

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 19, 2007 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, Barnett, Bennett, Burry, Karch, Wagar (9:00 p.m.) 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 March 15, 2007:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB674 – Grillo – Block 22.07, Lot 27 – 79 Carriage Hill Drive

Memorialization of resolution granting 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Karch

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

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

Memorialization of resolution granting a one year extension of time to the approved Minor Site Plan and Use Variance. The extension of time will begin on May 19, 2007 and expire May 19, 2008.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Karch

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting a two 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 May 16, 2007.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Yodakis, Karch and Goubeaud

NEGATIVE: None

Application ZB737 – Schoch – Block 6, Lot 10.08 – 9 Berkley Place

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

Application ZB741 – Walenczyk – Block 7.17, Lot 5 – 44 Meadowview Drive

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis, Burry, Karch and Goubeaud

NEGATIVE: None

Application ZB730 – LoBraico – Block 45.02, Lot 2 – 25 Salem Drive

Memorialization to dismiss the application without prejudice.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Yodakis, Burry and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

Application ZB742 – Bender – Block 8, Lot 6.06 – 7 Fulling Mill Lane

Application to retain existing raised patio and at grade patio. A variances is required to permit a total lot coverage of 22.48% where 20% is the maximum permitted.

John Giunco, Esq. represented the applicant. Three new items were marked as exhibits – letter from Mr. Brian Harvey, Esq., new plans and a new zoning review.

Mr. Bender, applicant – sworn. Mr. Bender explained that in reviewing his plans he has a very large circular driveway. His proposal to the Board is to eliminate two rows of block around the perimeter of the driveway and also around the center circle. By doing this it would reduce coverage to 21.99%.

Open to the public with no comments. The Board felt this was a tremendous expense the applicant was willing to undertake and suggested he revisit the situation. The applicant stated he already met with professionals and he understood what his proposal would entail and he was willing to undertake it. The Board stipulated the applicant must finalize the greenway issue with the Township Committee.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett and Burry

NEGATIVE: None

Application ZB744 – Reisinger – Block 7.12, Lot 7 – 12 Ridge Road

Application to construct an addition and renovation to an existing dwelling in the A-2 Zone. A variance is required to permit a building coverage of 6.88% where 6.6% is the maximum is permitted.

Jeff and Jennifer Reisinger, applicants – sworn. Two new items were marked as exhibits – revised plans and a new zoning review. Mr. Reisinger reminded the Board their original submission was 8.1%. They reduced the lot coverage and applied for a variance with a building coverage of 7.13% at last months meeting. After working further with their architect they were able to reduce the coverage further to 6.88% and still meet their needs. Open to the public with no comments.

The Board appreciated the work the applicant did to reduce the coverage and thought they did a very nice job.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Bennett

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett, Burry and Goubeaud

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 20.33' where 40' is required and a total lot coverage of 47.29% where 20% is the maximum permitted and 48.8 % currently exists.

A.J. Garito, Engineer and Mario Romano, applicant both sworn. Four new items were marked as exhibits – variance plan A, variance Plan B, zoning review for Plan A and zoning review for Plan B. Mr. Garito reminded the Board they were in front of them a few months ago to retain a shed that was relocated. The Board had suggested removing some pavement to reduce the total lot coverage. The two plans submitted show removing 800 s.f. of pavement to reduce the total lot coverage. Open to the public with no comments.

The Board agreed that keeping the shed in the same general location that it currently exists is best. There is a large wall and landscaping that screen it from sight. The Board was glad the lot coverage was being reduced by 1.64%.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

APPLICATIONS: New Business:

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

Application to amend Special Condition No. 1 of the Resolution of Approval memorialized on November 16, 2006 to modify the requirement to record a deed restriction stating that the structure would not have a second floor.

Mr. Steib, Esq. notified the Board that he has been in contact with the applicant's attorney and they have resolved the language of the Deed Restriction. The applicant has now withdrawn this application.

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.

A.J. Garito, Engineer, Amy and Clay Constantinou, applicants – all sworn. Ten items were marked as exhibits – zoning review, application, site plan, elevation/floor plans, Board of Health review, Fire Prevention review, Architectural Review report, tax map, color rendering of variance plan and a photoboard with six photos.

Mr. Constantinou explained they have been designing an addition for about a year. The addition itself is conforming but it falls short of the required building separation. A letter was received from the Fire Marshall stating from a fire viewpoint, the application was acceptable. The property is heavily vegetated and you will not be able to see the addition from surrounding perimeter. Open to the public with no comment. The Board felt the variance was de minimis and was comfortable since the Fire Marshall gave approval.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Wagar

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

NEGATIVE: None

Application ZB750 – McGuiness – Block 1, Lot 62 – 8 Christopher Drive

Application to construct an addition and renovation to an existing dwelling in the A-1 Zone. A variance is required to permit a total lot coverage of 22.5% where 20% is the maximum permitted.

Jean and Patrick McGuiness, applicants and Eric Baker, Architect – all sworn. Six items were marked as exhibits – zoning review, application, architectural elevations, Board of Health review, Fire Prevention report and Architectural Review letter.

Mr. Baker explained when he first drew the plans, three variances were required. After meeting with the Zoning Officer it was discovered the existing lot coverage is 21%. They have scaled down the original addition and propose to remove part of the existing driveway which will bring down their lot

coverage to 21.7%. Mr. McGiuness explained they have four children and live on a heavily wooded lot. They would like to have a mudroom as you come into the home to eliminate tracking in large amounts of dirt. They also do not have a laundry room which the addition will provide.

Open to the public. Herb Smith, 4 Christopher Drive – sworn. Mr. Smith felt the addition was very nice and supported the application. Rich Kraszewski, 8 Craig Court – sworn. Mr. Kraszewski felt the McGiuness’ property was the most aesthetically pleasing property on the street and was concerned many trees might have to come down. Mr. McGiuness stated there was one 20” tree that will have to come down but that should be all. Mr. Kraszewski supported the application.

The Board felt the applicant did a great job updating the existing home and keeping the character of the neighborhood. The Board also told the applicant they appreciated they eliminated the majority of variances prior to coming in front of them.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

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

NEGATIVE: None

Application ZB752 – Banco – Block 35.04, Lot 3 – 57 Woodhollow Road

Application to install an inground pool. Variances are required to permit a rear yard setback of 19.4’ where 25’ is required, a building separation of 12.5’ where 20’ is required and a total lot coverage of 23% where 17% is the maximum permitted.

Ann Banco, applicant and John Malinuco, pool contractor both sworn. Five items were marked as exhibits – zoning review, application, survey, revised survey and revised zoning review. Mr. Malinuco wanted to clarify there is not a sports court on the property as the survey shows; there is only a volleyball net. The reason for the size of the pool is because the applicant wanted to be able to do regulation diving.

The Board felt the pool could be rotated to eliminate most, if not all, of the variances required. The applicant requested the application be carried to explore alternative placement of the pool.

This application is carried to the May 17, 2007 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:00 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 April 19, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 17, 2007.

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