

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 20, 2006 AT 8:00 P.M.**

Mr. Burry 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: Burry, Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis, Goubeaud, and Saavedra

ABSENT: None

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

Approval of Minutes

Motion to Approve the Minutes of March 16, 2006:

OFFER: Wagar

SECOND: Karch

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

NEGATIVE: None

RESOLUTIONS:

Application ZB712 – McNelis – Block 35, Lot 22.21 – 18 Rivers Edge Drive

Memorialization of resolution granting approval to construct a front entry porch to an existing single family dwelling in the A-1 Zone. A variance is required to permit building coverage of 7.2% where 6% is the maximum permitted and 6.7% currently exists.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Karch

AFFIRMATIVE: Burry, Karch, Wagar and Goubeaud

NEGATIVE: None

Application ZB676 – Colts Neck Reformed Church – Block 29.01, Lot 17 – 66 Route 537

Memorialization of resolution granting a one year extension of time to the Variances approved as part of the Site Plan application. The extension of time will begin on May 19, 2006 and expire May 19, 2007.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Saavedra

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

Application ZB707 – Aragno – Block 1.01, Lot 18 – 45 Cover Hill Road

Application for an addition to a single family dwelling and the installation of an inground pool in the A-1 Zone. Variances are required to permit an addition with a front yard setback of 73’ from The Enclosure and 48’ from Clover Hill Road where 75’ is required for the addition. Variances are required to permit a pool with a front yard setback of 57’ from The Enclosure and 97’ from Clover Hill Road where 100’ is required.

Michele Aragno, applicant – sworn. Six items were marked as exhibits – zoning review, application, location survey, elevation/floor plans, Board of Health review letter and Architectural Review comments. Ms. Aragno explained her home is an 18th century colonial home that is very close to the road. The home does not have a den and she would like to square off the back of the home for this room. Her property is on a corner lot and is currently within the front yard setbacks from both streets. She would also like to install a small pool behind the home. She is further restricted by four large pine trees and a steep drop off. Open to the public with no comment.

The Board did not have a problem with the addition to the home. The lot is undersized and the applicant is well below the maximum principal building coverage. Having a corner lot is a hardship to the homeowner. The pool however, they felt should be moved further away from The Enclosure. The applicant agreed to maintain a 73’ setback from The Enclosure, the same as the home.

Motion to Approve and Memorialize the Resolution:

OFFER: Wagar

SECOND: Karch

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

NEGATIVE: None

Application ZB710 – McMahon – Block 44.01, Lot 5.09 – 35 Primrose Lane

Application for an addition to a single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 6.36% where 6% is the maximum permitted.

Jean Marie and Frank McMahon, applicants and A.J. Garito, Engineer – all sworn. Seven items were marked as exhibits – application, zoning review, survey, elevation/floor plans, Architectural Review comments, tax map and a series of six photos.

Mr. Garito explained the McMahon’s wish to construct a 476 s.f. addition on top of an existing deck. The ultimate reason behind this is to gain an additional bathroom, the McMahon’s have four children. The property is heavily vegetated from adjacent property owners. Open to the public with no comment.

The Board felt the amount they were over was de minimis and could understand the need for an additional bathroom. The addition can not be seen from the street, is well buffered and keeps them under the maximum total lot coverage.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

Application ZB714 – Merlo – Block 22.06, Lot 8 – 119 Montrose Road

Application for an addition and adding a second story to a single family dwelling. Variances are required to permit a front setback of 81' where 84' is required, side yard setback of 43' where 56' is required, building separation of 8' where 20' is required and a building coverage of 7.5% where 6.6% is the maximum permitted.

Mike Merlo, applicant sworn. Five items were marked as exhibits – zoning review, application, plot plan, elevation drawing and Architectural Review comments. Mr. Merlo explained that he has a ranch home that he would like to put a second story on. The property is an existing undersized lot of record and the placement of the existing home makes it difficult to construct an addition without requiring a variance. The 90' rule also comes into effect. Open to the public with no comments.

The Board was uncomfortable with four variances and felt that 7.5% principal building coverage was too high. The Board also felt they needed to hear from the Fire Marshall before they could grant a variance for the building separation. The applicant requested to be carried to next month so that he can rework his plan. This application is carried to the May 18, 2006 meeting with no further notice.

Application ZB713 – Fewer – Block 8, Lot 12 – 100 Conover Road

Application to retain additions to an existing detached accessory structure. Variances are required to permit two additions with a front setback of 95' and 73.13' where 150' is required, an accessory structure building height of 26' where 25' is the maximum permitted, an accessory structure footprint of 1,601 s.f. where 900 s.f. is the maximum permitted and 1,143 existed and to permit a total floor area of 2,951 s.f. where 1,200 s.f. is the maximum permitted and 2,286 s.f. existed.

John Giunco, Esq. represented the applicant. Eight items were marked as exhibits – zoning review, application, variance plan, architectural elevations, Architectural Review comments, a photoboard with the tax map, 2002 aerial and seven photos and a survey dated 5/1/03 showing structures that existed at that time.

Gordon Gemma, Planner – sworn. Mr. Gemma explained the structure that they are looking for approvals for was preexisting, they only want approvals for two small additions to the structure. Mr. Gemma stated that the Fewer's wanted to turn the existing structure into an office/recreation building. He stated that the structure can not be seen from the street, it is heavily screened and they do not exceed the total lot coverage. The Board questioned why an office/recreation building would need 2 ½ baths and a large closet, conference and meeting room. Mr. Gemma stated Mrs. Fewer is a professional who does research and may have occasional meetings with colleagues. The office was strictly for personal use and not for gain. Open to the public for questions. Vince Domidion, Revolutionary Road asked if the structure could have been demolished and built in a conforming

location? Yes, but the size would still require a variance. Mr. Houck, Tory Court asked if this property were sold, what would new owners use this structure for? The same use, it is not a residence. Jim Craig, 3 Tory Court asked if anyone was living there now? Mr. Steib, Esq. cautioned the Board that using the structure as a residence was not the issue in front of them. The applicant is seeking variances to expand an accessory structure.

David Feldman, Architect – sworn. Mr. Feldman stated that when the Fewer’s came to him for renovation plans for this structure he determined that it was unsafe and needed extensive renovations. The Board asked why he couldn’t design the structure so it met the needs of the client without expanding the structure. He stated with their criteria, it would not fit. When asked the difference between a meeting room and conference room, he stated the meeting room is where they gathered before entering into the conference room. The Board could not understand why a home office would require all this. Open to the public. Vince Domidion, Revolutionary Road asked if this structure could have been renovated without expanding the footprint. Not to meet the requirements of the client.

Mr. Steib, Esq. stated the Board needs to decide if a “home office” of this type is permitted as an accessory use. Mr. Giunco, Esq. stated that he would send a description of use to the Zoning Officer to do a determination. If the applicant wanted to appeal his determination they would do so at the next meeting as well as amend their notice. In order to give ample time for this, the application is carried to the June 15, 2006 meeting with no further notice unless it is required for a use variance.

Application ZB715 – Bird – Block 34, Lot 34 – 45 North Point Drive

Application to reconfigure existing deck and construct a 16’ x 24’ sun room on top of the existing deck. Variances are required to permit a side yard setback of 38’ where 50’ is required and 40’ currently exist, a rear yard setback of 25’ where 60’ is required and 30’ currently exist and a building separation of 12’ where 20’ is required and 12’ currently exist.

Due to the hour this application was not heard. This application is carried to the May 18, 2006 meeting with no further notice.

Application 716 – Scannelli – Block 29, Lot 9.03 – 14 Freemont Lane

Application for an addition and complete renovation to an existing single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 108’ where 256’ is required and 132’ currently exist and a building height of 40’ where 35’ is the maximum permitted.

Due to the hour this application was not heard. This application is carried to the May 18, 2006 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Yodakis at 11:20 p.m. to adjourn the meeting, seconded by Mr. Karch 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 20, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 18, 2006.

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