

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 15, 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, McGarry, Burry, Yodakis, Wagar and Goubeaud

Absent: Barnett, Behrens and Sobieski

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

Approval of Minutes

Motion to Approve the Minutes of March 18, 2004:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Bennett, Yodakis, Wagar and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB633 – Wasco – Block 13.01, Lot 3 – 12 Crine Road

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Yodakis

AFFIRMATIVE: Bennett, Yodakis, Wagar and Goubeaud

NEGATIVE: None

Application ZB635 – Hall – Block 35, Lot 1.09 – 11 Brandywine Lane

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Yodakis

AFFIRMATIVE: Bennett, Yodakis, Wagar and Goubeaud

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Bennett, Yodakis, Wagar and Goubeaud

NEGATIVE: None

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

Memorialization of Resolution dismissing the application without prejudice.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Bennett, Yodakis, Wagar and Goubeaud

NEGATIVE: None

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

Memorialization of Resolution granting approval to construct a new front portico. A variance is required to permit a front setback of 74’ where 80’ is required.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Bennett, Yodakis, Wagar and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business:

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.

A letter was received from the applicant stating that they are still in the process of revising their plans and requesting to be carried to the May meeting. This application is carried to the May 20, 2004 meeting with no further notice.

Application ZB630 – Naddeo – Block 34, Lot 16.09 – 26 Orchard Lane

Application to construct a front porch and two additions. Variances are required to permit a front setback of 97.17' where 219' is required for a porch and 112' for the garage addition where 219' is required. Proposed side setbacks of 46.46' and 50.46' where 59' is required, a proposed building coverage of 6.5% where 5% is the maximum permitted and a total lot coverage of 17.3% where 10% is the maximum permitted.

Five new items were marked as exhibits – a new zoning review, variance plan, elevation and floor plans, color rendering of variance plan and a photoboard consisting of five photos. A.J. Garito, Engineer and Wayne Lerman, Architect both sworn. Mr. Lerman explained how they tried to scale down the proposed addition by making the garage addition smaller and taking the cabana out of the application. The size of the home is now proposed at 3370 s.f. Mr. Garito showed photos of surrounding homes that vary in size from 3000 s.f. to 5600 s.f. on similar size lots. Open to the public with no comments.

The Board was still very concerned with the lot coverage, still 20% over what is permissible. They appreciated the effort that was put into this, however they were expecting more of a reduction. The applicant asked to be carried to the May meeting to try and do more revisions. Mr. Naddeo granted an extension of time until June 30, 2004. This application was carried to the May 20, 2004 meeting with no further notice.

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.

A letter was received from the applicant requesting to be carried to the May meeting. This application is carried to the May 20, 2004 meeting with no further notice.

APPLICATIONS: New Business

Application ZB640 – Verga – Block 6.01, Lot 6 – 8 Birch Lane

Application to construct an addition to the existing dwelling and a pool cabana. Variances are required to permit a building separation between the cabana and pool of 5' where 10' is required, building separation between the house and pool to be 8' where 20' is required and building coverage of 6.4% where 6% is the maximum.

Joe and Barbara Verga, applicants and Mike Jaeger, architect all sworn. Six items were marked as exhibits – zoning review, application, Fire Prevention report, Board of Health report, Architectural Review report and photoboard consisting of three photos. Mr. Jaeger told the Board that the intent of this addition was to add a new kitchen and great room, bringing the living space out towards the pool. They have been working on these plans for a long time and have scaled the plans down as much as possible. Open to the public with no comments.

The cabana was an open structure that the Board was very happy to see and also that the Fire Marshall approved of the separation, however it was still a variance that was being requested. Some of the members who visited the site felt comfortable because of the shape of property and distance to neighboring homes. Mr. Verga told the Board that they have scaled down the addition as far as they possibly could and he wanted them to vote. The Health Officer still required more information before

he could approve the application, so any approval from this Board was subject to Board of Health approval.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Burry and Wagar

NEGATIVE: Yodakis and Goubeaud

Application ZB641 – O’Leary – Block 45, Lot 13 – 17 Brookview Drive

Application to construct an addition for a third garage bay in the A-1 zone. Variances are required to permit a front yard setback of 89’ where 94’ is required and 89’ currently exist. A side yard setback of 47’ where 69’ is required and 47’ currently exists and a rear yard setback of 62’ where 69’ is required and 60’ currently exists.

Tom O’Leary and Joan Donnelly, applicants – sworn. Seven items were marked as exhibits – zoning review, application, tax map, survey, aerial, elevation and floor plans and a photo of the front view of the property. Mr. O’Leary told the Board that they have lived in this home for fifteen years and have a severe storage problem. The home only has a partial basement and he and his wife are both in record intensive businesses. A detached garage could be placed on the property without any variances but it is preferable to them to attach a third bay. Open to the public with no comments.

Due to the configuration of the lot, the distance to neighboring property owners and the fact that the addition would not come any closer than the home already is to the front and rear setbacks the Board felt that attaching the third bay was preferable to adding a new structure.

Motion to Approve the Application:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

Application ZB642 – McKenzie – Block 29.13, Lot 1 – 8 Village Lane

Application to construct an addition to an existing dwelling in the A-3 zone. Variances are required to permit a front yard setback of 68’ where 75’ is required and a side yard setback of 18’ where 30’ is required and 29.06’ currently exist.

Vicky and Doug McKenzie, applicants and Mark Connolly, architect – all sworn. Five items were marked as exhibits – zoning review, application, site plan/elevation/floor plan, Architectural Review report and a series of six photos. Mr. McKenzie told the Board that they have lived in their home for nine years and love the neighborhood. The bedrooms in the home are very small however and they wish to increase the size of them. Since they will be adding on, the home is architecturally dated and they would like to update the outside facade as well as replace windows, etc. There is currently mature landscaping that buffers the home from neighboring properties. Mr. Connolly explained that since they are expanding the bedrooms, the location of the addition is limited to the existing bedrooms. The style they have chosen fits in well with the existing neighborhood. Open to the public. Carol Lang – 9 New Street – sworn. She felt that this would be an asset to the neighborhood. Pat Bertoldo, 2 Village Lane – sworn. Mr. Bertoldo lives directly across from the McKenzie’s. He was pleased with the plans and felt it will be a great asset to the neighborhood. Beth Burke, 40 Yellowbrook Drive – sworn. The

neighborhood is in need of updating, everything the McKenzie's have done so far have been very nice. Bob Burke, 40 Yellowbrook Drive – sworn. He also felt it would be an asset to the neighborhood.

Due to the unique characteristics of the property, being a corner lot with a large mature trees that buffer and the fact that in that neighborhood the homes are much closer to the road, the Board felt this was acceptable.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

Application ZB643 – Burke – Block 29.10, Lot 1 – 40 Yellow Brook Drive

Application to construct an addition to an existing dwelling in the A-3 zone. A variance is required to permit a front yard setback to Village Lane of 61.25' where 75' is required and 75.33' currently exists.

Beth and Bob Burke, applicants – sworn. Four items were marked as exhibits – zoning review, site plan, architectural plans and a series of five photos. Ms. Burke explained that they live on a corner lot however, Village Lane (on the side of their property) is a stub street that ends at their property line. If this was considered a side yard they would comply with the set backs. The open porch is the only thing that does not comply. Open to the public. Doug McKenzie, 8 Village Lane – sworn. He felt that they porch was greatly enhanced by the gazebo and was in favor of the application. Pat Bertoldo, 2 Village Lane – sworn. He felt that the Burke's plans would do nothing but enhance the neighborhood.

The Board felt that this was a unique property, with the stub road, which is the only reason a variance was required.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Goubeaud at 10:20 p.m. to adjourn the meeting, seconded by Mr. Burry and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on April 15, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 20, 2004.

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