

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 17, 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, Barnett, Karch, Wagar and Goubeaud and Saavedra

ABSENT: Bennett, Burry and Sobieski

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

Approval of Minutes

Motion to Approve the Minutes of March 20, 2008:

OFFER: Barnett

SECOND: Wagar

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of resolution to construct 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

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Wagar

AFFIRMATIVE: Yodakis, Barnett, Karch, Wagar and Goubeaud

NEGATIVE: None

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

Memorialization of resolution 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.

Motion to Approve the Resolution:

OFFER: Karch

SECOND: Barnett

AFFIRMATIVE: Yodakis, Barnett, Karch 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Yodakis, Barnett, Karch, Wagar and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

Application ZB772 – Willow Brook Stables – Block 9, Lot 2.01 – 75 Willow Brook Road

Application to construct a riding arena and remove outdoor lighting in the AG Zone. Variances are required to permit a side yard setback of 50.48’ where 100’ is required and a total lot coverage of 15.22% where 10% is the maximum permitted.

A letter was received from the applicant withdrawing the application.

Motion to Dismiss the Application Without Prejudice:

OFFER: Karch

SECOND: Barnett

AFFIRMATIVE: Yodakis, Barnett, Karch, Wagar, Goubeaud and Saavedra

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.

Joseph Ioia, applicant and Gail Hunton, Monmouth County Parks Historian – both sworn. Ms. Hunton stated she was not representing the County this evening; she is strictly speaking on the significance of the dwelling. Two new items were marked as exhibits – photo of Holmes Hendrickson house and a photo of Polhemus house at Dorbrook Park.

Ms. Hunton explained that although the home is not eligible for the National Registry it is still significant enough to make an effort to save. A home can be historic because of its association to events, association to individuals, association of building style/construction or archeology. Ms. Hunton stated if the Board chose to grant approval to keep this structure she would suggest several conditions of approval should be imposed to be assured the structure was maintained as a historic structure. She stated it would be advisable to have a special architect go through and list what would be rehabilitated such as windows, door and siding. A deed restriction or easement could then be placed on the property referencing the list from the architect. Open to the public with no comments.

The Board was torn. Colts Neck is in favor of historic preservation but this is a very unique situation. The Board felt if they were inclined to approve this application they would want to see something very specific that they were approving. They would need to know specifically what will be done to the structure, along with a timeline and completion date.

The applicant stated his main concern was to get a CO for the main house and he did not want this to hold up that process. The Board stated they would send a memo to the Building Department stating they did not have any objections to the granting of a temporary CO while the applicant was pursuing this application. The applicant agreed to come back next month with a plan and granted an extension of time to May 31, 2008. This application is carried to the May 15, 2008 meeting with no further notice.

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.

The applicant sent a letter requesting this application be carried to the next meeting. This application is carried to the May 15, 2008 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB786 – Sauter – Block 13, Lot 10 – 41 Ann Street

Application to construct a second floor addition to an existing ranch in the A-1 Zone. Variances are required to permit a front yard setback of 73.7' where 75' is required and 82.7' currently exist, a side yard setback of 2' where 30' is required and 2' currently exist and a building coverage of 7.96% where 6.6% is the maximum permitted.

Jeff Sauter, applicant – sworn. Nine items were marked as exhibits – zoning review, application, survey, elevation floor plans, two letters from the Board of Health, Board of Health report, mounted site plan with four photos and a letter from neighbor.

Mr. Sauter explained he purchased this property in 2001 with a small ranch home (795 s.f.) which consists of two bedrooms and one bath. He would like to add a second story of 640 s.f. and put the bedrooms upstairs. There is an open porch which makes the building coverage the 7.96%. Mr. Sauter offered to shorten the porch by 3' and would bring down the coverage to 7.59% and still be useable.

Open to the public with no comments. The Board felt the applicant was extremely constrained due to the size of the lot. It is a very modest addition only bring the total square footage to 1400. The Board felt the open porch added to the aesthetics, however they did make it a condition of approval that it could not ever be enclosed.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Yodakis, Barnett, Karch, Goubeaud and Saavedra

NEGATIVE: None

Application ZB767 – Crocket – Block 30, Lot 13 – Route 537

Application for a Preliminary & Final Major Site Plan with Variances and Use Variance to convert an existing single family dwelling into an office building in the B-3 Zone.

Sal Alfieri, Esq. represented the applicant. Mr. Alfieri explained a use variance is require not because they are proposing a non-permitted use but because they are changing the use in a building that exceeds the FAR. Thirteen items were marked as exhibits – letter from Christine Crockett, application, survey, site plan, floor plans, Architectural Review comments, Board of Health comments, Township Engineer’s review, two memos from the Business Advisory Committee, Landscape Architect comments, Township Planner’s review, mounted color landscape plan and a photoboard with six photos.

A.J. Garito, Engineer – sworn. Mr. Garito explained the property was a residential home on the corner of New Street and Route 537 in the B3 Zone. They are proposing a real estate office with a seven stall parking lot, a handicap ramp that is required for public buildings and a new septic. They are also proposing to deed restrict the property so the porch would never be enclosed. If you calculate the size of the building without the porch, ten parking spaces are required and they are proposing seven. A realtor is the contract purchaser of the property. They are proposing curbside garbage pickup and no sign is requested. The Board questioned if a cross access easement was possible with the General Store. Mr. Alfieri said he would make a formal request prior to the next meeting. Open to the public with no comment.

Paul Grygiel, Planner – sworn. Mr. Grygiel explained they did not need a variance to permit the use, they needed a variance for the FAR which is the size of the dwelling verses the size of the lot. The building is existing and they would like to preserve the charm and character of the neighborhood by leaving using the existing building. The appearance will remain the same but they will improve the parking and landscaping. The lot is undersized and has two frontages and the entire property is within the front yard setback. They are proposing to remove a nonconforming use and bringing the property closer to compliance.

Open to the public. Nina Dedalis, 8 New Street asked if this approval was not granted would the contract purchaser still buy the property? Mr. Alfieri did not know. Ms. Dedalis asked what type of use would be low impact? Mr. Grygiel thought a real estate office, professional person such as a Planner, Architect, etc. would be good.

Mr. Alfieri stated the contract purchaser was not able to come this evening and asked for the application to be carried to next month and she will attend. This application is carried to the May 15, 2008 meeting with no further notice.

Pete Wagar left the meeting.

Application ZB733A – Cappello – Block 50, Lot 21 – 92 Obre Road

Application to amend the previously approved variance for first and second story additions and deck in the AG Zone. Variances are required to permit a front yard setback 65’ where 200’ is required and 59’ currently exist, a side yard setback of 26’ where 30’ is required and 26’ currently exist, building coverage of 6% where 5% is permitted and 5.2% currently exist and total lot coverage of 18.7% where 10% is the maximum permitted and 17% currently exist.

Thomas Cappello, applicant sworn. Three new items were marked as exhibits – zoning review, application and elevation. Mr. Cappello explained last year he was granted a variance to build an addition to his home. He would now like to build the second story over the main house instead of over the garage. This was an idea that was mentioned by the Board at his previous hearing and actually lowers the building coverage.

Open to the public with no comments. The Board was pleased the coverage was going down and felt this was an improvement.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Barnett, Karch, Goubeaud and Saavedra

NEGATIVE: None

Application ZB785 – Moldaver – Block 41.01, Lot 5.06 – 1 Messenger Drive

Application to construct an open air cabana to be used as a swim up bar and patios in the AG Zone. A variance is required to permit a 0’ separation between the cabana and pool where 10’ is required.

Sal Alfieri, Esq. represented the applicant. Ed Moldaver, applicant and Chris Bianciella, contractor – all sworn. Five items were marked as exhibits – zoning review, application, pool location, architectural elevation and conceptual plan.

The pool is already installed and the homeowner would like to install an open air cabana. The structure has masonry piers abutting the pool and the overhang will cover a portion of the pool with a swim up bar. The structure is 20’ high to the peak and 9 ½’ to the sill. They will not have any vegetation near the cabana to be sure no one could climb up. Open to the public with no comments.

The Board thought this was a unique design element however they conditioned the approval that the cabana could never be enclosed at any time.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Yodakis, Barnett, Karch, Goubeaud and Saavedra

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

A motion was made by Ms. Barnett to go into an Executive Session, seconded by Mr. Karch and unanimously carried.

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 April 17, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 15, 2008.

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