseph Ioia, applicant – sworn. Mr. Ioia explained he purchased the property in 2004 with multiple dwellings. They liked the property and wanted to keep the old historic house and build a new home, barn and paddocks because he breeds horses. Mr. Ioia stated he did not know the old home had to come down until a few months ago. He tried to buy property from the adjoining property owners to no avail. If he had 15 acres he would be considered a farm and it would be allowed to stay, however he only has 10 acres. Mr. Anfuso asked Mr. Ioia about the performance guarantee that he posted for the demolition of the house – Mr. Ioia stated he thought it was for the other ranch house that was taken down.

Open to the public with no comments. Stephen Kutch, Planner – sworn. Mr. Kutch stated the Master Plan suggests the preservation of historic sites. This is a very unique situation and feels it would be for the public good to save the historic home. The applicant will remove the kitchen and limit the use to a guest house, not a principal residence.

Open to the public. Robert Squillare, 60 Obre Road – sworn. Mr. Squillare stated he is an insurance agent with Chubb Insurance and insured this property. The home had to be insured as a historic home.

John Kissel, 143 Hockhockson Road – sworn. Mr. Kissel said his family has lived here since 1928. He felt home like this need to be preserved as a part of our heritage and country. Sam Famosca, Colonial Farms – sworn. This is American Apple Pie. If it is destroyed we will never see it again.

The Board was very conflicted whether the house is historic. The Board wanted the applicant to bring Gail Hunton, Historic Preservation Specialist, to the meeting because they had questions for her. A letter was received from Ms. Hunton but she was unable to attend the meeting. Mr. Giunco stated he was not sure Ms. Hunton could attend the May meeting and they wanted to finish the application this evening. The Board offered to hold a special meeting to try and accommodate the applicant.

Mr. Giunco stated the applicant has decided to withdraw the application and they would knock down the home because the Board would not decide upon the application tonight. The Board carried the application to the May meeting to give the applicant a chance to bring Ms. Hunton to the meeting. Since the Board has time to decide on this application it carried this application to the May 15, 2008 meeting with no further notice hoping that the applicant would reconsider its withdrawal.

Motion to Carry the Application:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application ZB780 – Barc – Block 1, Lot 33 – 60 Glenwood Road

Application to construct an addition to an existing single family dwelling. Variances are required to permit a front yard setback of 66’ where 75’ is required, a building separation of 13’ where 20’ is required between the pool and house and a total lot coverage of 28.8% where 20% is the maximum permitted and 28.94% currently exists.

Four items were marked as exhibits – zoning review, application, site plan/floor plan and four photos. Maria Gray, owner – sworn. Ms. Gray stated they purchased this home 1 ½ years ago. The property slopes and pool is on the basement level. They would like a bathroom by the pool and laundry room. The interior of the home needs some updating and general work.

Mike Jaeger, Architect – sworn. Mr. Jaeger is proposing an open covered porch in the front of the home and rear by the pool. In an attempt to reduce coverage they will remove the front sidewalk, walk by the pond and by the shed. There is an existing tennis court making the lot coverage very high. Open to the public with no comments.

The Board appreciated the applicant removing enough lot coverage so they did not increase what presently exists. They also agreed the improvements the applicant proposed would upgrade the aesthetics of the home. The Board did condition their approval on approval from the Fire Marshall regarding the building separation of the house and pool.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

Application ZB783 – Pihl – Block 16, Lot 9 – 85 Heyers Mill Road

Application to construct an addition to an existing single family dwelling. A variance is required to permit a front yard setback of 48’ where 81’ is required and 48’ currently exists. A Use Variance is required to permit an expansion of a non-conforming use; the property contains two single family dwellings where only one is permitted.

Joseph Post, Esq. represented the applicant. Nine items were marked as exhibits – zoning review, application, site plan, Board of Health comments, photo of residence, four photos, four photos of the cottage, letter from Mr. Fishman, Esq. and marketing brochure from purchase.

The property is a four acre parcel, therefore not farm assessed or permitted to have a second dwelling. The home has a cottage on the property that was there when the Pihl’s purchased the property and stated in the marketing brochure. There are no changes or alterations being proposed to the cottage.

Kathy Zukerman, Architect – sworn. The kitchen is currently 8’ x 8’ and they would like to enlarge the kitchen and add a powder room. Above that space upstairs they will enlarge the master bedroom and their daughters bedroom.

Shelly Pihl, applicant – sworn. Ms. Pihl stated the previous owner rented out the cottage, however they use it as a guest house and extra bathroom when outdoors. The cottage consists of a bathroom, two bedrooms, laundry room and a bump out that could be a kitchen.

Open to the public with no comments. The Board agreed the cottage was a pre-existing nonconforming use, however they could not get past the granting of a Use Variance. The applicant requested time to pursue other options and asked to come back next month. This application is carried to the April 17, 2008 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Wagar at 11:05 p.m. to adjourn the meeting, seconded by Ms. Barnett 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 20, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 17, 2008.

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